

# AGAINST CONSTITUTIONAL WORSHIP IN POST-1994 SOUTH AFRICAN JURISPRUDENCE



**Presented by Professor  
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**12:00-1:30pm**

**Thompson Hall, 420**

This paper aims to stage a critical confrontation with “constitutional worship” and its hegemony within post-1994 South African jurisprudence. As a regime of power and knowledge; as a methodological, rhetorical and conceptual orientation in legal scholarship; and as a sentimental protocol of public discourse, “constitutional worship” is animated by a fundamental consensus regarding the centrality and unimpeachability of the present South African constitution, including its casting as the “best in the world”, as monumental and of ineffable virtue and a shared animus towards critique and dissent reflected in a recent wave of co-ordinated anxiety-ridden “defenses” of constitutional democracy in South Africa. The paper explores the dark side of constitutional worship and underscores its anti-democratic, anti-intellectual and anti-Black impulses. Drawing on several currents of critical constitutional scholarship read alongside Martin Loughlin’s recent book *Against Constitutionalism* (2022), the aim is to illustrate the inherently and necessarily contested nature of constitutions and constitutional-ism as well as to foreground the faulty conceptual, political and ethical premises of post-1994 South African democracy. The paper is ultimately framed around taking seriously the intellectual provocations of critical theory and Black radical thought for refiguring a different mode of theorising, and relating to, constitutional authority and political order.

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