**CLW 420 2019**

**Law and the Community**

Faculty of Law Department of Jurisprudence





**SECTION A: Organisational component**

**1 Introduction**

Welcome to the Module Law and the Community (CLW) 420. This is an elective module and the fact that you chose it says something about you. Our hope is that your interest in community engagement will be encouraged and developed through this module.

This study guide furnishes you with important administrative information and guidelines regarding what are expected of you. This module will emphasise self-directed learning and you will be required to work closely in teams with other students.

The module CLW 420 is presented by the department of Jurisprudence. The teaching philosophy of the department of Jurisprudence is aimed towards critical, creative and independent thought and we remind ourselves and our students to be aware of, and to address, the post-apartheid social context and the demands of poverty, sexual violence, unequal power relations and HIV/Aids in our teaching and research.

Members of the department are committed to the values of transformation, equality, dignity, freedom, democracy and transparency as entrenched in the Constitution, and the values of integrity, honesty and modesty. We want students to start examining law’s role in constructing, perpetuating and addressing forms of social exclusion and oppression based on race, sexuality, gender, class, nationality etc.

Furthermore, this course understands legal education as an exercise in developing the capacity to think and act as an active, thoughtful, democratically-minded and publically-oriented citizen.

**2 General**

**2.1 Contact information**

The Head of Department is

Prof Johann van der Westhuizen

Law Building 2-15

The lecturer in the course is:

Isolde de Villiers

isolde.devilliers@up.ac.za

The Departmental administrator is:

Mrs Sunét Slabbert

Law Building 2-11

012 420 3756

**2.2 Timetable**

The University’s timetable provides for two formal lectures per week. Some lectures will be presented by community members and in communities.

The agreed lecture time is 15:30 to 17:20 on Wednesdays.

**3 Study materials**

Andreas Philippopoulos-Mihalopoulos *Mapping the Lawscape: Spatial Law and the Body*

David Rosenberg *Rebel Footprints: A guide to Uncovering London’s Radical History*

Edgar Pieterse and AbdouMaliq Simone *Rogue Urbanisms*

Iris Marion Young *The Ideal of Community and the Politics of Difference.*

Other material will also be placed on clickUP.

**4 Module rules**

The Faculty’s yearbook is available on this module’s clickUP. Kindly peruse the yearbook for information regarding examination policy, test policy, plagiarism etc.

**5 Description of the module and core theme for 2018**

The main aim of the course is to explore the meaning of “law” and of “community” and the relationship(s) between them. In this module we decenter juricentric approaches in favour of more bottom-up approaches to law to explore how the law impacts on “community” and how the “community” impacts law. Methodologically, then, this course combines both the law and society approach and the general jurisprudence approach. In addition to decentering court-centric approaches, this course aims to take students out of the traditional pedagogy of the ‘ivory tower’ of academia towards what Paulo Freire calls “the pedagogy of the oppressed” achieved through dialectical conscientisation between students, community activists and cause lawyers. We aim to achieve this through a combination of two kinds of seminars: discussion seminars where we reflect on critical texts and theories; and seminars with community activists and other practitioners engaged, directly and indirectly, in using law to achieve radical transformation in various communities.

**The provocation for this semester is *rebel footprints in the city of Tshwane***

In light of increasing urbanisation across the world, continued spatial inequality on cities across South Africa and the University of Pretoria’s position in the city of Tshwane , this course will be animated by the following interrelated questions:

• What is community and how does this relate to the city?

• Role does (and did) the law play in the creation of South African cities?

• How can walking in the city create community and disrupt the law that shapes the urban?

• What role do social movements and other community organisations play in the quest for

Spatial justice in the city of Tshwane and other South African cities?

• Who belongs to the city and whom does the city belong to?

• What is Africa’s urban revolution and how can a notion of rogue urbanism and rebel footprints assist us in thinking about the city of Tshwane?

• What is the place of the University of Pretoria in the city of Tshwane?

Because of its practical nature, the course involves a large amount of independent work and initiative. Students are expected to independently identify, research and prepare material needed to offer workshops and lessons. Students are also expected to liaise with community groups that they wish to engage with.

**History**

This course used to be part of the Street Law programme. The roots of the course Street Law in South Africa lie in the mid-eighties. David McQuoid-Mason from the University of Kwa-Zulu Natal initiated the course amidst precarious political circumstances. The large-scale legitimacy crisis in South Africa had to be bridged through training, legal services, education and reform and the course was established at other Universities in South Africa. Streetlaw developed from the context of a state of emergency and it subsequently changed along with the shifts in South Africa’s history. Arguably, South Africa’s legitimacy crisis of is however continuing, as seen in rates of poverty, ‘war against women,’ institutionalised racism, corruption, stark inequalities and public and private sector corruption.

**Main goals**

There is often a disjuncture between the law and the community for which the law is created in the first place. This course is also an attempt to sensitise law students to the fact that laws are often violent towards those whom it is supposed to assist. During this course, students come into contact with stories of how the law failed members of the community. Students should learn from the community rather than imposing their knowledge of a legal system on the community. This awareness will hopefully bring about a deeper appreciation of the relationship between the law and the community and a different approach to law. The broader issues of this course are access to justice and participatory democracy.

**SECTION B: Semester calendar**

Week 1 (16 July): First meeting

Week 2 (23 July): Right to the city, Schubart Park

Week 3 (30 July): The city of God (Film)

Week 4 (6 August): **Dialectical Conscientisation – community seminar**

Week 5 (13 August): **Dialectical Conscientisation – community seminar**

Week 6 (20 August): **Dialectical Conscientisation – community seminar**

Week 7 (27 August): Walking in the city, city and community

Week 8 (3 September): **Dialectical Conscientisation – community seminar**

Week 9 (10 September): Community project plans

Week 10 (17 September): Community projects

Week 11 (24 September): Community projects

Week 12 (8 October): Community projects

Week 13 (15 October): Rogue urbanism, Rebel footprints

Week 14 (22 October): Consolidation and examination preparation

Week 15 (29 October): Submission of examination assignment

**Dialectical conscientisation – the community seminars will be presented by:**

1. **Ntombi Tshabalala (Right to know campaign, Schubart Park)**
2. **Louise du Plessis (Lawyers for Human Rights)**
3. **Residence Executive Committees**
4. **Tshwane Homelessness Forum**

**Other dates for group excursions:**

* **City walk**
* **Visit to State Theatre**
* **Visit to Freedom Park**

**SECTION C: Study component**

**6 Assessment**

**6.1 Semester mark**

2 x written assignments [30 each]

Portfolio with lesson plan/ involvement plan [20 for plan and 20 for presentation]

Total 100

**6.2 Examination**

The examination will consist of a take-home exam and needs to be submitted in the last week of lectures.

**Assignment 1 (30) Submit week 5**

Draw up a bibliography of a list of sources available in the Library on the city of Tshwane as well as a list of legislation that has shaped South Africa’s urban landscape. Include sources of art (films, novels, poems, drawings) that relate to the city of Tshwane. Briefly summarise and use these sources and the city of Tshwane urban space to prepare an Aesthetic contribution for the Law Faculty Festival entitled *Womxn in the city of Tshwane*. Submit at least 6 written pages and the aesthetic project.

**Assignment 2 (30) Submit week 10**

Attend each of the community conscientisation sessions. Make thorough notes of the presentation. Find references to the matters addressed and supplement your class notes with these. Submit at least 2 written pages on each of the sessions.

**ANNEXURE**

**PORTFOLIO PRESCRIBED FORMAT**

You are required to draw up a plan for your engagement/ community immersion.

Your plan should basically follow this structure:

**APPROPRIATE HEADING**

**BACKGROUND ON COMMUNITY AND MOTIVATION**

**(At least 1 page that describes the community and their needs as well as your motivation to be involved)**

**CONTACT PERSON & DATE:**

**I PURPOSE**

State what you want to achieve

**II OUTCOMES (AIMS AND OBJECTIVES)**

State what you want your audience to know or understand by the end of your immersion

By the end of this engagement, the audience should:…

**III SOURCES**

List the sources you consulted in order to prepare your involvement, e. g.

You have to summarise the sources and show how they will contribute.

**IV METHOD:**

Explain the nature of your engagement

**V MATERIALS**

Anything that you will use in your engagement. Avoid electronic equipment, slide shows etc. Be specific

**VI COMMUNITY FEEDBACK**

Compile a sheet on which the members can give you feedback after your engagement.