

# Are we there yet? The deferral of justice and the promise of human rights

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I hope therefore I am

The paper to be presented is an attempt to recapture the poignant innocence of a young child embarking on a long journey. The cynical adult anticipates the arrival at a given Cartesian co-ordinate, a place name on the map; the post-pubescent juvenile imagines the discomfort that she will have to endure to get there, but the young child exists only in the moment of the journey, where each point of the road trip may be the final location, and in so doing she experiences so much more as this journey is by nature endless.

On this particular journey I explore the utopian nature of human rights and the (im) possibility of "arriving" at our destination, which is always yet-to-come. Utilizing the critical theory of Drucilla Cornell and Costas Douzinas, and looking back to the utopianism of Ernst Bloch, I offer an argument that acknowledges the limits of the law and the transcendent nature of justice with specific reference to the role of the Constitutional Court in South Africa. Principally, I seek to convince that the re-birth of the ethical in legal theory and practice could, at the very least, point us in the direction of a better future(s) both locally and globally.

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