

COURSE OUTLINE

LEGAL PLURALISM

JULY 2017

Aim of the Course:

Legal Pluralism is a stand - alone semester course that counts for credit in the Faculty of Law for LLB as well as one of the courses in the Legal Theory 3 in the Faculties of Humanities, Commerce and Science.

This course explores the interaction dominance symbiosis, imitation, convergence, adaptation, avoidance, destruction and subordination of state and non-state legal orders constituted by social groups; ethnic groups, religious communities, professional bodies and corporation. This course explores how these normative bodies make rules, enforce these rules and the adjudicatory bodies engaged in dispute settlement.

This course also explores how citizens navigate between state and non-state legal orders as well as the relationship between state and non- state legal orders.

Expected Outcomes

Students who have studied the course are expected to be able to:

1. Develop and understanding tolerance and empathy for the ‘other ‘ legal orders.
2. Understand the interaction of legal orders within plural - legal society such as South Africa.
3. Demonstrate an understanding of how citizens negotiate and navigate between different legal orders in a plural South Africa.
4. Acquire capacity to conceive law in plural ways as well as understand law in comparative perspective, exceeding the level of formal law.
5. Understand how legal pluralism contributes to national development.

Topics:

1. The provenance of legal pluralism.
2. Legal pluralism in South Africa.
3. Human rights and legal pluralism.
4. Choice of law in South Africa’s plural Legal order.
5. Settlement of disputes in South Africa’s plural legal order.

Assessment:

Examination will account for 70% of the marks while term work will account for 30%. Students will be expected to prepare one essay and write a test. The topic(s) for the essay will be given in the first week of third term. This year the due date for the assignment is August 24. The test will be written on September 27. Any changes will be communicated in due time.

Attendance

Students should note that attendance of lectures is compulsory and they may not miss a maximum of six lectures, unless a satisfactory explanation is furnished. (Students should consult the Law Faculty Survival Guide for rules regarding DPs and LOAs).

It is every student's responsibility to sign the class register circulated during the lecture. The class register will serve as proof of attendance or non-attendance of lectures.

Course Delivery

Framework lecture slide shall be provided on the course page on RU Connected to assist students prepare their own notes.

A number of lecture periods will be converted to tutorial classes that will be used to deeply engage with leading cases and other peculiar issues.

Reading List

A reading list will be made available to the class in the first week of third term.

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