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LAW FACULTY

Conference honouring

The Jurisprudential Legacy of Retired Constitutional Court Justice Mbuyiseli Madlanga

2 -3 December 2026 | Stellenbosch



CONCEPT NOTE and CALL FOR PAPERS

The Constitutional Court stands at the apex of South Africa's constitutional order. As such, its judges are not merely jurists, but custodians of the Constitution and of the democratic rights, values, and institutions it enshrines. They are expected to engage robustly with the values underpinning the Constitution, to reason transparently about choices they make, and to develop the law in a manner consistent with the Bill of Rights. A justice of the Constitutional Court thus bears a profound responsibility, mediating between legal doctrine and constitutional aspiration, between institutional constraint and transformative possibility.

Retired Justice Madlanga first served on the Constitutional Court in an acting capacity from 15 August 2000 to 31 May 2001. He was appointed permanently to the Constitutional Court with effect from 1 August 2013. Justice Madlanga served on the Court until his retirement on 31 July 2025, having served the 12 – year term of office prescribed in section 176 of the Constitution. Between 9 September 2024 and his retirement at the end of July 2025, he served as Acting Deputy Chief Justice of the Court.

During his tenure on the Constitutional Court, he penned approximately 65 judgments either for a unanimous bench, for a majority, or writing separately in dissent or in concurrence. These judgments traversed a wide range of legal domains and issues. His judgments engaged with the foundational architecture of the constitutional order, including the principle of legality, the separation of powers, the remedial authority of courts, and the institutional independence of oversight bodies. Several of his judgments have made a significant contribution to developing the normative content of constitutional rights and the obligations they impose on organs of State and private parties. These include the right to free and fair elections, to vote and to stand for public office; the right to just administrative action; the right to equality and affirmative action measures; and fair trial rights. His judgments also engage with questions that touch the lives of ordinary people, among them the right of access to adequate housing; equality in the family and customary law context; the protection of vulnerable litigants in private law disputes; and the protection of municipal residents who face a sudden cut in their electricity supply by Eskom. Across all these areas, a concern for the practical consequences of legal rules on those who are the most vulnerable and disadvantaged is a discernible feature of his reasoning.

The breadth and consistency of retired Justice Madlanga's judicial output make his jurisprudential legacy a particularly rich subject for sustained scholarly inquiry.

Accordingly, Professor Sandra Liebenberg, H.F. Oppenheimer Chair in Human Rights Law and Professor Bradley Slade, Acting Vice Dean of Teaching and Learning at the Faculty of Law, Stellenbosch University will be hosting a conference on 2 - 3 December 2026 to explore and honour Justice Madlanga's contribution to South African constitutional law.

This conference seeks to bring together legal scholars and practitioners to engage critically and systematically with his jurisprudential legacy. It aims to illuminate the doctrinal contributions he has made, the constitutional values that animated his reasoning, and the significance of his jurisprudence for the ongoing development of South African law.

Call for Papers

We invite scholarly papers that engage with any aspect of Justice Madlanga's Constitutional Court jurisprudence. Papers may wish to focus on a single judgment or a cluster of related judgments, or may take a broader thematic or comparative approach. Contributions may engage with any of the thematic areas identified below.

Submissions by early-career and emerging scholars are particularly encouraged, and established scholars are also warmly invited to submit papers. Co-authored papers will also be welcomed.

The conference will be organised around the following key thematic areas, which the organisers have identified as representing the most significant dimensions of Justice Madlanga's Constitutional Court jurisprudence:

- Administrative law and the principle of legality
- The rule of law, the constitutional right to a fair hearing and principles relevant to the recusal of judges
- Constitutional remedies and remedial powers
- Criminal law and fair trial rights
- Electoral law and political rights
- Equality and dignity
- Labour law and employment rights
- Procurement and public finance
- Property law, contract and private law
- Separation of powers and institutional design
- Socio-economic rights
- State accountability

This thematic list is not exhaustive. Papers addressing other aspects of Justice Madlanga's Constitutional Court jurisprudence are equally welcome.

A list of Justice Madlanga's Constitutional Court judgments is set out at the end of this call for ease of reference.

Date and venue

A two-day conference will be convened to discuss Justice Madlanga's contributions.

Date: 2-3 December 2026

Venue: [Stellenbosch Institute for Advanced Study \("STIAS"\) Conference Centre, Stellenbosch](#)

Submissions details and key dates

Those interested in presenting a paper at the conference are invited to submit a 300-word abstract, together with a short biography of no more than 150 words. Abstracts should identify how the thematic focus of the proposed paper links to Justice Madlanga's jurisprudence, and the central argument or scholarly contributions the paper will make.

Submission date: No later than 1 June 2026

Notification of outcome: By 24 July 2026

Draft full paper: To be confirmed

Submissions and enquiries

Abstracts and biographies should be submitted in Word format to: Dr Anisa Mahmoudi at anisa@sun.ac.za and Dr Tanveer Jeewa at tjeewa@sun.ac.za. Any inquiries may also be directed to the above contacts.

Selection of Papers for Conference

Papers for presentation at the conference will be selected based on their fit and alignment with the objectives and themes outlined in this concept note.

You will be notified by 24 July 2026 whether your abstract has been selected for presentation at the conference.

Please note that while conference registration fees and meals for selected presenters during the conference will be covered, we are unable to assist with travel and accommodation costs.

Conference Publication

Following the conference, the authors of a selection of papers will be invited to develop their papers into full length manuscripts for submission to a special edition of the *Stellenbosch Law Review* in honour of Justice Madlanga. Submissions will be subject to the journal's normal academic peer review processes.

Constitutional Court Judgments authored by Madlanga J / Madlanga ADCJ

Year	Case	Neutral citation	Role	Core legal theme
2000	<i>Steyn v S</i>	[2000] ZACC 24	Unanimous	Right of appeal; criminal procedure and fair trial rights; access to higher court
2013	<i>Gaertner and Others v Minister of Finance and Others</i>	[2013] ZACC 38	Unanimous	Right to privacy; warrantless search and seizure; customs powers
2013	<i>Mbatha v University of Zululand</i>	[2013] ZACC 43	Separate concurring	Employment status dispute; secondment vs transfer of employment; existence of contract of employment
2013	<i>Minister of Communications v Ngewu</i>	[2013] ZACC 44	Unanimous	Equality; constitutional remedies
2014	<i>Ngqokumba v Minister of Safety and Security and Others</i>	[2014] ZACC 14	Unanimous	Spoliation remedy; unlawful seizure by police; rule of law
2014	<i>Savoi and Others v NDPP and Another</i>	[2014] ZACC 5	Unanimous	Prevention of Organised Crime Act interpretation; racketeering; retrospectivity
2014	<i>Turnbull-Jackson v Hibiscus Coast Municipality and Others</i>	[2014] ZACC 24	Majority	<i>Stare decisis</i> ; precedent; authority of apex court
2014	<i>Helen Suzman Foundation v President of the Republic of South Africa and Others; Glenister v President of the Republic of South Africa and Others</i>	[2014] ZACC 32	Concurring and dissenting in part	Independence of anti-corruption bodies; adequate vs absolute independence; constitutional obligation to combat corruption; institutional design and constitutional compliance
2015	<i>Shoprite Checkers (Pty) Limited v Member of the Executive Council for Economic Development, Environmental Affairs And Tourism, Eastern Cape and Others</i>	[2015] ZACC 23	Dissenting	Eastern Cape Liquor Act 10 of 2003; confirmation of order of constitutional invalidity of section 71(2) and (5) and Schedule
2015	<i>Chevron SA (Pty) Ltd v Wilson t/a Wilson's Transport and Others</i>	[2015] ZACC 15	Majority	National Credit Act; deprivation of property; arbitrariness
2015	<i>Paulsen and Another v Slip Knot Investments 777 (Pty) Limited</i>	[2015] ZACC 5	Majority	<i>In duplum</i> rule; credit law; constitutional jurisdiction
2015	<i>DE v RH</i>	[2015] ZACC 18	Majority	Development of common law; abolition of adultery action
2015	<i>My Vote Counts NPC v Speaker of the National Assembly and Others</i>	[2015] ZACC 31	Co-authored majority	Political party funding transparency; access to information
2015	<i>Eke v Parsons</i>	[2015] ZACC 30	Majority	Settlement agreements as court orders; enforcement; <i>pacta sunt servanda</i>
2016	<i>Land Access Movement of SA and Others v Chairperson of NCOP and Others</i>	[2016] ZACC 22	Majority	Land restitution; legislative invalidity; constitutional procedure
2016	<i>Provincial Government: North West Province and Another v Tsoga Developers CC and Others</i>	[2016] ZACC 9	Majority	State Liability Act; execution against State; legality
2016	<i>Democratic Alliance v Speaker of the National Assembly and Others</i>	[2016] ZACC 8	Majority	Parliamentary privilege and immunity; freedom of speech in Parliament (section 58(1)); removal / arrest of members of Parliament (MPs)
2016	<i>Electoral Commission v Mhlope and Others</i>	[2016] ZACC 15	Minority	Integrity of the voters' roll; free and fair elections (section 19); obligation to record voters' addresses
2017	<i>Black Sash Trust v Minister of Social Development and Others</i>	[2017] ZACC 8	Concurring	Social grants; judicial supervision; direct access; section 172; just and equitable remedy; continuing constitutional obligation
2017	<i>National Union of Mine Workers of SA and Others v Hendor Mining Supplies</i>	[2017] ZACC 9	Majority	Labour law; prescription; arrear wages
2017	<i>Off-Beat Holiday Club and Another v Sanbonani Holiday Spa Shareblock Limited and Others</i>	[2017] ZACC 15	Separate concurrence	Prescription Act; meaning of "debt"
2017	<i>Municipal Employees Pension Fund v Natal Joint Municipal Pension Fund (Superannuation) and Others</i>	[2017] ZACC 43	Concurring	Pension fund death benefits; allocation of benefits; nomination vs dependency
2017	<i>Ramuhovhi and Others v President of the Republic of South Africa</i>	[2017] ZACC 41	Unanimous	Customary marriage; equality; gender discrimination
2017	<i>Daniels v Scribante and Another</i>	[2017] ZACC 13	Majority	Housing rights; Extension of Security of Tenure Act; dignity
2017	<i>Mokone v Tassos Properties CC and Another</i>	[2017] ZACC 25	Majority	Contract law; right of first refusal; common law development
2017	<i>State Information Technology Agency v Gijima Holdings (Pty) Limited</i>	[2017] ZACC 40	Majority	Legality review; state self-review; procurement unlawfulness
2017	<i>Dladla v City of Johannesburg</i>	[2017] ZACC 42	Separate concurrence	Temporary emergency accommodation (TEA); constitutionality of shelter rules; scope of rights in State-provided housing
2018	<i>Helen Suzman Foundation v Judicial Service Commission</i>	[2018] ZACC 8	Majority	Judicial accountability; transparency
2018	<i>Corruption Watch NPC and Others v President of RSA and Others</i>	[2018] ZACC 23	Majority	Independence of National Director of Public Prosecutions; legality; constitutional remedies
2018	<i>Minister of Justice and Others v SA Restructuring and Insolvency Practitioners Association and Others</i>	[2018] ZACC 20	Dissenting judgment	Equality; affirmative action; transformation; rationality
2018	<i>Saidi and Others v Minister of Home Affairs and Others</i>	[2018] ZACC 9	Majority	Immigration law; administrative discretion
2019	<i>Morudi and Others v NC Housing Services and Development Co Limited and Others</i>	[2018] ZACC 32	Unanimous	Access to courts; standing; rescission
2019	<i>Magnificent Mile Trading 30 (Pty) Ltd v Charmaine Celliers N.O. and Others</i>	[2019] ZACC 36	Majority	Mineral rights; administrative justice; property
2019	<i>Makhokha v S</i>	[2019] ZACC 19	Unanimous	Criminal sentencing; parole; constitutional rights
2019	<i>Moodley v Kenmont School and Others</i>	[2019] ZACC 37	Unanimous	Children's rights; education; disability
2020	<i>Competition Commission of South Africa v Standard Bank of South Africa Limited; Competition Commission of South Africa v Standard Bank of South Africa Limited; Competition Commission of South Africa v Waco Africa (Pty) Limited and Others</i>	[2020] ZACC 2	Concurrence with majority	Competition Commission Rules; Rule 15; access to record of investigation; public access to information; section 32(1) of the Constitution; Competition Tribunal Rules; rule 22(1)(c)(v); discovery procedures; jurisdiction; competition law
2020	<i>New Nation Movement NPC and Others v President of RSA and Others</i>	[2020] ZACC 11	Majority	Electoral rights; independent candidates
2020	<i>Big G Restaurants (Pty) Limited v Commissioner for the South African Revenue Service</i>	[2020] ZACC 16	Majority	Tax law interpretation; jurisdiction
2020	<i>Penwill v Penwill N.O. and Others</i>	[2020] ZACC 17	Unanimous	Taxation of costs; judicial discretion
2020	<i>Tjiroze v Appeal Board of the Financial Services Board</i>	[2020] ZACC 18	Unanimous	Mootness; jurisdiction; abuse of process
2020	<i>Van der Walt v S</i>	[2020] ZACC 19	Unanimous	Fair trial rights; procedural irregularity
2020	<i>Smit v Minister of Justice and Correctional Services and Others</i>	[2020] ZACC 29	Majority	Separation of powers; extradition; unlawful delegation
2020	<i>Public Protector v Commissioner for SARS and Others</i>	[2020] ZACC 28	Unanimous	Public Protector powers; taxpayer confidentiality
2021	<i>Bwanya v Master of the High Court, Cape Town and Others</i>	[2021] ZACC 51	Majority	Equality; life partnerships; inheritance
2021	<i>Mtolo v Lombard</i>	[2021] ZACC 39	Unanimous	Housing rights; eviction; dignity
2021	<i>Thubakgale v City of Ekurhuleni</i>	[2021] ZACC 45	Separate concurrence	Constitutional damages; housing rights
2021	<i>RAiN Chartered Accountants Incorporated v SASSA</i>	[2021] ZACC 27	Unanimous	Estoppel; procurement; remedial orders
2021	<i>Union for Police Security and Corrections Organisation v South African Custodial Management (Pty) Ltd and Others</i>	[2021] ZACC 41	Unanimous	Subsidiarity; labour rights
2021	<i>Member of the Executive Council for Health Gauteng Provincial Department v PN</i>	[2021] ZACC 6	Unanimous	Common law development; damages; <i>res judicata</i>
2021	<i>AmaBhungane Centre for Investigative Journalism NPC and Another v Minister of Justice and Correctional Services and Others; Minister of Police v AmaBhungane Centre for Investigative Journalism NPC and Others</i>	[2021] ZACC 3	Majority	State surveillance and interception of communications; right to privacy (section 14); constitutionality of Regulation of Interception of Communications and Provision of Communication-Related Information Act
2021	<i>Minister of Water and Sanitation v Sembcorp Size Water (Pty) Ltd and Another</i>	[2021] ZACC [21]	Dissenting	Legality of executive action; water tariff setting; scope of statutory powers
2022	<i>Minister of Finance v Sakelige NPC (previously known as Afribusiness NPC) and Others</i>	[2022] ZACC 17	Majority	Procurement law; <i>ultra vires</i> regulations
2022	<i>National Union of Mine Workers SA obo Aubrey Dhludhlu and 147 Others v Marley Pipe Systems</i>	[2022] ZACC 30	Unanimous	Labour law; retrenchment
2022	<i>South African Human Rights Commission v Standard Bank of South Africa and Others</i>	[2022] ZACC 43	Unanimous	High Court jurisdiction; access to courts
2022	<i>Transnet SOC Limited v Total South Africa (Pty) Limited and Another</i>	[2022] ZACC 21	Unanimous	Contract interpretation; termination
2022	<i>Eskom Holdings SOC Limited v Vaal River Development Association (Pty) Ltd and Others</i>	[2022] ZACC 44	Majority	Electricity supply; constitutional obligations
2023	<i>Minister of Water and Sanitation and Others v Lotter N.O. and Others; Minister of Water and Sanitation and Others v Wiid and Others; Minister of Water and Sanitation v South African Association for Water Users Associations</i>	[2023] ZACC 9	Unanimous	Water rights; statutory interpretation
2023	<i>Bliss Brands v Advertising Regulatory Board</i>	[2023] ZACC 19	Unanimous	Jurisdiction of private regulators
2024	<i>Shoprite Checkers (Pty) Ltd v Mafate N.O</i>	[2024] ZACC 16	Unanimous	Prescription; mental incapacity; access to courts
2024	<i>Commissioner for SARS v Medtronic</i>	[2024] ZACC 26	Unanimous (ADCJ)	Tax law; voluntary disclosure; <i>pacta sunt servanda</i>
2025	<i>Vodacom v Makate</i>	[2025] ZACC 13	Unanimous (ADCJ)	"Duty of proper consideration" by courts including the provision of adequate reasons as fundamental elements of the rule of law and the constitutional right to a fair hearing in section 34; remedy of remittal to Supreme Court of Appeal for matter to be heard before differently constituted panel
2025	<i>President of RSA v Speaker of NA (RICA variation)</i>	[2025] ZACC 12	Unanimous (ADCJ)	Surveillance law; constitutional remedies
2026	<i>Reynolds Maleka v Timothy Boyce N.O. and Others</i>	[2026] ZACC 07	Dissenting (ADCJ)	Section 186(1)(e) Labour Relations Act; constructive dismissal; exhaustion of internal remedies
2026	<i>Systems Applications Consultants (Pty) Ltd t/a Securinfo v SAP SE and Another</i>	[2026] ZACC 13	Unanimous (ADCJ)	Principles relevant to the recusal of trial judges; all relevant evidence to be considered by appeal court regarding whether there was a reasonable apprehension of bias, including affidavits in the application for recusal, evidence in the entire record of proceedings, and the overall conduct of the presiding officer.