SOME THOUGHTS ON THE *UBUNTU* JURISPRUDENCE OF THE CONSTITUTIONAL COURT

1 Introduction

In this contribution I revisit the *ubuntu* jurisprudence of the South African Constitutional Court. After analysing the various critiques of the *ubuntu*-reasoning of this court, I offer below a careful reading of three recent cases, namely *Khosa v Minister of Social Development* (2004 6 SA 505 (CC) (hereinafter "*Khosa*")), *Port Elizabeth Municipality v Various Occupiers* (2004 12 BCLR 1268 (CC) (hereinafter "*PE Municipality*")) and *Dikoko v Mokhatla* (CCT62/05 (hereinafter "*Dikoko*")) in order to decipher to some extent the Court's vision of a constitutional community of "belonging together" post-*Makwanyane* (see *S v Makwanyane* 1995 3 SA 391 (CC) (hereinafter "*Makwanyane*")). In particular I explore the singular judgments of Justices Sachs and Mokgoro in order to illustrate how it is possible to assess their attempts to think the law and post-*apartheid* community differently as a reflection of something truly new.

2 The problem of *ubuntu*

The ideal of a new constitutional community can be glimpsed already in *Makwanyane* (*supra*), where the Justices of the Constitutional Court utilised the African principles of *ubuntu*, community, and unity to argue that the death penalty should be abolished. In a thorough critique of this judgment and its "frightening" lack of jurisprudential rigour, Van der Walt (*Law and Sacrifice: Towards a Post-apartheid Theory of Law* (2005) 109; and see also Van der Walt "Vertical Sovereignty and Horizontal Plurality: Normative and Existential Reflections on the Capital Punishment Jurisprudence Articulated in *S v Makwanyane*" 2005 (20:2) *SAPL* 253) argues that (111):

> "a rigorous jurisprudence must remain dissatisfied with the feel-good flavour of a jurisprudence that has done little more than add a local, indigenous and communitarian touch to the Christian, Kantian or Millsian respect for the individual that informs Western jurisprudence. A rigorous jurisprudence would ask more probing questions regarding *ubuntu*".

Van der Walt thus rejects Justice Sachs's somewhat "rosy portrayal" of African jurisprudence (113) and conducts his own research into aspects of African culture that endorse the *lex talionis* and executions, and hereby refutes to a certain extent Sachs's own more romantic version of African culture and practice. He concludes that utilising *ubuntu* without question as a constitutional value in *Makwanyane* may have served the immediate

purpose of abolishing the death penalty, but it can be argued in future that this decision was based on a spurious interpretation of *ubuntu* (114).

For Van der Walt, the use of *ubuntu* in South African constitutional jurisprudence in future would require a good deal of honest critical thinking "to distil from the feudal, hierarchical, and thus vertical trappings of this concept, a different understanding of constitutionality" (114). We must, indeed, be cautious when embracing a concept that may very well lead to the swallowing up of singularities into an integrated and harmonious whole (114), something akin to cultural nationalism or the ideology of "nation-building". Van der Walt thus wishes to draw our attention to the problem of discourses of unity that reduce or nullify the possibilities of plurality. (115. Van der Walt's thinking on plurality is based on J-L Nancy's concept of multiple exposures of singularities and a radical horizontality where no one and nothing occupies an elevated position in society. Where "there will no longer be an above from which to hang the ropes of hangmen" (Van der Walt 120).)

Lenta ("Just Gaming: The Case for Postmodernism in South African Legal Theory" 2001 17 *SAJHR* 173) also cautions that the Constitutional Court's resort to *ubuntu* (in *Makwanyane*) can be seen as providing cover for the operations of power in the case (191):

> "although the Court's resort to *ubuntu* seems to contain ethically laudable sentiments – the valorisation of excluded identity, tradition and forms of community – on a Foucauldian reading, its political effect is to substitute long prison sentences in the place of execution, which Foucault perceives as a new form of domination".

Lenta's concerns here resonate somewhat with those expressed by Van der Walt. The truth of the matter is that if *ubuntu* remains a "bloated" concept (Kroeze "Doing Things with Values II: The Case of *Ubuntu*" 2002 (13) *Stellenbosch Law Review* 260) that can mean "all things to all men" (English "*Ubuntu*: The Quest for an Indigenous Jurisprudence" 1996 12 *SAJHR* 641 646), it can also be (mis)used in the exercise of power. In essence, "*ubuntu*-speak" can be easily manipulated, used to enforce social and legal conformity and to silence dissenting voices and, it can, Lenta suggests, become a new form of domination. As Van der Walt correctly points out, *ubuntu* in a certain sense does not sound any different from the centuries-old tight hierarchical order endorsed by the order of the *Corpus Christi* in medieval Europe (115). What, then, sets *ubuntu* apart from other Western values? What separates *ubuntu* from authoritarian discourses that demand respect and obedience from the "collective"?

I have written about *ubuntu* elsewhere and do not wish to repeat any of those arguments here (Bohler-Müller "The Story of an African Value" 2005 (20:2) *SAPL* 266). My aim is rather to add to the growing volume of work on this African philosophy and the value it may possibly hold for social, political and legal transformation in post-*apartheid* South Africa. Keeping in mind the warnings issued above and the dangers inherent in asserting *ubuntu* as a conservative value that may restrict the expression of political and other differences, I submit that the strategy of using *ubuntu* to enrich human rights

and constitutional discourse should be seen having both political and ethical dimensions. I therefore remain convinced that the reconceptualisation of *ubuntu* may take us beyond strategy to a future-oriented utopianism pointing to an "elsewhere" beyond our current conceptions of the legal and political as purely instrumental struggles for individual and group power (Cornell *Beyond Accommodation: Ethical Feminism, Deconstructions, and the Law* (1999) 182). In this sense the notion of *ubuntu* is both conservative and subversive in nature, and it is the potential of the latter – its subversiveness and resistance to the *status quo* of liberal individualism – that I wish to explore in more detail.

In Murungi's words:

> "Each path of jurisprudence represents an attempt by human beings to tell a story about being human. Unless one discounts the humanity of others, one must admit that one has something in common with all other human beings … what African jurisprudence calls for is an ongoing dialogue among Africans on being human, a dialogue that of necessity leads to dialogue with other human beings. This dialogue is not an end in itself. It is a dialogue with an existential implication …" (Murungi "The Question of African Jurisrpudence: Some hermeneutical Reflections" in Wiredu (ed) *A Companion to African Philosophy* (2004) 519 525).

My own understanding of ethical community through *ubuntu* or the ongoing dialogue of what a "shared humanity" means is not reducible to Western communitarianism or theories of social consensus or cohesion. Eze similarly submits that the "common good" in African value systems is not conceived through consensus, but through what he terms "realist perspectivism" (MO Eze *Ubuntu*: A Communitarian Response to Liberal Individualism? (2005) unpublished Master's dissertation at University of Pretoria 98). According to Eze, consensus neither accommodates nor promotes autonomy and alterity, but suppresses these core values of human identity (99). Realist perspectivism, on the other hand, takes into account the perspectives and viewpoints of others:

> "The realist perspectivism that I advocate illustrates in a more coherent way, more than consensus, how common good is arrived at in the African traditional system. This kind of perspectivism shuns unanimity but seeks for the understanding of the other before arriving at judgement. It is humanistic insofar as the focus is the human person and … [seeks] ways to reconcile and accommodate different perspectives in such a way that does not oppress or possess." (MO Eze 107. Eze uses the philosophy of science to explain realist perspectivism, similar to the work of Harding on standpoint epistemology. See Harding *The Science Question in Feminism* (1986).)

Ubuntu reconceived, redefined and relocated as a philosophy of the individual-in-relationship sees the revitalised individual as a gift to the world where her freedom becomes an "act of responsibility to the community" (MO Eze 140). This disposition, outlook or attitude does not rely on uniformity or sameness within community, but plays out as a question of *who I can become* as an individual in an ethical community (140): In exposing ourselves to others, encountering the difference and diversity of lives, we inform and enrich our own lives. Essential to these encounters is the "space between" "You" and "I" as "[t]o be a person is not to be the same as the

other but to be in harmony with all that is. There is a distance and relation where the 'I' and the 'We' are engaged in a perpetual encounter with the other" (123). Accordingly, my humanity becomes real when I encounter the sovereign humanity of the other, and the I-It relationship is transformed into an I-Thou relationship. "Being-together" is thus not dependent on assimilating otherness, but rather signifies a new kind of community, beautifully described by Douzinas as follows:

> "The other as a singular, unique finite being puts me in touch with infinite otherness. In this ontology, community is not the common belonging of communitarianism, a common essence given by history, tradition, the spirit of the nation. Cosmos is being together with one another, ourselves as others, being selves through otherness" (Douzinas *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (2007) 294).

Although Douzinas is not writing about *ubuntu* in this context, his work on reclaiming the ancient Greek spirit of the *cosmos* may assist in informing the way in which *ubuntu* is understood as both immanence and transcendence. In explaining the metaphysics of *ubuntu* philosophy, Ramose points out that this African philosophy rests upon an understanding of cosmic harmony or wholeness (Ramose *African Philosophy Through Ubuntu* (2002 revised edition) 50). African and European thinking on community may then very well offer similar insights, but these insights arise out of "dissimilar experiences" and thus cannot be collapsed into one another (Ramose vii-viii).

Having made an effort to address the problem of *ubuntu* without resolving any of the necessary tensions, I now turn to the ways in which the Constitutional Court has utilised this "problematic" concept in order to re-think the notion of a new South African community.

3 The Constitutional Court's vision, or the promise of *ubuntu*

Since her judgment in *Makwanyane* (*supra*) Justice Mokgoro has indicated a firm commitment to utilising *ubuntu* as a constitutional value or ideal (see Mokgoro "*Ubuntu* and the Law in South Africa" 1998 *Buffalo Human Rights Law Review* 20). Having noted this, it is therefore surprising that she does not explicitly refer to *ubuntu* in the *Khosa* (*supra*) case. Nowhere in her judgment does she give voice to her need to operationalise *ubuntu*, although it does seem that her understanding of *ubuntu* implicitly informs her arguments to extend the payment of social grants to non-citizens residing in South Africa.

In *Khosa* the Constitutional Court was faced with a challenge to the Social Assistance Act (59 of 1992). The applicants were Mozambican citizens who were permanent residents in South Africa. The first applicant, a mother of two children, applied for a child support grant and a care dependency grant for a child suffering from diabetes. The second applicant applied for an old-age grant. Both applicants had been denied their grants as they were not citizens of South Africa. In this case, Mokgoro upheld a decision of the High

Court that it was the court's responsibility to read the words "permanent resident" into the challenged provisions of the Social Assistance Act. The applicants argued that sections 26, 27 and 28 of the Constitution use the word "everyone" in the first two sections and "every child" in the third, and that it would be unconstitutional to limit access to social grants to citizens alone.

Cornell and Van Marle critically analyse this case and the assumptions underlying Mokgoro's attempts to re-think citizenship. They argue convincingly that Mokgoro's reasoning reveals a certain politico-ethical stance (Cornell and Van Marle "Exploring *Ubuntu*: Tentative Reflections" 2005 (5:2) *AHRLJ* 195: "These politics and ethics seem to be telling us that no one – including the state – is allowed to say 'you do not interest me'" (214)). There appears in her judgment a deep sense that the humanity and dignity of these applicants should not be denied as the purposive nature of the South African Constitution is rooted in the promotion of a just community. Although, as mentioned, Mokgoro does not use the word *ubuntu* in this case, her insistence that everyone is responsible for ensuring the well-being of persons within their community appears to reflect such thinking. She is therefore not only promoting a fair community, but a *caring* one. In her view, there is a connection between a just and caring community:

> "Through careful immigration policies it can ensure that those admitted for the purpose of becoming permanent residents are persons who will profit, and not be a burden to, the state. If a mistake is made in this regard, and the permanent residents become a burden, that may be a cost we have to pay for the constitutional commitment to developing a caring society, and granting access to socio-economic rights to all who have homes here. Immigration can be controlled in ways other than allowing immigrants to make their permanent homes here, and then abandoning them to destitution if they fall upon hard times" (*Khosa supra* par 65).

Echoing Mokgoro's concerns with the development of a just and caring community, Justice Albie Sachs makes explicit reference to *ubuntu* in *PE Municipality* (*supra*) in justifying his refusal to uphold an eviction order which would result in the homelessness of a large number of squatters. He highlights in his judgment the (constitutional) requirement that everyone must be treated with "care and concern" within a society based on the values of human dignity, equality and freedom. He also reminds us that the Constitution places a demand upon the judiciary to decide cases, not on generalities, but in the light of their own particular circumstances:

> "The spirit of *ubuntu*, part of the deep cultural heritage of the majority of the population, suffuses the whole constitutional order. It combines individual rights with a communitarian philosophy. It is a unifying motif of the Bill of Rights, which is nothing if not a structured, institutionalised and operational declaration in our evolving new society of the need for human interdependence, respect and concern" (*PE Municipality supra* par 37).

Sachs thus places the question of eviction within its historical context by referring to "pre-democratic" laws that enabled drastic responses to illegal squatting, assaulting the dignity of black people and allowed the creation of affluent white areas (*PE Municipality supra* par 8-10). Sachs then contrasts

this position to the "new era" where homeless people must be treated with dignity and respect, as it is not only the poor whose dignity is affected when evicted and forcibly removed, but the whole of society is demeaned by such actions.

In an insightful critique of this judgment, Bekker ("The Re-emergence of *Ubuntu*: A Critical Analysis" 2006 21 *SAPL* 333) notes that Sachs's laudable sentiments (once again) do not directly address what he means when he uses terms such as *ubuntu* and "human interdependence". There is, Bekker submits, a "gap" between what is understood by human interdependence in Western and African law (Bekker 2006 21 *SAPL* 339), and the use of the term needs to be explored more fully in order to determine what human interdependence actually means (politically and legally) to the Constitutional Court.

Be that as it may, Mokgoro and Sachs argue, albeit in different ways and from different perspectives, that *ubuntu* can, and should, become central to a new constitutional jurisprudence and to the revival of sustainable African values as part of the broader process of the African renaissance. They also articulate in these judgments their vision of a just and caring post-*apartheid* community. Although there does exist to some extent a lack of jurisprudential rigour in their judgments in *Khosa* and *PE Municipality*, my submission remains that their efforts could be seen in a positive light as at least an attempt to move beyond a liberal conception of human rights discourse.

As reflected upon above, adherence to the value of *ubuntu,* whether implicitly or explicitly, demands that we deal with individuals in the context of their historical and current disadvantage and that equality issues must address *the actual conditions of human life,* for example life as a non-citizen or a squatter, but nevertheless life with and through others.

Ideally, all members of any "community" should have the right to "feel welcomed", to participate fully in a process of becoming within a just and caring environment that supports life with others in a process of "unfolding" and "enfolding", in the words of Ramose (see Ramose 2002 where he writes about *ubuntu* as an African philosophy of both belonging (being "enfolded" in the community) and becoming (the "unfolding" of the self within community)). Both Mokgoro and Sachs appear to share this vision, and in their own unique ways maintain that the Constitution should facilitate a sense of responsibility towards others since our togetherness is a creative force that comes into being as we form ourselves with each other. This vision is further explored by both judges in the recent case of *Dikoko* (*supra* decided on 3 August 2006).

In this case the applicant, *Dikoko*, appealed against the judgment and order of the High Court in which it was found that he had defamed Mokhatla. The latter court ordered the applicant to pay the respondent damages in the amount of R110 000. I do not address the question of privilege as a defence to claims of defamation here, but merely wish to draw attention to some

comments made by Justices Mokgoro and Sachs on the quantum of damages.

In this case Justice Moseneke held, for the majority, that an excessive award of damages would have the effect of deterring free speech and expression and assumes, without deciding, that the issue of quantum in a defamation suit is a constitutional matter. He concludes, however, that there are no special circumstances in this particular case that justify interference with the High Court award for damages (*Dikoko supra* par 102).

However, Mokgoro, in a minority judgment with Justices Nkabinde and Sachs concurring, considered the issue of whether the quantum of damages awarded by the High Court was excessive. She concludes that the High Court did not exercise its discretion reasonably in taking into account mitigating factors and determined that an award of R50 000 would have been more reasonable (*Dikoko supra* par 80).

In examining whether the Roman-Dutch remedy *amende honorable* (in terms of which a public apology was rendered by the defendant) is still a part of South African private law, Mokgoro links this remedy to *ubuntu*:

> "The primary purpose of a compensatory measure, after all, is to restore the dignity of a plaintiff who has suffered the damage and not to punish a defendant. A remedy based on the idea of *ubuntu* or *botho* could go much further in restoring human dignity than an imposed monetary award in which the size of the victory is measured by the quantum ordered and the parties are further estranged rather than brought together by the legal process." (*Ibid*. In a footnote, Mokgoro refers to the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000. This Act makes provision in s 21(2)(j) for an equality court to make an order that an unconditional apology be made if it determines under s 21(1) that unfair discrimination, hate speech or harassment has taken place.)

In essence, Mokgoro maintains that in emphasising restorative rather than retributive justice in the spirit of *ubuntu,* we should keep in mind the goal of knitting together shattered relationships in the community and that the courts should be proactive in encouraging "respect for the basic norms of human and social inter-dependence" (*Dikoko supra* par 69).

In a separate judgment, Sachs goes as far as to propose that the law of defamation should be developed so as to move away from an almost exclusive preoccupation with monetary awards, which are unsuitable to restoring the damage done to a person's reputation and which often serve to drive parties further apart rather than to reconcile them. He then suggests that the law of defamation should be developed to encompass an approach that encourages apology, which, he argues, is better suited to reconciling the parties:

> "There is a further and deeper problem with damages awards in defamation cases. They measure something so intrinsic to human dignity as a person's reputation and honour as if these were market place commodities. Unlike business, honour is not quoted on the Stock Exchange" (*Dikoko supra* par 109).

In his view, the goal of the remedy should be reparation rather than punishment. He holds that this approach would accord more with the constitutional value of *ubuntu*, which is consonant with the notion of restorative justice; the key elements of which he identifies as encounter, reparation, reintegration and participation:

> "The key elements of restorative justice have been identified as encounter, reparation, reintegration and participation. Encounter (dialogue) enables the victims and offenders to talk about the hurt caused and how the parties are to get on in future. Reparation focuses on repairing the harm that has been done rather than on doling out punishment. Reintegration into the community depends upon the achievement of mutual respect for and mutual commitment to one another. And participation presupposes a less formal encounter between the parties that allows other people close to them to participate. These concepts harmonise well with processes well-known to traditional forms of dispute resolution in our country, processes that have long been, and continue to be, underpinned by the philosophy of *ubuntu - botho*" (*Dikoko supra* par 114).

In his argument, Sachs articulates (as in *PE Municipality*) the need for human interdependence, respect and concern in an evolving society (*Dikoko supra* par 113; and Sachs refers here to two cases, *Makwanyane* and *PE Municipality supra*) but then also goes further to emphasise the need for *restorative justice* by "seeking simultaneously to restore a person's public honour while assuaging inter-personal trauma and healing social wounds" (*Dikoko supra* par 116; and both Mokgoro and Sachs point out similarities between the Roman-Dutch concept of *amende honorable* and *ubuntu-botho*).

In addressing the application of the *amende honorable,* Sachs notes that although *ubuntu* and *amende honorable* are expressed in different languages, they share an underlying philosophy, namely the promotion of a face-to-face encounter between the parties in order to facilitate the public resolution of their conflict and to restore a sense of harmony. Both legal cultures thus aim to facilitate the achievement of "an apology honestly offered, and generously accepted" (*Dikoko supra* par 60).

Although Justice Moseneke perhaps correctly points out that both Mokgoro and Sachs raise issues "which never confronted the trial court and therefore do not properly arise before us" (*Dikoko supra* par 86), I am of the view that the discussions dealing with the role of *ubuntu* as a constitutional value add substantially to this growing jurisprudence and were not in vain. Mokgoro and Sachs have (re)directed us in this judgment to their understanding of what a new South African community should look like and they have given us some idea of how to do this differently. Bekker agrees that the judgment is commendable, not because it is necessarily correct but "by reason of the fact that it represents the first real and genuine attempt to give real meaning and substance to the concept of *ubuntu* in a specific context" (Bekker 2006 21 *SAPL* 342). Bekker is particularly enamoured with the emphasis placed by the justices on reconciliation and restorative justice as these concepts "unlike other elements of *ubuntu,* can therefore be successfully linked to values intrinsic to both the original indigenous law as

well as Western law" (Bekker 2006 21 *SAPL* 342). *Ubuntu* is thus rendered more understandable and acceptable to the "Western mind".

It may very well be true that *ubuntu* in its "current all-embracing form will not be able to provide the courts with an effective, workable constitutional value" (Bekker 2006 21 *SAPL* 344), but I submit that "pinning" the meaning of *ubuntu* down in order to render it more useful and less "worthless", diminishes the *potential* of this African philosophy as "ideal", future-oriented, revolutionary - a rebellion against the *status quo* of Western liberalism. EC Eze ("The Colour of Reason: The Idea of 'Race' in Kant's Anthropology" in EC Eze (ed) *Postcolonial African Philosophy: A Critical Reader* (1997) Chapter 4) is particularly critical of hegemonic or "civilizing" impulses to "tame" whatever is not easily rationalised in Western terms. In his view, idea(l)s should not be separated from the way they are practised:

> "to speak of ideals or ideas as universally neutral schemes or models which we historically perfectly or imperfectly implement, obscures the fact that these ideals and ideas are already part and parcel of – ie, always already infused with historical practices and intentions out of which ideals are, in the first place, constituted as such – judged worthy of pursuit. Ideals do not have meaning in a historical vacuum" (EC Eze 12-13, as quoted in Appiagyei-Atua "A Rights-centred Critique of African Philosophy in the Context of Development" 2005 5 *AHRLJ* 335).

I submit that it is possible to read the judgments in *Khosa, PE Municipality* and *Dikoko*, as "revolutionary" in the sense that Justices Mokgoro and Sachs write against strict legal convention in (re)imagining a new form of community for South Africans. In their interpretation of the Bill of Rights they make an effort to go beyond conceptions of rights and individual freedoms as instruments to be selectively enjoyed by the middle classes "who could afford higher education, fill management positions and engage in research" (Appiagyei-Atua 2005 5 *AHRLJ* 343). By invoking the value and ideal of *ubuntu* Justices Mokgoro and Sachs at the very least acknowledge in *the Khosa* and *PE Municipality* cases the potential of human rights to be meaningful in the struggle against oppression and disempowerment. Perhaps the aim is not to "replace one master's voice with another" (Appiagyei-Atua 2005 5 *AHRLJ* 357) but to introduce voices that represent the experiences of the deprived and oppressed. In his way human rights can be transformed from a discourse of state power into the language of struggle. (For a general critique of the (mis)use of human rights in the exercise of power, see Douzinas, where he states that, paradoxically, "the ideal, transcendent position of natural law, natural and human rights has been reversed, turning them into tools of public power and individual desire" (8).)

While I do depict these judgments in a positive light, I also agree that there is a need for unfailing vigilance. We must remain vigilant against the invocation of an image of community as homogenous, a denial of both singularity and plurality. Euphoric discourses of unity and solidarity are undeniably dangerous and totalitarian as homogeneity tends to silence dissenting voices.

The emphasis should rather be on beginning anew – an ethics (and politics), not only of difference, but *of and for the future.*

4 Briefly concluding

I have referred above to Mokgoro and Sachs's judgments in three constitutional cases as examples of a jurisprudence that reflects something beyond the confines of traditional Western law. Keeping in mind warnings against being over optimistic about law's ability to restore and reconcile, these explorations may ignite new hope for a different future, not leaving us endlessly isolated from one another. And in emphasising the need to adopt a vision of hope for the future, Cornell and Van Marle (2005 (5:2) *AHRLJ* 220) insist that we should not "give up" for fear of failure:

> "Perhaps the most empowering aspect of *ubuntu* is that, by taking its interactive ethic seriously, we should not shy away from the actual attempt to operationalise this powerful ideal because of fears of failure to do so adequately. Indeed, the very spirit of *ubuntu* might suggest to us that, while such failures are to be expected, the true enactment of this sort of ethic is itself constructed through the ongoing participation of the community in such struggles, including failures of operationalisation and efforts to resolve them, to create a new South Africa".

A lot can go wrong when we "defend ideals" such as *ubuntu*. It is a risky business and the traps are numerous, but if we dare to risk failure, if we dare to ask what good we are without others, if we dare to imagine a revitalised philosophy of *ubuntu,* if we dare to do it differently, we may have stories worth telling future generations of South Africans. Stories of hope.

> "What good am I then to others and me
> If I've had every chance and yet still fail to see
> If my hands are tied must I not wonder within
> Who tied them and why and where must I have been?
>
> What good am I if I say foolish things
> And I laugh in the face of what sorrow brings
> And I just turn my back while you silently die
> What good am I?"
> (Bob Dylan "What Good am I?" 1989 Special Rider Music *Oh Mercy*.)

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