Condon-Falknor Distinguished Lecture Series

Justice Albie Sachs, Constitutional Court of South Africa
January 29, 2007

Joe Knight: Good afternoon. My name is Joe Knight and I'm the Dean of this great law school here at the University of Washington. I am delighted and honored to welcome all of you to a very, very special day today, a day provided by the Condon Faulkner Lecture series, named after John T. Condent and Judson Faulkner, former deans. So for those of you current students, you can think about naming one in the future for Joe Knight.

[laughter]

But it's a wonderful endowment that has allowed us to bring luminaries, in terms of public speaking, in terms of the law to our law community and to our university community.

So we thank the members of the Condent and the Faulkner family and all of those supporters for their allowing and assisting us today, to bring truly one of the world's great leaders, a man by the name of Albie Sachs.

Albie Sachs is a justice on the South African Constitutional Court, a court created in 1995 to address many of the issues that the new nation came to being in South Africa. A nation that had historically lived under Apartheid and segregated rules, that now was going to turn itself over to the notions of true democratic reform, and be a black run nation.

Justice Sachs has a resume and a history that is just too stunning and too unbelievable to try and recount. He is a former freedom fighter, who had connections with the African National Congress. He is a man who has suffered under the tyranny of a government that did not want him to be a free speaker and someone talking about anti-Apartheid. He is a victim. He has suffered and lost an arm in a car bombing.

He is a remarkable person. He is someone who has helped to draft the South African Constitution. He has lived in exile for 24 years before going back to his native country. And now he has the great privilege of leading, along with the 10 other justices, one of the truly remarkable stories in both the 20th and 21st centuries.

My introduction of him goes on for about six pages. I can't do that to you all. Ladies and gentlemen, it is my distinct privilege and pleasure to welcome Justice Albie Sachs.

[applause][music]
Justice Albie Sachs: The Court is three things: it's an institution created by the constitution to defend the basic rights of the people. It's a group of people - in our case in South Africa, the South African Constitutional Court, 11 judges. And it is a building.

We are now standing right in the heart of Constitution Square. It used to be right in the heart of the old fort prison. Paul Kruger put up this fort in the early 1890s. He had that quaint idea the British would try and seize the gold fields. And, of course, they did.

They failed the first time, so the Boers locked up the Brits. But the Brits won the Anglo/Boer War and they locked up the Boers. Then the Boers won political power and they locked up the blacks.

And really it's our generation that's saying it's enough of everybody locking up everybody and that's what the Constitution means really. We stop locking each other up. We try and find a way that we can all live together, respecting one another in the same country. And that was the foundation of our new Constitutional Order.

The court was established in 1994, after our first democratic elections and we had to choose a site for the permanent building of the Constitutional Court. We chose the site of the most notorious prison near the center of Johannesburg, where we say with a dubious pride both Gandhi and Mandela were locked up.

[music]

There were four major buildings in this complex, which afterwards became the main prison of Johannesburg, central Johannesburg. The old fort itself, the women's prison, which has now been converted into the Commission for Gender Equality, they have their headquarters there. And there's also a branch of the Human Rights Commission and other bodies set up by the constitution to defend fundamental rights.

Down here is Number Four Prison, the tourist area where for decades if an African man disappeared, caught without his passes, and the police demanded to see your pass, or out in the streets after curfew hour or being cheeky to the police, whatever it was, this was where African men disappeared.

And now we see the terrible energy of the past is being transformed into hope and positivity for the future.

[music]

In order to create space for the Constitutional Court, so that the Court wouldn't be overshadowed by the prisons, we had to demolish the awaiting trial block. But we have retrained all the bricks and we have retained four staircases, and they stand as almost ghostly reminders, telling us we must never allow power to be used in South Africa again in a way that denies people their fundamental rights.
Over here you'll see this big concrete wall. It contains the name of the Constitutional Court in all the 11 official languages of the country. English looks very small actually, just below the middle. But we placed it there simply because it has fewer letters, purely for aesthetic reasons. It has no ranking.

Our Constitution says that all the official languages must have parity of esteem. In practice, we use English overwhelmingly in the Court, but we recognize the principle that no language is superior to any other language.

The architects wanted something from the Constitution personalized and they asked the Chief Justice, Arthur Chaskalson, to write something rather than have formal Roman lettering that looks rather intimidating. He said that there are 11 judges; we have 11 official languages. So we took the phase, "human dignity, equality, freedom", which is central to our whole Bill of Rights, in the 11 official languages and each one of the judges chose a language and wrote those words in that particular language.

At the bottom right hand you will see the words by my colleague Zach Yacub. Zach is blind. He has never seen his own handwriting and yet he learned to make out the different shapes. And interestingly enough, when we had a competition for the signage in the court, they used Zach's writing as one of the foundational shapes, together with some graffiti that they found in the old prison, together with some old street signs from this part of Johannesburg, to compose a special signage for the court.

If you look at the top left hand corner, you'll see a very, very feeble handwriting, like a standard two school boy's that's never been corrected. That's my handwriting.

And when I was blown up by a bomb put in my car when I was in exile in Mozambique, by South African security agents and I lost my right arm, my writing arm I thought, "Well, at least now I am going to learn to write with my left and I can get a nice aristocratic writing." And I discovered that your handwriting is in your head, it's not in your hand, but at least I can say my words are written in concrete, quite literally.

Again, we had a competition for the panels on the door, and the Devon artist Andrew Verster came up with the idea of taking themes from our Bill of Rights, representing them in the different languages of the country, but also in sign language. And sign language is one of the languages recognized by our Constitution that needs to be developed. So you find different gestures, again representing the universality of these themes that are found in our Bill of Rights. The President of the country, Mr. Thabo Mbeki, in fact inaugurated the court on Human Rights Day, the 21st of March, 2004.
Up here we have something written in Braille, and I must say it's for tall blind people.

[music]

**Albie:** Do you feel you're in a court?

**Group of People:** [simultaneously] No.

**Albie:** Why not?

**Woman:** The colors; it feels warm and cheery.

**Albie:** It's too beautiful for a court. It's warm, it's bright, it's open, it's friendly. But why shouldn't courts be warm, beautiful, bright, open, and friendly - especially a Constitutional Court that defends the basic rights of all human beings, that's there to secure human dignity.

In fact, the central organizing idea of the architects was that of justice under a tree. Traditionally in Africa people resolved their disputes under a tree, and nothing could be more open and more transparent than that. Right now you're sitting, as it were, in a clearing in a forest.

[music]

In most modern buildings, time is stolen away from us, because if it's six in the morning or midnight it's the same illumination. And so we have natural light coming in, sunlight moving across the floor. On a dark day, when it's very heavy clouds outside, it could be darker inside. When the rain falls, you see the rain running down the windows. And you feel you're in a real world, a real world of climate.

And if you look outside through the windows, people from outside can see in and have a sense, "This is our Court. We know what's going on." It's not a secret place. And those of us inside, we look out and we see our history; we see our landscape. We're in touch with the real world there.

[group singing African music]

If you look at the pillars, we call them the Pius pillars, and the Chief Justice of South Africa, Pius Langa, was very alarmed when he saw the drawings of pillars, at an angle, "What? In a court?" But the main reason was to give that organic feel of being in a forest. When you come from the hurly-burly of life outside and before you get into the really rational space of the Court, you need an intermediate space.

[singing]

Here you can see one of the staircases of the "awaiting trial" block where persons were
locked up. So this very sight of people rushing up and rushing down being herded, almost like cattle, is now part and parcel of the Court.

[singing]

We had a competition for an installation, and Georgia Apatageorge, she won the competition with this idea of the Ladder of Freedom, next to the Staircase of Oppression, going up through the difficulties that travail passing an elephant bone - elephants represent ancient wisdom - up to the freedom of victory.

[singing]

And here you can see 'Justice under a Tree'. This was the logo for the court: the people protecting the Constitution, the Constitution sheltering the people. This in fact was the plaque that was unveiled by President Nelson Mandela in February 1995 when the court was formally inaugurated.

[singing]

If there's a blonde woman in the group with a skirt, I ask her to come here - don't tell her what it's about - and to stand over this air vent to give the Marilyn Monroe effect because it demonstrates very graphically the passive cooling system that we have in the Court. We don't use non-renewable energy. We use the cool night air, passing over ponds, and it gets trapped in rocks, and then it gets pumped into the building during the day. And it's not only a huge energy saver. It also creates a very pleasant climate, which goes with the natural light that we have that creates a humane environment in which we conduct justice.

[singing]

I took Ruth Bader Ginsberg, of the U.S. Supreme Court, on the same tour that you're going on. She said she's been all over the world. She's been in many, many courts, and she's never seen a court as wonderful as this. I think that's the way we judges all feel about the court in which we work and are now living.

Can you see the ribbon of light? Again, the theme of transparency. We're not enclosed. Justice is not cloistered. Justice is not shut away from the world outside.

I'm quite amused because when I'm sitting up on the bench there I see the legs of people walking by, and you often can't tell if it's a man or a woman, or if a person is black or white. And I'm thinking, truly, you know, this is our non-racial, non-sexist universe that our Constitution speaks about. You can literally see humanity through the knees and the thighs and the shins coming by.

At the same time, it's felt that the public shouldn't see our legs, the judges' legs. So they came up with the idea of the cowhide skins, each one from the same material, but each one distinctive. And that's what we're like as a court. Each judge swears the oath to the
same Constitution, but we each have a life experience, a professional experience, a way of seeing the world. And we pool it all together to get the outcomes that go into our judgments.

You'll notice something else. When the judges are seated and the advocate, the counsel, is addressing us from this podium, their eye level and our eye level is roughly the same. And that's to emphasize the equality under the Constitution.

Another feature of the building, of course, is the use of the bricks from the old "awaiting trial" block. So the very bricks that we used to maintain oppression are now used to help guard the fundamental rights. When we inaugurated the Court we had something like 30 or 40 chief justices from all over the world, and many judges from South Africa also came to attend. And my colleagues from other jurisdictions who came up here, when they saw the bricks like that they were really alarmed. They thought we had run out of plaster. Why didn't we finish it off? And I had to explain that, in fact, they are historic bricks, part and parcel of the texture of the building.

Now this is the time when I allow for questions about the Court and how it functions. Please.

Man: Since we achieved independence in Latin America in the 1820s, we immediately copied the constitutional systems of Europe and the United States, which means three branches of government. But inevitably it was the Executive that imposed itself on the Legislative and on the Judiciary. Little by little we were able to give greater independence to the Legislative, but the Judiciary still has to catch up. So what you have achieved here so quickly is very, very... It gives me a lot of pleasure, and it is a big lesson for our countries. So I will be taking this lesson and thanking you for it.

Albie: But it is all that here as well. We have to control the Executive, even Parliament. But it is much, much more. We were a nation so divided, at each other's throats.

There's so much pain in this country, and we needed a common foundation for everybody to be able to live together. That's in our Bill of Rights and it's our function as a Court to defend the Bill of Rights. Defending the Bill of Rights, we enabled the nation to come together and grow.

Woman: Can you tell us a bit about the diversity among the judges of the Court?

Albie: We're eleven judges. At least eight of us have to sit in each case to make a quorum. If it's less than eight, we're not a court. At the moment, we have three women judges and eight men, one person of Indian origin, three people who would have been classified as white in the old days, and seven of African origin.

We're going to have two acting judges when two of my colleagues go on leave in the next term, and the number of women will come up to four. It'll be four out of eleven. It's not enough, and we expect in the future that there will be a much more representative balance.
This is the reception area where we receive visiting judges, Prime Ministers. We've even had royalty coming to visit us. Again, it's a totally different part of the building, but has that equal sense of the light and openess and transparency.

These carpets are based on little pieces that were taken out of paintings sent in to us by an artist in Durban. It didn't work as a painting, but there were details that were just so strong and evocative that the architect saw the possibilities, enlarged them, made the pattern, and they were send out to cooperative weavers in the countryside.

She said, "It was quite astonishing." The women were sitting on high stools, with the big looms in front of them. The branches to make the looms were so fresh; there were still little twigs and leaves sticking out of them. Below, on the ground, there were chickens and dogs and pigs running around, and these absolutely exquisite carpets that run all the way through the building emerged from that process.

We now find ourselves in the Judge's Conference Room. This really is the brains of the whole enterprise called the Constitutional Court of South Africa. You'll see we have a table not really completely round. It's slightly irregular, just to show the freedom and the openness of the discussion that we have when we are analyzing our cases.

And then up on the walls at the top, these are representations of some of the oldest surviving artworks in the world. They are copies of rock engravings made in the Northern Cape. And so they are much older even than the very ancient rock paintings.

This part of the building is constructed on the gallery principle. Again, in most modern buildings, you just have floors and corridors and anonymous doors leading off. It dehumanizes people; they're just locked up in little cubicles. It also disempowers visitors. They come; they don't know where to go.

Here, it's open, but it's more than just the friendliness of it. The sense of community is very strong. So I can see colleagues when they're walking down below and I can wave to them. That's part of the African quality of this building.

Another part is the use of wood in the ceilings and these woven chandeliers reminiscent of fish traps, of beer strainers.
When you come past, just look at the doors. We had a competition for designs, and each one is a bit porous. So it's very secure, but you also can see through a little bit. And each one is different, so you don't get too much regularity, making it appear that all the judges are made in a sausage factory. We are real people, and we have to each have our own individual consciences in relation to the work that we do, and somehow that's symbolized by these doors.

[door opens]

This is my office, which we call my chambers - characteristically untidy, because I spend too much time taking people on tours and not enough sorting out my papers. There is a basic equipment of furniture, but we can arrange it as we want, and we have some choice of color.

We have these big, white screens. They're really just to absorb sound and prevent too much echo. And I found them too harsh. They reminded me of the interrogation cells that I was in, in Cape Town. And so I got my son to do these very light murals, and the architects were willing to accept, provided I didn't encourage other judges to have murals painted.

[music]

Libraries are usually boring. The material you'll find there can be exciting, but the library itself is usually boring. Here, somehow, there's a link between the exstrongment of knowledge and the physical spaces that function here.

We started, literally, without one book, so we've had to build up our library from scratch. It's become what's said to be the biggest human rights library in the Southern Hemisphere.

I think, even more important than that, we're developing a strong virtual capacity. We want to become the hub, to begin with, for the whole of Southern Africa, so that all the legal people throughout up to the equator can get materials from us.

We speak a lot about NEPAD, the importance of development in Africa according to contemporary concepts of rule of law. But if people don't have the instruments, it's so much more difficult for them to do so. Our library, then, becomes a facility for democrats throughout the African continent, and we will link up with other libraries, in Cairo and in Dakar and West Africa, to create that kind of facility.

Over there, you can see Hillbrow. It's become probably the most urban setting in Africa. People from all over the continent are there. And they speak all the languages. They eat the foods. They wear the clothes. People are flocking here because of the economic activity.

Up this way, you see the beautiful Northern Suburbs. Not a poor person in sight. And
then, round the corner is what I call bureaucratic Braamfontein. And what happens here is the three Johannesburgs meet on Constitution Hill.

[music]

We needed some kind of protection for this wall, and the competition was won by an architect-metal sculptor, Lewis Levine, working with an artist, Patrick Roarke.

And they came up with this idea of loose metal screens, each one having some representation, punctured so that you could see through, that sense of transparency of the building, from inside and outside, being maintained. And instead of having heavy grill here, looking like another prison, it would have a kind of liberated feel about it.

[music]

Traditionally in Africa, in Asia, Latin America, buildings are built on the courtyard principle. They are open to the sky. You're in touch with nature. You're not enclosed. You are not trapped in a box.

[singing]

We had a competition for that particular wall. The artist, sculptor Wilma Cruise came up with this idea of simply quoting from Nelson Mandela, on trial for his life. At the end of the famous speech that he made when he didn't know if he was going to be hanged or not, he ended up with the words, "It is an ideal I hope to live for and to achieve, but if needs be, it is an ideal for which I am prepared to die."

And those were the last words that the public heard from Nelson Mandela for 27 years.

[music]

Here we have a rather remarkable installation. It's by the artist William Borsov. If you look here you'll see groups of six, with a strike through it. That is the number of weeks that Nelson Mandela spent in prison - the eleventh of June 1964 to the eleventh of February, 1990 - 9377 days.

If you move down to the next one, Walter Sisulu, and so you'll find that all the Rivonia prisoners, as they were called, have the number of days they spent in prison recorded here.

My friend Dennis Goldberg, we were in the same youth movement together in Capetown. And being white, he wasn't locked up on Robben Island with the other accused. Because there was segregation, even of the people regarded as traitors, according to race. He was sent to Pretoria and had that extra penalty of being on his own for much of that time.

I took him around here one day. I didn't prepare him for this at all. He was very emotional when he saw that in this compact and non-tranquilous way, very simple, very
expressive way, the dedication of so much of his life to the freedom struggle in South Africa had been recorded.

[music]

Our art collection has already become nationally and internationally known. It's rather amazing how we collected it. R10,000 and the love and the support of the arts community - the artists, the galleries, the sculptors, the painters - wanting to show the appreciation of the new democracy in South Africa, and very generously donating their works. We built up this collection.

If you look up you can see the nosings; they mark the edge of the step. They're molds done by an African woman potter. When the sun is shining and you look up, it's like fireflies. And what would have otherwise been just a boring corridor becomes a lovely work of art in itself.

[music]

There you see the story of the making of the Constitution. We tried to give something of the idea this Constitution didn't just come from the minds of a few smart lawyers doing a deal with one another. It emerged very much from the history and huge participation. When the final draft was being worked on, the Parliament went out and canvassed opinions throughout the country.

And that's one reason why the Constitution has so much prestige in South Africa today. People feel it's their Constitution, that they had a stake, a role in its production. It's not something alien to them or just a beautiful piece of paper that is waved to try and distract people from the harsh conditions in which they live.

We don't have time to consider all the artwork that's here. But one really has to stop at 'The Blue Dress'. It's become possibly the best known art feature in the building. Judith Mason was listening to the Truth Commission on the radio. She heard the story of the discovery of a body of an African woman freedom fighter, a guerrilla of Umkhonto we Sizwe of the armed wing of the ANC. Her naked body was found in a shallow grave and the only covering she had was a little bit of blue plastic bag over her private parts.

Judith went out and she bought two plastic bags and she sewed this dress for the person she called my sister. And this is what she wrote on the dress:

"Sister, a plastic bag may not be the whole armor of God, but you were wrestling with flesh and blood, and against the rulers of darkness, against spiritual wickedness in sordid places. Your weapons were your silence and a piece of rubbish. 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."

[music]

In 1976, at the time of the Soweto Uprising, artists throughout the world, in South Africa, were drawing pictures of kids throwing stones, burning buildings, police firing tear gas. My friend, the artist Dumile Feni did this drawing "The Homage of the Musician of the Parrot of the Painter to the Sacrificed Youths." And he cops the poems of Pablo Neruda:

"And why do your poems not speak of the leaves of volcanoes of your native land? Come and see the blood in the streets. Come and see the blood in the streets. Come and see the blood in the streets."

That's what written there, but that's not what he drew. He drew the compassion, the tenderness, the respect, the honor of the artist, the musician, the painter, the poet for the people who died.

The great South African theater director Barney Simon once said, almost angrily to Dumile, "Why don't you draw oppression and resistance in this country?" And as he was saying that, a gang of African prisoners, probably on their way to Number Four Prison, came by. "Dumile, why don't you draw that?"

At that very moment a hearse came by, and the men lifted their heads. And Dumile said, "That's what I want to draw."

To me that captures the spirit of Ubuntu, Ubuntu meaning I am a person because you are a person. I can't separate my humanity and place in the world from an understanding of a connection with your humanity. We are individuals whose personal richness comes from acknowledging the richness and variety of other people.

The reason why we have a Constitution and a Bill of Rights today in South Africa is not because of the wonderful Mandela and the wise men. They played an important role; their body chemistry in fact was bad. It was that cultural spirit amongst millions and millions of ordinary oppressed people living with hope, living with a vision of a world where we could come together as South Africans. That's the foundation of our Bills of Rights and of our Constitution.

And so, it is in honoring Dumile, we honor the principle of Ubuntu. Those of us sitting up on the bench are then trying to apply these values and principles through the text of the Constitution in the way we resolve the cases that come before us. Thank you.

[singing]

[acoustic guitar]

[applause]
Man: Go ahead.

[music]

Albie: I've always wanted to do a Woody Allen. You saw me sitting in the audience in my suit, I entered into the film, and I...

[chimes]

[laughter]

Albie: ...took part, and I came out as you saw in the movie.

[laughter]

"Last Rose in Cairo" for those who haven't seen it. And, in a way, it's a bit like my life in Johannesburg. I spent a lot of time taking people around.

You saw Carlos Fuentes, the writer, with Nadine Vor Dumiere, Ruth Bader Ginsburg, the Governor General of Canada, but it's mainly South Africans with a mingling of tourists from various countries.

This is our country. This is our Constitution. This is our dream. It's our building. We started with nothing. Nothing's actually wonderful, and nowhere is a great place to be, because nothing is always between something and something else. Nowhere is always between what existed and what becomes. There were eleven judges, a wonderful Constitution, and nothing but a great historic moment.

And Arthur Chaskalson, the head of our Court, started distributing tasks. Ismail Mohamed was given the Rules of Court. Somebody else, Laurie Ackerman, the library. Kate O'Regan, the computers. Tholie Madala gowns, and at the end there were two us left. Yvonne Mokgoro and Albie Sachs. We were given decor and R10,000, which was about $2000 US.

[laughter]

You see what you can do with $2000, if you just choose the right historic moment, you have a huge amount of chutzpah, and you have the love and the commitment and the enthusiasm of the artist community? Because they also were part of the struggle for democracy. They also benefitted from freedom of artistic creation in our Constitution. They also loved the idea of their work being represented in a major public building, the first major public building of our new democracy.

I say we had nothing. I lied. We had one chair. I heard - I know we had one chair, because when Arthur retired last year as Chief Justice, his secretary made a very lovely farewell speech - Dorothy Fuche.
She said how terrible it had been when she was interviewed for that job. Because she was sitting on that one chair and the tall Lincolnesque figure of Arthur Chaskalson was walking 'round and 'round and 'round while she had to answer questions.

We didn't have a book. We didn't have a bookshelf. We didn't have chairs. We didn't have tables. We didn't have curtains. We didn't have a courtroom. And the great thing was we could invent ourselves. We could say, "What should a modern court, dedicated to the defense of fundamental rights, what should it look like? How should people feel when they come in there? What should the atmosphere and the context of adjudication be like?"

Normally you go into an old court building. If you see any imagery at all, it will be perhaps a picture of a dead white male judge. Now one day I'm going be a dead white male judge, so no prejudices there. But if that's the only thing you see it's actually telling a rather terrible story. It's saying only guys mattered and only whites mattered.

It goes right against the very spirit and letter of our new Constitutional orders - a simple thing like a picture, a part of our history. We could have gone for the blindfolded woman; scales of justice. Boring!

[laughter]

It's like saying you don't have your own imagination. We could have had a building. We could have copied your Supreme Court, which was a copy itself. We could have had a copy of a copy - a copy of an idealized version of a sort of Roman-Greek classical building.

We fought so hard to be free from colonial domination, from the imposition of other people's ideas and concepts telling us who we are, how we should be in the world, how we should behave. As somebody said eternal students at the table of good manners.

And we got, against all the odds, against all the predictions of the world outside, we got our freedom. We got our democracy. We got our equality. We got a very beautiful constitution that's been read and studied all over the world today. Surely we should have our own building and our own ambiance and our own presence.

You saw the logo - the people protecting the tree, the tree protecting the people. And that was the very first image that we had.

We then had a painting of painted wood, by artist Cecil Skotnes who had opened his doors of his studio to African artists ever since the 1940s. A democrat in his heart and soul and very keen for the spirit of Africa. The feeling of being in Africa, the image of Africa to emerge. To help to better the whole new style of representation. Not copying painting styles and imagery from elsewhere, but developing our own kind of imagery.

He worked with a young African artist who had only done lithographs, Hamilton Budaza.
And that was very first work up. I was so nervous; this was in temporary office accommodation. How would my colleagues react?

Fortunately, somebody who came to visit had great artistic taste - a friend of Chief Justice Arthur Chaskalson. He said, "Arthur, what a fabulous mural you've got up there." And that gave Arthur the confidence that maybe Albie wasn't going completely off the wall. Somehow we just moved on from that.

But those simple little ideas at the beginning, establishing what we were not as much as what we were, led to a competition for a new Constitutional Court building. We were shown lots of different sites. And Midrand is a very high-tech attractive area, halfway between Johannesburg and Pretoria. Oh, they were so keen to get us there. They offered to fly us there in a helicopter. And we thought if that helicopter crashed, we'd have no constitutional justice.

[laughter]

But we said, "Thank you, but no thank you." To put the court there, a brand new, modern, high-tech building - a lovely building like this is a very, very lovely building. But to put that there, right in the heart of the area where the biggest corporations have their headquarters would be telling a story that would be very inappropriate.

Business has a huge role to play in our country today, an important, ingredient part of the nation. But to have the Court right in the heart of the business area would have been saying the Court is cozy with business, with big money, with international property interests.

And the minute we were shown the Old Fort Prison, Justice Johann Kriegler and I knew straightaway that's where we had to be, because of history. It was also because it united the three Johannesburgs; it was a nodal point. And what the film doesn't bring out: it's open day and night. People can walk through. They can look into the court day and night, 24 hours.

It's meant to be a place of encounter, of transit, of meeting. So you achieve that unification, not through forcing people together, but making it attractive and interesting for people to meet and encounter, get to know one another, exchange.

But mainly, we wanted that site because of the pain that's buried there waiting to come out. And that terrible negativity, that harsh, destructive energy locked up in those buildings, behind the bars, in the bricks, the harsh memories - you take the negativity. You don't deny it. You don't say it didn't happen. You transform the negativity into positivity. That same energy then becomes a source of transformation and hope. And we knew that it would work that way.

And then we had an international competition. We set out very, very carefully what the character of the building should be like. We had a jury, and the most active member of
the jury was Thenjiwe Mtintso, who was the head of the Commission for Gender Equality, established by our Constitution. And Thenjiwe said, "Why am I on the jury? You just saw that there were only men." And she was right. But once she was on, she knew what to do.

She said, "Now I know now why I'm on the jury." She said, "My mother." Her mother was a woman who probably had two or three years' schooling, used to take in washing so that she could send her daughter to school and then to university. She said, "My mother is coming to this court. What kind of face will the court have? Will I feel at home there? Will I feel it's my court? Or will I feel it's some big, imposing, intimidating, frightening building that's been planted here in Africa that has nothing to do with me, my hopes, my soul, my kind of experience?"

And so Thenjiwe and I fought for that building, the building that we got. And Peter Daly, the editor then of the "British Architectural Review, " who was on the jury with Geoffrey Bauer from Sri Lanka and Charles Correa from Mumbai and MIT, he said it's the best jury he's ever been on. He said, "Normally, with juries in competitions, the professionals fight amongst each other, and the laypeople line up behind one or other of the professionals, usually choosing the most safe and comfortable of the projects."

He said, in this case, the laypeople made the running. You went for this project he said that he loved; that he really felt was the best one. He wasn't sure it could carry it off. And he was thrilled that we persuaded them. The others were there, right from the beginning, to choose their particular project.

R10,000. $2,000. At the beginning, in the old building, not the old building, the building where we had temporary accommodation, we bought one tapestry with that money. Justice bought a very, very lovely picture that was featured in the book that we're going to bring out.

Where did we get the rest from? The rest collected itself. I would open an art exhibition and tell Andrew Verster what a wonderful gift Cecil Skotnes had given us, sort of indicating that Andrew wouldn't like to be left out.

[laughter]

He'd also been supportive of the struggle. Linda Goodman, the gallery owner, was very supportive from the beginning. I spoke to some of her most prominent artists. They donated works to us. Once Linda had done that, I could go to Mark Reed and say, "You know Linda Goodman? She's been fantastic." And then he didn't want to be left behind.

And just one way and another, through serendipity, the works came. Normally, how do you get an art collection? You have a procurement committee. You have a bunch of money. You go out. You look. You ogle. You fight. And you usually go for the least offensive work, the work that somehow doesn't upset anybody too much. And you get a nice, good collection of that time. And if you're interested in investments, it might be a
very good investment.

This was a crazy collection. It just came there, and it came with love and commitment and passion. And that's why I think it's got the quality, the special quality that it's got.

I don't know if any of you are familiar with the works of Marlene Dumas, who has become the world's most prominent woman artist. I don't know if it's a nice thing to be called a woman artist, but she's an artist who's a woman, and being a woman is important for her art.

We've got those three magnificent tapestries by her. And that came about because I was giving a talk at the South African embassy in The Hague. She now lives in The Hague. And I chatted to her, and someone nudged and said, "That's Marlene Dumas. She's becoming famous." And I chatted to her. I saw one of her books. I went to her studio. And she had these huge -

[laughter]

Huge carpets, which she'd done for a court in Holland--it's called "The Benefit of the Doubt: The Presumption of Innocence", rolled up in like enormous cigar boxes. And she's not very adept. She's a great artist at opening things. And of course, I wasn't very good even when I had two arms. But somehow or another, like in a Marx Brothers' film, we half-opened, I looked inside, I just knew straightaway: fantastic. And the Dutch government donated them. The Prime Minister brought them to South Africa. So, one way or another, all these works came.

"The Blue Dress" which is now becoming very famous internationally, Lorraine Chaskalson, married to the Chief Justice, saw the exhibition at which "The Blue Dress" featured and said, "Albie, you've got to get it for the Constitutional Court." And I went. I had a look. I knew straightaway, but I said, "It's too harsh." Just, it was the dress and the one picture.

I said, "That picture's too harsh. People come to court to feel protected. There's a place and a need for art that denounces, for hard art, political art, in the world, but not in a court, not in a court that belongs to the nation that's not trying to isolate anybody. Can you do something softer?" And then she painted the third object, with the golden, burning urns, and I said, "Judith, it's too soft. There's still a lot of pain in our country."

[laughter]

She said, "Albie, take all three."

[laughter]

And I just put my hand in my pocket. I gave her a little bit, some pocket money virtually that I had. But she was thrilled to be represented there, because she believed in
democracy, and she was exstrongd that her work would be in a place where the public would see it and it would be associated with what we were doing.

And so each one says, "Every picture tells 1,000 stories." There are 1,000 stories about every picture, because it didn't come through the ordinary way of a committee going out and then buying the work.

But the most exciting artwork to my mind is not produced artwork. It's what the architects call the integrated artwork, because now we had a plan. We had a building. We had 1% of the budget for artwork, which was something. It was the first time that it happened through public works in South African.

And I would go traipsing around North America trying to raise funds. Ford Foundation was fantastically helpful. The Ford Foundation, one or two other foundations helped, and some individuals contributed. I auctioned a tie of mine, one of my art ties, at the Law Society do in Canada.

In any event, we got a certain amount of money now. But this was money needed, not basically to buy new artwork. It was money needed to give artistic enhancement to the fabric of the building. The building needed carpet. We bought a carpet. There are carpets all over. But we felt, can't these carpets have a glow and a South African character and tell part of our story and be beautiful, without being looking like a film set?

We needed doors. Front doors. Doors to the court. We had competitions for the doors. We had competitions for the carpets. We needed steel gates to protect the judges; we are regarded as quite precious. So we needed steel gates and the architects came up with the idea of competitions for these gates, which would be the sort of gates you could see through, with different designs. Very secure, very strong, and yet with personality, with character, identifying the different officers and carrying the imprint of the imagination of diverse peoples in South Africa.

We needed lamps, chandeliers. So all these things were put out to competition, and then there were a couple of places where we needed installations. For the installations, we went for invited competitors, usually six prominent artists in relation to each one from different backgrounds. For the rest, we just opened competitions.

And what gives that building a glow and a quality of being African, South African, and yet speaking to people all over the world, I think more than anything else, are the volumes, the shapes, the vistas that the architects came up with, which I think are quite brilliant, but also the integrated artworks.

The loose artworks placed in there. It's not a museum. It's a court; but the addition of those loose artworks adds very distinctive little stories in important sectors of the building. And so we have this very, very special place.

We brought out a book on the building of the building. It's called, "Light on the Hill."
just come out very, very recently. We were hoping to have copies here, and I would have sat at a table and signed and personalized it to Jim and Jean, whatever. But we didn't manage to get things done in time.

I've made several copies of the DVD and the idea was to sell the book and give the DVD free with each copy. I think there will be some in the bookshop later.

I think it'll be interesting for people curious about what a contemporary courthouse should be like. How you represent justice. But I think architects and designers in particular will find the thoughts and the expression of the architects quite magical, very, very creative. Young people from Durban, unknown before, captured all the prizes now, what you dream of from a competition.

I'm about to end my presentation, but I would just like to share something with you. About a year ago, I just noticed that I felt a distinct and intense sort of glow every day when I came to work. Now there are not many people in world who can say, "It's fantastic coming to work." Good days, bad days, headaches, and so on, it was just whatever my mood, I just felt that sense of a special deep delight.

Getting out of my car in the underground garage and getting into the lift, the elevator and being in that building. I thought, "Why is it so strong?" I thought, "Well, it's because we are transforming negativity into positivity." I'm telling all the visitors, negativity into positivity. Negativity into positivity. History.

I said, "It is that but there is something more." I thought, "Well, it's that the three Johannesburgs, the three worlds coming together." Yeah, that's part of it, but there's something more. I thought, "Well, we helped prevent urban decay that was becoming quite rapid in that area and now suddenly all the properties around there have revived and it is just a different ambiance."

It's part of the revival of Johannesburg, which by the way, Hillbrow is not one of the most urban African settings. It is one of the most African urban settings in Africa, with tastes and the clothes and the cuisines from all over the continent in Hillbrow.

It's problematic and it's difficult and there's prostitution and there's crime and novels are written about it. It's a really energetic inner city, overcrowded inner city part, next to those beautiful Northern Suburbs, where most of you guys would stay if you came to Johannesburg, where I stay and then the bureaucratic area around us.

I thought it was wonderful that they are meeting; it's the three worlds are meeting there. But there was something more special than that. And then it came to me. Wherever I go in South Africa today, invariably I still feel I'm a white person in a white area, a white person in a black area, not only South Africa I might say.

And it's not that these areas are legally black and white any more. The Group Areas Act is gone. The Urban Areas Acts are gone, all these statutes that reserved areas as either
mainly for white people, all the beautiful areas and consigned black people to the periphery, to the margins, to the unpleasant unattractive areas - all that is gone.

And those beautiful Northern Suburbs are desegregating very rapidly and that means the schools and the shops. A big black middle class is emerging at a fantastic rate. You see it in the shopping malls and it creates a different energy and it's helping with the de-racialization of South Africa.

But you still feel it's a white area. There's something in the architecture, the streets, the memories, the history, just the imagery that's used can be odd and mock Elizabethan houses, the Marquette Dutch houses. Even the modernism, which is meant to be universal, came from Europe, it came from Chicago, and you just feel that it's still a white area becoming more an open area.

You go to Soweto and you're in a black area. You see white people there. They either tourists coming through or just occasionally as the African driver taking them to the airport said, "You know", he said, "Justice Sachs, people come from Europe and they want to, not only visit Soweto, they want to sleep over in Soweto." And he said, "Not only do they want to sleep over, they want to sleep in a shack."

And he can't imagine that people actually want to sleep in a shack. He couldn't understand people want to get what they would call the authentic experience, that it would be an exotic adventure of that kind.

So it's white areas and black areas. And I still feel it. And not just South Africa.

When I come to work at the Constitutional Court, I just feel, having spent my whole life fighting against racism together with so many others - I just feel I'm Albie coming to work and that was the source of my special delight. Thank you.

[applause]

Joe: Justice Sachs has a plane to catch in a couple of hours but he's going to entertain about 10 to 15 minutes worth of questions for those of you who have them.

Yes sir, in the back?

Man 1: [off-mic inaudible]

Albie: OK, let me make a note of the questions. And give me pencil and paper. Any surprises in the Truth and Reconciliation? For me, OK. OK, I can do it. OK.

Please.

Woman: Well, I've been reading your book. [off-mic inaudible]
And I'm wondering how you feel six years later about how that combination has in part played out [off-mic inaudible].

**Man 2:** I was very interested to hear you talk about not placing the Court next to business. I heard many South African leadership talk about the importance of divestment and sanctions in supporting the success of the anti-apartheid movement. I wonder if you might say a bit about the history of why this was so important and what do you think investors today could do to be active, rather than passive, and to support the important movements of this time?

**Albie:** OK, I'll take one more.

**Man 3:** Justice Sachs, I'm here today because I really admire the process of your struggle in Apartheid for 27 or more years that you brought change and became the head of a great nation from jail. [off-mic inaudible] And because Nelson Mandela was determined, no matter what the persecution, he stood fast and I have great admiration for this man and his struggle. That's why I'm here today.

**Albie:** Thank you. OK, last question?

**Man 4:** I would love to have the time to spend to tell me about the work you have done to establish and tell me about some of the most important decisions that passed down to the work that we see in the future.

**Albie:** Thank you. The biggest surprise for me in relation to the Truth and Reconciliation Commission was when a man called Henry phoned and asked if I was willing to meet him. Henry had organized the placing of the bomb in my car, and he was now going to the Truth Commission to ask for amnesty for coming forward with the truth. And I said I was prepared to meet him.

And he came one day, at the agreed hour. I went to the security gate. I opened it. I was quite curious to see who this guy was. And there he was, a bit shorter than myself and also thin, younger. And he is looking at me, "So this is the man I tried to kill, and I'm looking at him." "So this is the man who tried to kill me."

And as we walked down the corridor to my chambers, I remember he strode like a soldier and I tried to slow him down with my base judge's ambulatory stride. And we talked and talked and talked and eventually I said, "Henry I've got to get on with my work." I stood up and said, "Normally when I say goodbye to someone, I shake their hand. I can't shake your hand. But go to the Truth Commission. Tell them what you know, and who knows? Maybe one day we'll meet."

We walked out. I remember he was like a defeated soldier, shuffling along. Closed the security gate and he left. About nine months later, I'm at a party. It's the end of the year. Very tired. We worked hard. And music is loud and I hear a voice, "Albie!" And oh, my God, it's Henry. There were film people making documentary about him and people like
him.

And we get into a corner. I tried to get away from the sound. And the bomb blast affects your ears a little bit. If there are a lot of background sounds you can't hear so well. I'm listening very hard. "What happened, what happened?" And he said, "Albie, I got in touch with the Truth Commission and I spoke to Bobby and Suen Farouk", and he's using first name terms of people in exile with me.

People he could have been trying to grab as well as me. And he said, "You said to me that one day -" and I said, "Henry I've only got your face to tell me that what you are saying is the truth."

And I put out my hand and I shook his hand. He went away absolutely beaming and I almost fainted. Now the story doesn't quite end there because this Truth Commission and truth never ends. You never capture the truth.

I heard afterwards, that in fact he had said that the bomb put in my car he had actually dropped out of the action that had been postponed and delayed. He dropped out, and it exploded when he wasn't on duty anymore but he said it was intended for my friend Indres Nidu.

So Indres was going around and saying, "You know that bomb for Albie Sachs? That's my bomb!" And I'm saying, "No, no, no Indres, that's my bomb." And I think originally it was meant for him, but when they couldn't get to him and a year passed, I don't know. Anyway, it just shows how impossible it is to say you've got the truth with absolute certainty.

But then afterwards I heard that in fact Henry went home after that party and he cried for two weeks. And that moved me. I don't want to be his friend. I won't say, "Henry, let's go out to a movie together." But if I'm sitting in a bus and he sits down next to me, I'll say, "Oh, Henry, how are you getting on?"

It's like we are living in the same country. Because he took that step, he moved forward. And so that's what the Truth Commission meant to me in a very personal way.

The other thing of course was "The Blue Dress". That whole story was Judith listening to the Truth Commission, the most wonderful work that we've got. Coming back it's like a soldier is coming back to the Court and is now safe, safe in the court. A body was reburied as a result of the Truth Commission. The family was able to mourn and feel in contact with the body and place it in soil, close to their home.

These are the healing consequences of the Truth Commission. Many people criticize it, and one has to respect and understand the criticism from various points of view. But as far as I was concerned, it was a marvelous project, beautifully led by Archbishop Tutu.

The question about - I was so divided as a lawyer, and I suspect there are a number of
people in this room who feel you learn about - we didn't have a constitution, we had an awful constitution, a whites only constitution - but you learn about the rule of law and liberty and freedom and equality and judicial independence. And we used to quote from Maitland and all the books on English legal and constitutional history.

And I felt almost an anger, a rage, because when I would go to night classes, study classes, in the slum area, in the shanty town area, and meet with people, and they were so eager for me to pass on knowledge. They didn't have access to knowledge. They wanted me to share with them what I could. And we would discuss by candlelight. And candlelight is so evocative. You just see the eyes and the mouth and the faces of people. It's just to share the face of humanity.

And I found an energy and a brightness and a belief in justice. It wasn't just the heart and the head. It was a passion and a commitment for justice, and an energy directed towards achieving justice, and a willingness to share, to have a country for everybody, as opposed to the more remote, abstract formulations of the law professors. And I felt a certain anger and rage.

And I was torn, as a legal person until we had to write the Constitution, and then I saw all these grand ideas. They had survived through history for a reason. They meant something to people, not just to lawyers and law professors and law students, but to humanity, to people. They captured something very, very important for human dignity and a sense of safety and security and personality.

And we needed those ideas. We needed those abstract formulations, those universal truths that picked up something as time went by, always more and more texture enriching them, but nevertheless having those enduring, almost self-evident qualities. We needed them to structure the new passion and energy and commitment of millions of ordinary people with that spirit of Ubuntu. We had to translate, if you like, Ubuntu into text, and text that could be operational and functional in a theoretical and parliamentary setting.

And so it was a very wonderful moment for me biographically. I suppose it set me up for being a judge, because if you're torn apart like that, you can't be a judge. You can't, with the serenity and the tranquility that's necessary, handle the great dramas that unfold before you, human dramas, in legal form. And so that's why that passage. And I'm happy that you picked it up, because it meant a lot to me, towards the end of the self-vengeance, that I can discuss it with everybody here.

Divestment. Well I was lost in Seattle, about 30 years ago. And as I have been telling everybody, the sun was shining, the mountain was out. And I'm told it's not every day. I had two arms then. That was different. There was no Seattle Coffee, no Microsoft. But it was a beautiful city then. It's a beautiful city now. I met lively, spirited, independent people then, and I'm meeting them now.

But one of my objectives was to support the Divestment campaign. And I still remember people, when I denounced Apartheid, were completely with me: "Right on." We used to
joke, on our Constitutional Committee, of me visiting the United States of America: "Right on. Right on, comrade."

[laughter]

And sometimes I'd get a good hearing, sometimes a puzzled hearing, sometimes an opaque hearing, if such a thing exists, in relation to why we wanted Divestment. And we saw Divestment as something that would shorten conflict, that would put pressure on the South African government, and those close to government and those who were trading and working with the government, to bring about change.

And in the end, it did. In the end, it was the legislation passed by Congress, the anti-Apartheid - I forget the exact title of it - over President Reagan's veto, that was like the last nail in the coffin of what the Apartheid rulers wanted to maintain. One of them said, "The hole was too big. We couldn't keep shipping out the water."

When their last trusted ally and friend, the United States of America, when the administration could no longer say, "We openly protect Apartheid. Of course, we hate Apartheid. It's abhorrent. It's terrible. But it's much better. We tried with them and deal with them, be nice to them, constructive engagement." That was the line that was adopted. And we were saying, "No, it's cozying up to them. It's making them feel confident they can last forever."

So Divestment and all the people who marched and all the students who took stands against their own university administrations and so on, they built up a climate that turned out to be very, very powerful. It wasn't the main battlefront. The main battleground was South Africa. The next was the Frontline States, where the people paid terribly, in blood and material goods, for supporting us. We got huge support from Scandinavian countries, and then a lot of popular support from the United Kingdom, the Netherlands and elsewhere, and so on.

But at the critical moment, this country played an exceptionally important role. And it had a lot to do with, ultimately, business saying, "We're getting out." I think Citibank was one. And it was important investors like that, who were really concerned with a good return, and who were trying to say, "We invest anywhere in the world." But they just felt there was something about South Africa that, even with our "non-judging, except on purely bottom-line" criteria, somehow it's beyond the pail.

Now, of course, we want investment, and we welcome it, and we need it. We need to be linked up with the trade of the world. We need the best technology. We need good ideas. We need to participate in the world market. It's not a choice that you have; it's a reality within which you function. And there you try to get the best terms that you can for your people, in order for the economy to grow and develop.

It doesn't mean that we accept every demand by every potential investor when the demands might be injurious to our people, to our environment. We have quite a strong
trade union, but all these things have to be respected. And we're not going to be a country that produces very good products with very cheap labor. We are not a cheap labor economy. The workers have fought hard, for not great conditions, but reasonable conditions. That's one of our strengths. We've got to build to that strength.

And we have all sorts of niche markets. We have the capacity to liaise with the rest of Africa. We have a very good banking structure. We have a very good legal system. We have brilliant judges, as you've all seen.

[laughter]

And it's also a lovely place for people who like to play golf, or make movies, or whatever it might be. So it's a good country. We're getting quite a lot of inward investment, but basically our economy is now progressing at about GDP of five percent per annum. It's good. It's creating more employment. It's still too slow for us, mainly because of internal investment. And I think that's the healthiest thing, when the people who are making money inside the country reckon it's a good bet, and we can make even more money developing in that way.

The work of the court - you'd have to invite me another time.

[laughter]

There are just too many cases. Perhaps I should mention the first and almost the last. The very first case we had dealt with the constitutionality of capital punishment. We had over 400 people on death row. There had been a moratorium, so the numbers had accumulated over some years. The ANC was totally against capital punishment. Nelson Mandela had almost been hanged himself. It was a deep matter of principle for him.

The old National Party government couldn't imagine life without capital punishment. What kind of state is it that doesn't kill its citizens? It doesn't deserve the name of a state if it doesn't do that. We couldn't agree during negotiations. We couldn't postpone elections because we couldn't agree on that. So the agreement was to leave it to the First Constitutional Court to decide whether capital punishment was consistent with the values of an open democratic society, based on human dignity and quality of freedom in the modern world. Unanimously, the eleven judges said it is not. It is not.

[applause]

There wasn't jubilation, and I wouldn't say the whole nation applauded like you're applauding now, but the fact was the nation knew we were serious about our work. We were motivated. It is a magnificent judgment by Arthur Chaskalson, the first judgment he had ever written. He went straight from the Legal Resources Center to become, effectively, Chief Justice. A magnificent judgment. Each one of us wrote separate judgments, and it stood the test of time, I believe.
A very recent judgment was one which I was asked by the Chief Justice to write, and that dealt with the question of same sex marriages. Our Constitution is unusual in a number of respects. It has a very broadly based equality clause, and it's "No one shall be unfairly discriminated against on grounds of race, color, language, creed, birth, national origin, marital status, disability, sexual orientation."

So, it was Parliament that included that concept in the text of the Constitution, and Ms. Fontes and Ms. Fourie who had lived in Pretoria, fallen in love, gone out together and set up home together, lived together for ten years, were regarded as a couple by all their friends, decided they wanted to get married. They went to the marriage officer, who said, "I don't have any problems, but the vow in the Marriage Act says, 'I, AB take you, CD to be my lawful husband/wife.' That's a gendered assumption. I can't do it."

They appealed, and meanwhile another case was brought, a very complicated legal trajectory. The matter came to us, and our court held unanimously that it was unfair discrimination not to accord to same sex couples the same status, benefits, and responsibilities that the marriage law accorded to heterosexual couples.

The only division in our Court was Kate O'Regan felt we ought to create the law ourselves as judges. In other words, we weren't radical enough. But the rest of us ten other judges said "No, we want Parliament to engage with the issue. We want the democratic body to come to grips with its responsibilities to the Bill of Rights and the Constitution." We didn't want the idea of "This is a court imposed marriage, some kind of - not a real marriage. It's a Constitutional Court marriage." It somehow might have perpetuated the separateness.

And so we referred the matter back to Parliament. That's within our mandate as judges. When we see a defect in the law and constitutionality, we can refer the statute back to Parliament, and say, "Parliament, you've got one year or two years, whatever it is, to correct the defect." It's a very valuable power. It's not overlapping, then. You can point out unconstitutionality without immediate disaster and chaos following because an important part of the law is declared invalid.

But we said Parliament isn't free to decide, "Shall we or shall we not?" Parliament is free to decide how we meet those obligations. And the judgment, the opinion that I wrote was very firm about separate but equal. That separate but equal is always unequal. The very fact that you are separating means that there is something wrong with you. That somehow you will sully the thing that you've been kept out of.

That was the experience of Brown and Board of Education. It was our experience in South Africa, that separate but equal was always anti-black.

We sent it to Parliament. They had hearings all over the country. There were some religious bodies very upset. The Anglican Church said they respected the judgment very much. Their members might differ on the matter. But what was important was that the proposed law didn't compel the Anglican Church, didn't have to state compelling the
Anglican Church to celebrate what might not be acceptable to the Church.

The part of the judgment to which I devoted I would say the most particular attention dealt with the relationship between the sacred and the secular. One has to respect and respect deeply religious beliefs. They are so important for believers, whatever their beliefs might be. It's not just that I prefer rum and raisin to chocolate. It's not just a lifestyle thing. It's who you are. It's your relationship with creation.

It's a huge community significance and meaning. It relates to your ancestors. It's unfortunate if the law is creating these totally separate spaces in terms of constitutional rights, of importance. Your beliefs are your own private thing; keep it out of the way.

So we have to find a way of acknowledging and recognizing two different world views based on different premises, having different significance and meanings, always affecting people within the same Constitutional order.

Anybody interested in the case, I would urge you to look very carefully at the way I tried to handle that. But it did get a very good response from religious bodies who felt it was a balanced approach. It wasn't saying you are bigots. Because you don't tolerate, you're intolerant. You are out of touch or out of date or anything. Those are people's beliefs. You respect people's beliefs even if you disagree completely with them.

But they can't use their beliefs, impose their beliefs on the whole of society. And they can't impose their beliefs in a way that will deny people their fundamental rights. Fundamental rights are fundamental rights. However small a group might be, that applies to them. They must be given those rights.

Parliament adopted the law at the very last moment with an overwhelming majority and with very powerful support from the ANC leadership.

And I'm going to end now before I catch my plane just with this little, little, little story. Have any of you been to Cape Town? Wow. Most of you will know Kirstenbosch. The Kirstenbosch Gardens? It's one of the five big tourist sites. And a more genteel area you can't get. You go there to see the flowers. There's sculpture there now. And you take tea and scones with cream and strawberry jam. That's the ambiance.

On January the fourth this year, I drove with my wife, my partner, my wonderful new baby to Kirstenbosch to attend a wedding. We saw a sign. And the sign said, "Jean and Amy's wedding, that way". At Kirstenbosch. That simple little sign. It was very emotional. It was very, very wonderful. Jean was South African and Amy's American. Got married in Cape Town.

Jean said afterward that she had phoned the restaurant where the reception was held to say could they have a wedding reception on January the fourth. And they said "Fine, how many people?" And she said how many people.
She said "I didn't tell them you know what. I didn't tell them. But after the law was passed, I phoned and I said "I should tell you by the way that the person I'm marrying is also a woman."

And the manager there said, "How wonderful. This will be our first family filled -"