



FESTIVAL WRITTING PROJECT

WHAT IS THE LAW: SHORT STORY

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S.M MATHIBELA 11245311

**What is the law?**

**In a short story: what does the law say?**

Meet Tandy, she is a 27 year old mother of two. Tandy was orphaned when she was only 4 years old when both her parents died in a shack fire in an informal settlement they called home. She was then raised by neighbours as there were no known living relatives. She was abused sexually and physically throughout her childhood. As a result of not having parents and known relatives Tandy could not get an identity document meaning her children do not have birth certificates.

One morning she arrives at the small Indian shop where she works as a cleaner only to hear the devastating news that the shop is closing down and her job there is over. A few months go by and she is evicted from the back room she had been renting due to non-payment of rent. Tandy cannot find a job because she does not have an identity document and her children cannot get grants because they too do not have birth certificates. She has been to the home affairs office a dozen times with no positive results, instead she has been sent from pillar to post. Tandy is trapped, no job and no place to live, leaves her and her children on the street.

Tandy goes to a homeless shelter only to be handed a pile of papers to fill in and still being sent from pillar to post. It's hard for Tandy, she is now begging on street lights.

One morning things are really bad for Tandy, she does not even have enough to buy a loaf of bread. She has never in her life broken the law but her children are hungry, so she walks into a super market and she steals a loaf of bread. When approaching the door, she is stopped by security officers who search her and call the police.

Tandy is arrested on the spot for shoplifting. On Friday she appears in court to face the charges. The judge finds Tandy guilty of theft and basis his judgement on legal positivism which answers the question about what law is and not what it ought to be. "Ms Buthelezi committed a crime and should be punished accordingly, I hereby sentence you to 12 months in prison.

**But:**

What does the law say about Tandy being raped throughout her childhood?

What does the law say about a South African citizen who cannot get an identity document?

What does the law say about people who cannot access basic services like grants?

What does the law say about people who cannot get jobs because they don't have identity documents?

What does the law say about the run around people get at home affairs departments when they are applying for identity documents?

What does the law say about the lack of housing?

What does the law say about the thousands of people living in the streets?

**The law had a lot to say in this case but what does it say about everyday issues that ordinary South Africans are faced with?**

**Who does the law represent?**

**The law is seen as representing only the rich because ordinary South Africans struggle to access the law. Is the law for everyone or for selected individuals who can afford it.**

**What does the law say about that?**