to the editor

ON THE ABOLITION OR PRESERVATION OF THE SYMBOLS OF EMPIRE

from **Kameel Premhid**

The debate about South Africa's courts abandoning British colonial-era robes (and legal language) has become familiar. Critics rightly point out these are symbols of Empire, elite exclusion and institutional detachment.

Calls for their abolition follow a well-rehearsed script: they are outdated, alienating, impractical, expensive, and out of step with democratic ideals. The logic is clear. The symbolism is jarring. The reform feels overdue.

But framing the issue as a stark binary threatens to limit our political imagination. Instead, a better approach may be to question whether the meanings we attach to these things – be it robes, institutions, statutes, even street names – must remain fixed in the past.

This kind of binary thinking – abolish or preserve – crowds out more complex possibilities. Traditions can be dynamic. They evolve. Symbolic power can be redirected toward new ideals.

This is not an excuse for nostalgia or resistance to reform. But in a society grappling with deep inequality, symbolic battles can draw disproportionate attention relative to more difficult, more consequential reforms.

It is easier to campaign against robes than to change racist briefing patterns, confront institutional gatekeeping, or dismantle barriers to justice.

And the context of this debate belies another truth: our country's legal system is already a fusion of traditions. Roman-Dutch substance, English procedure, post-1994 South African "constitutionalism", and Ubuntu.

Court attire can also reflect this layered, often contested heritage – one that counsel draw on every day. Ceremonial dress, after all, is meant to signal the gravity of the legal process.

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But no assumption should be made about what signal that sends if it removes our ability to determine it. Rejecting these symbols because of their colonial lineage is to mistake history for something linear and inevitable. Life, and the law, teaches us otherwise.

Reform should be shaped by local needs, not only by opposition to what the coloniser left behind. Symbols matter. But the danger is that when symbols alone dominate the debate, they can drown out harder questions: who interprets the law, who it protects and who remains excluded despite constitutional promises.

It is possible to revise tradition without rejecting it. To democratise form without discarding function. Even to repurpose the remnants of colonial institutions into sites of critical reflection.

But doing so requires a shift: from the symbolic to the structural, from the easy to the necessary. The real work lies there. A