

Alchemical tales



A conference curated in honour of

Albie Sachs

Hosted jointly by the Law Faculties of the University of Western Cape,
the University of Stellenbosch, and the University of Cape Town.

12 - 14 February 2025

*"What are we fighting for,
if not the right to express our humanity
in all its forms,
including our sense of fun
and capacity for love and tenderness
and our appreciation
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– Albie Sachs in "Preparing Ourselves for Freedom", and in "Spring is Rebellious – Arguments about Cultural Freedom ", 1990.

Alchemical tales: A conference curated in honour of Albie Sachs

What are we fighting for, if not the right to express our humanity in all its forms, including our sense of fun and capacity for love and tenderness and our appreciation of the beauty of the world. – Albie Sachs in “Preparing Ourselves for Freedom”, in “Spring is Rebellious – Arguments about Cultural Freedom “, 1990.

Albie Sachs, in the preface of his book, *The Alchemy of Life and Law*, writes about how ‘life prepared [him] in a most bizarre way for becoming a judge’. Sachs’s life is indeed a manifestation of tensions and relations, rather than contradictions: lawyer/ outlaw; justice/ injustice; freedom fighter/ judge; struggle/ laughter; enlightenment/ alchemy. Sachs’ writings and judgments reflect his knowledge of law, art, and literature, but more than that, his insight and care for humanity.

A mix of individual papers, stories, poems and art works as well as thematic panels will be presented. Participants will take up Sachs’s engagement with law, politics, literature, art, architecture, film and more, reflecting on tensions and relations and their (im)possibilities in critical and ‘unexpected’ ways.

Themes

- Judicial decision-making/ judicial interpretation
- Law and activism
- Law and politics
- Law/grace/compassion
- The past/present/future of constitutionalism
- Comparative Constitutionalism
- The common law/indigenous law and the Constitution
- On difference and the right to be different
- Law/art/architecture
- Culture/struggle
- Beauty/Love/Justice
- Socio-economic rights/justice
- Gender Justice
- Children’s Rights
- Religion and the accommodation of the secular and the sacred
- Restorative Justice/Reconciliation/Criminal Justice

The conference will be hosted jointly by the Law Faculties of the University of Western Cape, the University of Stellenbosch, and the University of Cape Town. It will take place in person on 12 - 14 February 2025, in Cape Town, South Africa.



PROGRAMME

12 FEBRUARY

WELCOMING

Danwood Chirwa and Pierre de Vos (University of Cape Town)

Venue: LT3

12.45-13.00

AFTERNOON PLENARY SESSION

The new separation of powers

Venue: LT3

Chair/ Discussant: Nurina Ally (UCT) / Leo Boonzaier (UCT)

13.00-14.30

Panelists: James Fowkes (University of Münster), Sandy Liebenberg (US) and Ngwako Raboshakga (NWU)

BREAK 14.30-14.45

LATE AFTERNOON PARALLEL SESSIONS

Children's rights and best interest of the child - S v M

Venue: LT3

Chair/ Discussant: Coline Bruintjies (US)

14.45-16.15

- Amanda Spies (NMU): The Context of Justice: Furthering Restorative Justice in Sentencing Practice.
- Arthur van Coller (Fort Hare): Reimagining the Paramountcy Principle after *S v M*.
- Katherine Butler (US): Patriarchy and the Concept of Family in South Africa – where does the Spirit of Ubuntu fit in?

Space, time, difference

Venue: 4A

Chair/ Discussant: Stacey Goliath (US)

14.45-16.15

- Nosipho Goba (Wits): Women and Space: The Impact of Apartheid Geography on Women and the Construction of Womanhood.
- Johndré Barnes and Tanveer Jeewa (US): Beyond Conformity: A Critical Analysis of *S v Jordan* through the Lens of Human Dignity and Difference.
- Sandile Busakwe (UCT student): The “Time” of Constitutionalism and the Categorization of Black People in the Post-apartheid Legal Order.
- Ozzy Lebron Aromin (UCT student): Love, Justice, and the Right to be Different.

EVENING PLENARY

Film screening of documentary *Mother City* followed by panel discussion.

Venue: LT3

16.30-18.30

Panelists: Pearlie Joubert (co-director – with Miki Redelinghuys – of *Mother City*); with Disha Govender and Nic Budlender (Ndifuna Ukwazi) and Nkosikhona Swartbooi (housing and land rights activist)

COCK TAIL FUNCTION 18.30-20.00

(Please also note that video recordings of poetry by Deborah Ewing, Amber Randall, Sibabalwe Samla, and Marcé Underwood will be screened in venue B2 over the three days at scheduled times to be announced before the conference.)

13 FEBRUARY

MORNING PLENARY SESSION

Meaningful engagement (PE Municipality) and socio-economic rights

Venue: LT3

Chair/ Discussant: Pierre de Vos (UCT)

9.00-10.30

- Carin Combrinck (UP): Redrawing the lines through Public Interest Design: The Importance of Community Engagement in Architecture.
- Lindani Mhlanga (UFS postdoc): Alchemy in (Re)Action: Redefining Property Rights in Port Elizabeth Municipality.
- Sekese Rasephi (UJ): A Socio-Economic Rights and Justice Perspective on Corporate Social Responsibility in South Africa.

BREAK 10.30-10.45

MID-MORNING PLENARY SESSION

Alchemical Albie – Poetry, interludes, quests

Venue: LT3

Chair/ Discussant: Karin van Marle (UWC)

10.45-12.30

- Jaco Barnard-Naude (UCT): Albie Sachs: Psychoanalysis, Reparation, Constitution ... and Poetry.
- Susan Neiman (Einstein Forum, Germany): Morals or Interests? Questions for Albie Sachs.
- Ibtisaam Ahmed (UCT): Literary Interludes in the Judicial Writings of Albie Sachs.

LUNCH AND PERFORMANCE

Imameleng Masitha: *Mansthoë* (A one-person performance piece by established artist that incorporates soundscapes, audio, and movement to explore the theme of culture/struggle and censorship.)

Venue: B2

12.30-13.15

AFTERNOON SESSIONS

Children's Rights.

Venue: LT3

Chair/ Discussant: Christiaan van Schalkwyk (US)

13.15-14.45

- Bryoni Fox and Caitlin Latimer (US): Advancing Children's Flourishing: Realising the Child's Right to Evolving Capacities in South Africa through the Lens of Human Dignity.
- Lundi Mqina (US LL.M candidate): The Voice of the Child: Inclusive Dispute Resolution in South African schools.
- Anel Odendaal (Fort Hare): Unequal Foundations: The Socio-Economic Divide in South Africa's Education System.
- Bridgitte Machaka (US postdoc): Recent Legal Developments: Reconceptualising Undocumented Children's Access to Basic Education in South Africa.

Restorative justice, religious freedom, secularisation

Venue: 4A

Chair/ Discussant: Patricia Lenaghan (UWC)

13.15-14.45

- Winnie Everett (CCMA): Restorative Justice at play in South Africa's Labour Law and Dispute Resolution Processes.
- Nahajah Adam (UP PhD candidate): Secularism and Religious Freedoms in Employment: A Comparative Analysis of Ghana and South Africa's Approaches to the Hijab.
- Charlize Hermans (US Masters student): Between Church & State: The History of Stellenbosch University's Theology Faculty and its Relation to the Secularisation of South Africa.

- Siphesihle Mhlonishwa Mbata and Ndumiso Innocent Nzaca (UKZN): The Restriction of Refugees and Asylum Seekers Right to Work and to Choose Profession in South Africa: A Critical Analysis.

BREAK 14.45-15.00

MID-AFTERNOON SESSIONS

Constitutional critique

Venue: 4A

Chair/ Discussant: Ntando Sindane (US)

15.00-16.30

- Felix Dube (UP): Justice Albie Sachs and Ethos of Tolerance of Diversity.
- Suhail Vawda (UJ) and Mahnoor Mubashir Mian (Cornell Law School): The Strange Alchemy of Originalism and Judicial Activism: How S39(2) of the South African Constitution bridges the Philosophical Divide.
- Jason Brickhill (SERI): Revolution and Constitution.

Justice, inclusion, compassion

Venue: LT3

Chair/ Discussant: Nomfundo Ramelakana (UCT)

15.00-16.30

- Dr Susan Knox-Mosdell (consultant): The Alchemy of Law and Sociology, and its Usefulness in Addressing Poverty.
- Mandisa Fatyela (Private consultant): The Role of the State in the Provision of Social Housing, focusing on rental.
- Hugo Uys (US PhD candidate): The Conquest of Compassion: A Post-Colonial Reckoning with the Politics of Care.

EVENING PANEL

Spring is Rebellious: Exhibiting Albie Sachs' Collections at Zeitz MOCAA"

Venue: LT3

16.45-18.00

Dr. Phokeng Setai (Assistant Curator - ZMOCAA)

Rory Tsapayi (Curatorial Researcher - ZMOCAA)

COCKTAILS 18.00-19.00

14 FEBRUARY

PLENARY SESSION

Property constructs in transformative frameworks – Life after PE Municipality.

Sue-Mari Viljoen, (University of the Western Cape); Lorna Fox O'Mahony (University of Essex); Ernst J Marais (University of the Witwatersrand); Padraic Kenna (University of Galway)

Venue: LT3

Chair/ Discussant: Danie Brand (UFS)

9.00-10.30

BREAK 10.30-11.00

MID-MORNING PLENARY SESSION

The Constitutional Court, customary law and victory for rural voices

Venue: LT3

Chair/ Discussant: Monica de Souza Louw (UCT)

11.00-12.30

Panellists: Wandile Zondo (Natural Justice); Emily Tjale (LAMOSA); Nolundi Luwaya (UCT); Thiyane Duda (UCT)

LUNCH

12.30-13.15

AFTERNOON SESSION

Law and aesthetics

Venue: LT3

Chair/ Discussant: Jaco Barnard-Naudé (UCT)

13.30-15.00

- Raymond Barrow (Wits): To 'Perforce Perceive Taut Truth': Albie Sachs as Writer.
- Daniel Humpel (Fort Hare): The Art of Law: Music and Creativity as Mediums for Enhancing Legal Education.
- Rason Naidoo (independent curator): "A House without a Painting is a House without a Soul." Albie Sachs and the Importance of Art.

Restorative justice, labour law, dispute resolution

Venue: 4B

Chair/ Discussant: Bradley Slade (US)

13.30-15.00

- Kathlego Letlonkane (US): Transforming Unequal Labour Relations: A Social Justice Perspective.
- Ilze Olckers (LifeLaw): Soft Vengeance: Towards a Southern African Integrative Law Framework and Movement.
- Naapopye Shikongo (UCT student): Restorative Justice with intersections into Law/Grace/Compassion.
- Bongani Luthuli (practitioner): The Contemporary Moral Authority of the Judiciary since the Truth and Reconciliation Commission ("the TRC"): Did the Judiciary's Non-appearance at the TRC Compromise its own Legitimacy?

BREAK 15.00-16.30

CLOSING SESSION

(Open to the general public)

Celebrating Albie Sachs and launch of The Albie Collection, followed by closing reception

Venue: Kramer Law Quad

16.30-19.30