



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Law

Law and Transformation (AMR 410)

Law and Transformation

Module description

Law and Transformation 410 focuses on the notion of transformation and explores its theoretical content as well as practical implications. Students are expected to investigate and develop a transformative jurisprudence / a jurisprudence of transformation. Issues to be considered include: human rights and democracy; transitional justice, constitutional sovereignty in South Africa; the notion of transformative constitutionalism; critical engagements with transformation; instantiations of transformation, revolution and decolonisation.

Topics also include: critical legal history; race, gender and class; anti-colonialism and feminism; land. Students will be required to attend all seminars, as well as to read independently – preparing for seminars and completing the assessments in the course.

The course theme and readings change every year. The theme for 2017 was entitled “What does changing the world entail?: conquest, constitutionalism and the call(s) of liberation” and in 2018 the focus was on “Law, justice and political memory: on the past and future of constitutionalism and legal pedagogy”.

Approach

The course thus adopts an expanded conception of jurisprudence, which locates law at the intersections of culture, politics and the humanities. Law in such a conception is but one mode of discourse and social organization, which sits alongside other vocabularies and disciplinary formations which seek to understand and organize social life. As such, the course adopts a broadly critical approach to law, and in this instance, critique entails tracing the development of law and knowledge in terms of historical cracks and political traumas as opposed to a linear seamless progression. It entails as well a continual search for different and new ways of thinking about law and justice.

To this end, students will approach these theories with reference to the tensions between power and knowledge, theory and practice, critique and reconstruction. Inter-disciplinarity will therefore stand central to how the course is approached and how texts are read and issues debated. This course involves frequent discussion, reading and thinking/analysis. Students will be required to be able to grasp the concepts and theories covered and to also be able to link these in developing an original research problem and essay topic.

Seminars and assessment

This is a research-intensive course in line with the University's aim of developing the undergraduate research, writing and critical thinking skills of students and of ensuring a research-capable cohort of legal professionals and postgraduate students. This course is conducted by means of interactive double-period seminars. The main focus of the seminars is on unpacking the substantive content through discussion and engagement. This will require students to attend continually, prepare readings in advance and to participate actively.

For this course, students will be required to develop a research project based on theme and the content covered in the course. The chosen research project should culminate in the final examination essay.

The composition of the semester mark is normally as follows:

- Group seminar presentation and class participation (30%)
- Assignment (40%)
- Research proposal (30%).



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