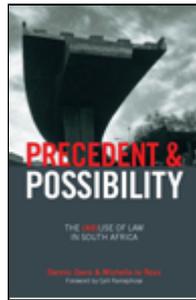


Precedent & Possibility: The (Ab)use of Law in South Africa

Posted on 28 July 2009



Second TuksLaw Book Club Discussion Session, 4 August 2009

Date: 4 August 2009

Time: 18:00

Venue: Moot Court

Book: Precedent & Possibility

Authors: Dennis Davis & Michelle le Roux (Guest speaker: Dennis Davis)

AUTHORS

Dennis Davis is a Judge of the High Court of South Africa, Judge-President of the Competition Appeal Court and a Judge of the Labour Appeal Court. He is also an Honorary Professor of Law at the University of Cape Town and presenter of the current affairs TV programme 'Judge for Yourself'.

Michelle le Roux is an Advocate of the High Court of South Africa and a member of the Johannesburg and New York Bars. A graduate of the law schools of the University of Cape Town and New York University, she practised in New York before returning to South Africa.

THE BOOK

The South African judiciary is verbally attacked almost every day. Some critics suggest that judges are being used to settle scores in party political disputes. Others proclaim that the judicial system is being abused by those in power or desperate to gain power. But on most days there is also news of court judgments that advance the aims of the Constitution, protecting the rights of the vulnerable and brave.

Precedent & Possibility tells a series of dramatic stories about some of the crucial court cases in South African history, both under apartheid and in our constitutional democracy, and goes some way to explain how our justice system has got to where it is today. These stories provide a precedent which helps us to make sense of present laws. They also reveal the possibility in future legal struggles and depict the thin and tenuous line between the use and abuse of law.

Not a day goes by in present South Africa when the role of law, the rule of law, the independence of the judiciary and the future of constitutional democracy are not debated. This book will take the reader into the heart of the legal system, an understanding of which is necessary when wrestling with these pressing questions.

Precedent & Possibility examines a series of key cases over the past 60 years, the judgments of which changed the political or social landscape of the country. The cases included in the book were to tell compelling and significant historical stories, as well as to illustrate the possibilities inherent in law and the potential for its abuse and use. All the cases were ones that had the country holding its collective breath before judgment was delivered.

Through the stories told, the reader will not only engage with critical aspects of South African history, but will be exposed to the manner in which the possibility of our new constitutional democracy is linked to the legal precedents, traditions and culture that were built up over the past century.

This is a book which will appeal to readers who enjoy law stories, the drama of the courtroom and the intrigue of legal strategy, as much as to those who engage with political and legal analysis of the nature and future of law in this country.

Source: <http://www.legalbrief.co.za/article.php?story=20081207150125457>

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