

# Fly on the wall ...



When Fly is engaged in the core of his calling, he looks decidedly weird. Almost 30 years of this has not made it less weird. He wears a long, black, silk gown (tropical cut), a black if by now slightly sad-looking court jacket, and white priest bands with the incorrect conventional shirt collar, instead of the correct winged collar. He wears cufflinks, but that's not really part of the weirdness. (He just likes them.) His home field being Joburg, not Cape Town, he is obliged to keep the robe in a red velvet bag until he enters the buildings in which he is to acquit himself of his duties. When he speaks in this exercise, he says weird things, like "My Lord", "I submit" and "my learned friend".

When he wears these weird things and says these weird words, he is reminded of what it is he is doing, in a way he might not be if these were less weird. He is reminded that this Batman figure, speaking these odd terms, is not Fly. His words are not Fly's words. His "submissions" are not Fly's opinions and views. Like the driver wearing the company uniform harms or helps the brand by his conduct, so Fly's conduct as this weird persona plays a part – let's not quantify – in the harming or helping of the brand of Justice.

For Fly, this persona is morally essential. God forbid he should take moral responsibility for the cause this persona is advancing so strenuously, on which he has lost so much sleep, to which he has devoted such ingenuity and learning as he can muster. He needs to be able to say to himself "that ain't me; 'tis the guy in the Batman suit".

But then of course, on an entirely different moral plane, Fly owes high

duties to the guy in the Batman suit. Not to him so much as to the brand. Those duties are the higher for the ease with which they are broken, for the incentive to break them and the importance of not doing so. It is as important for Fly to be able to say to the mirror after a hard day that he played the game by its proper rules than that the Batman chappie is someone else.

And so, when he reflects on the Batman suit and the "My Lords", Fly nods to the good and the great of the weird. Does it matter what it is, then, as long as it's weird? Would a great Michelin-man suit, and "My loving Darling" do just as well as the Batman attire and "My Lord"?

In one respect, yes. In another, no. The weirdness is tied to a history; the history to the authority of the spectacle.

Fly understands these pages will very soon contain learning from those who know and have read more than Fly about this history. So he leaves the learning to them. But it is interesting to note that the garb Fly dons was very much *unweird* in its early life. In the 14<sup>th</sup> century, all those who regarded themselves as learned looked a little Batman-ish. Fly understands that the Judges Rules of 1635 in England merely codified what had been worn for a few centuries already, and this was no different from the attire that attended "court" or "polite society" in the 17<sup>th</sup> century. Weirdness crept in the further daily reality and the trappings in question started separating. The good and the great of the weird became a bonus virtue, something that was *not* initially associated with the attire and the persona.

Back to the authority of the history.

On the basis that the learned friends should acquit themselves well, and that His Lordship, with the benefit of their services, gets to decide what happens, Fly's society expects the loser to hand over the millions, or to submit to the cells, without violent resistance. This stems from the notion, fragile and critical, that what happened in that theatre of the weird was deeply moored, was not a matter of chance, or of personal whim. It was moored in something long-standing, something that somehow made the outcome more like such outcomes have been for centuries in cases that were similar, such that there can be some justification in telling the loser – this is how we do things, how we have done things; you are not unique, your case is determined by the weight of history. This is not altered by any new dawn of constitutionalism. The authority of the Constitution derives from the law itself, not from a revolution. It is a new Grundnorm indeed, even a radically new one, but one that must now plausibly underpin centuries of what went before too – not without the tethers, those tethers of the past that help rein in whim and justify outcome. It remains essential to the legitimacy of that outcome that the loser may plausibly be told what happened to him was not merely the result of some whimsical musings on a little booklet from someone whom no election placed in power over him. No, it was The Law, in the form of Justice, shoddy, imperfect, human as it may be, but a genuine attempt by our polity to play by rules not written by one judge.

And if some Batman suits and "My Lords" assist in reminding us that this is something to value, then hooray for the weird. **A**