BIBLIOGRAPHY

A. Academic Articles, Books and Internet Sources

ABRAHAMS, Y “Colonialism, Dysfunction and Disjuncture: Sarah Baartman’s Resistance (Remix)” 2003 (58) Agenda 12

ACHEBE, C Things Fall Apart (1958) 1986 Heinemann Publishers

ACHEBE, C Anthills of the Savannah 1987 Heinemann Publishers

ACHEBE, C Home and Exile 2003 Canongate Books: Edinburgh


ANDERSON, H Conversations, Language and Possibilities 1996 Basic Books


ARISTOTLE Poetics Heath, M (trans.) Penguin Books


BATTLE, M Reconciliation: The Ubuntu Theology of Desmond Tutu 1997 Pilgrim Press: Cleveland, Ohio

BENDER, L “From Gender Difference to Feminist Solidarity: Using Carol Gilligan and an Ethic of Care in Law” 1990 Vermont Law Review 10-17


BERKOWITZ, R The Gift of Science: Liebniz and the Modern Legal Tradition 2005 Harvard University Press: Cambridge, Massachusetts

BERNS, S To Speak as a Judge: Difference, Voice and Power 1999 Ashgate Publishing: Dartmouth


BIKO, SB “Some African Cultural Concepts” in An Introduction to African Philosophy 1995 University of South Africa


BOTHÀ, H ““Legal Meaning and the Other: Beyond a Mythology of Negation” paper delivered at a University of South Africa Symposium on 8 June 1994


BOTHA, H and VAN DER WALT, JWG “Democracy and Rights in South Africa: Beyond a Constitutional Culture of Justification” 2000 (7) Constellations 341

BOYD WHITE, J Justice as Translation: An essay in Cultural and Legal Criticism 1990 University of Chicago Press: Chicago

BROODRYK, J Ubuntu in South Africa LLD Thesis 1997 University of South Africa

CALANA, Z Xhosa Proverbs 2002 Kwela Books: Cape Town

CAMERON, E Speech Delivered in Windhoek, Namibia during Human Rights Awareness Week 2001 (sourced from Sister NAMIBIA ©)


CAVARERO, A For More Than One Voice: Toward a Philosophy of Vocal Expression Kottmann, PA (trans.) 2005 Stanford University Press: Stanford, California


CHODOROW, N Femininities, Masculinities, Sexualities: Freud and Beyond 1994 University of Kentucky Press: Lexington


CLEMENT, G Care, Autonomy and Justice: Feminism and the Ethic of Care 1998 Westview Press: Boulder, Colorado


CORNELL, D Beyond Accommodation: Ethical Feminism, Deconstruction and the Law 1999 Rowman and Littlefield Publishers Inc: Lanham


CORNELL, D “Autonomy Re-imagined” 2003 (8:1) Journal for the Psychoanalysis of Culture and Society 144


CORNELL, D “Ethical Feminism and the Call of the Other (Woman)” an interview sourced at http://www.fhk.eur.nl/personal/zuidhof/Hilla_files/interview%20Cornell.doc


DAVIES, M Asking the Law Question: The Dissolution of Legal Theory 2002 Lawbook Co: Sydney


DAVIS, D Democracy and Deliberation: Transformation and the South African Legal Order 1999 Juta and Co Ltd: Lansdowne, South Africa


DERRIDA, J “Of an Apocalyptic Tone Recently Developed in Philosophy” 1982 SEMIA 94


DIAMANTIDES, M “Ethics in Law: Death Marks on a ‘Still Life’” 1995 Law and Critique 209

DLAMINI, CRM “The Role of Customary Law in Meeting Social Needs” 1991 Acta Juridica 71

DONNE, J “Meditation XVII: Devotions Upon Emergent Occasions” (1624) http://isu.indstate.edu/ilnprof/ENG451/ISLAND/text.html


DOUZINAS, C “Human Rights and Postmodern Utopia” 2000 Law and Critique 200


DREAMER, OM The Invitation 1999 Thorsons Publishers: London

DREAMER, OM The Dance 2001 Thorsons Publishers: London


DU PLESSIS, L “Legal and Constitutional Means Designed to Facilitate the Integration of Diverse Cultures in South Africa: A Provisional Assessment” 2002 (3) Stellenbosch Law Review 367

DU TOIT, L “Citizenship and Care in South Africa: A Materialist Feminist Case Against Liberalism” 2001 De Iure 459


DWORKIN, R “Hard cases” 1975 (88) Harvard Law Review 1057


FUKUYAMA, F The End of History and the Last Man 1992 Hamish Hamilton: London

GEAREY, A “Tell the Truth, But Tell it Slant’: A Poetics of Truth and Reconciliation” 2004 (31:1) Journal of Law and Society 38

GERGEN, KJ “The Postmodern Adventure” 1992 Networker 55

GILLIGAN, C. In a Different Voice: Psychological Theory and Women's Development 1982 Harvard University Press: Cambridge, Massachusetts


GILLIGAN, C and ATTANUCCI, J “Two Moral Orientations: Gender Differences and Similarities” 1988 (34:3) Merrill-Palmer Quarterly 223


GOODRICH, P Law in the Courts of Love 1996 Routledge: London


HIRSCH, E and OLSEN, GA “A Conversation with Sandra Harding” sourced at http://jac.gsu.eeu/starting%from%marginalized%lives:A%conversation%with%Sandra%Harding.htm


IRIGARAY, L “When Our Two Lips Speak Together” 1977 Signs 6

IRIGARAY, L This Sex Which Is Not One Porter, C and Burke, C (trans.) 1985 Cornell University Press: Ithaca and New York


JACKSON, BS *Law, Fact and Narrative* 1991 (Reprint) Deborah Charles Publications: Roby

JACKSON, BS *Making Sense of Law* 1995 Deborah Charles Publications: Liverpool, UK


JOHNSON, D, PETE, S and DU PLESSIS, M *Jurisprudence: A South African Perspective* 2001 Butterworths, South Africa


KROEZE, IJ “Doing Things with Values II: The Case of Ubuntu” 2002 (2) Stellenbosch Law Review 252


KROG, A Kleur Kom Nooit Alleen Nie 2000 Kwela Books: Cape Town

KROG, A Down to My Last Skin: Poems 2000 Random House: Johannesburg

KROG, A A Change of Tongue 2003 Random House: Johannesburg


KUZWAYO, E Call Me Woman 1985 David Philip: Johannesburg


LAWRENCE, DH Study of Thomas Hardy and Other Essays 1985 Cambridge University Press: New York


LINDSAY, R Rachael, Woman of the Night 2003 Kwela Books: Cape Town

LORDE, A *Sister Outsider* 1984 Crossing: Trumansburg


MACKINNON, K "Feminism, Marxism, Method and the State: An Agenda for Theory" 1982 (7) *Signs* 515

MACKINNON, K *Feminism Unmodified: Discourses on Life and Law* 1987 Harvard University Press: Cambridge, Massachusetts


MENKEL-MEADOW, C “Portia in a Different Voice: Speculations on a Woman’s Lawyering Process” 1985 (1) *Berkeley Women’s Law Journal* 39

MENKEL-MEADOW, C “Portia Redux: Another Look at Gender, Feminism and Legal Ethics” 1994 (2) *VA Journal of Social Policy & Law* 75

 MILLER, WI *The Anatomy of Disgust* 1997 Harvard University Press: Cambridge, Massachusetts


NARAYAN, U and HARDING, S (eds.) Decentering the Center: Philosophy for a Multicultural, Post-colonial and Feminist World (Hypatia Book) 2000 Indiana University Press: Bloomington

NKONYENI, T Senzani 2002 Covos day: Johannesburg


OLIVER, K Witnessing: Beyond Recognition 2001 University of Minnesota Press: Minneapolis


OLSEN, FE (ed.) Feminist Legal Theory 1994 Aldershot: Dartmouth


PEARSON, K “Libation for Sakia” 2003 (58) Agenda 27
PEPERZAK, AT, CRITCHLEY, S and BERNASCONI, R (eds.) *Emmanuel Levinas: Basic Philosophical Writings* 1996 Indiana University Press: Bloomington and Indianapolis


PIETERSE, M “Stereotypes, Sameness, Difference and Human Rights: Catch 22?” 2001 *Suid-Afrikaanse Publiekereg / South African Public Law* 93

PIETERSE, M “‘Traditional’ African Jurisprudence” in Roederer, CJ and Moellendorf, D (eds.) *Jurisprudence* 2004 Juta and Co Ltd: Lansdowne, South Africa 438

PIETERSE, M “What Do We Mean When We Talk About Transformative Constitutionalism?” 2005 (20) *Suid-Afrikaanse Publiekereg / South African Public Law* 155


PRATCHETT, T *Witches Abroad* 1991 Corgi Books

PRATCHETT, T *The Amazing Maurice and His Educated Rodents* 2001 Doubleday Press

PRATCHETT, T *The Free Wee Men* 2003 Doubleday Press


RICOEUR, P *Time and Narrative Vol. 3* 1988 Chicago University Press: Chicago

RICOEUR, P *Oneself as Another* 1992 Chicago University Press: Chicago

ROEDERER, CJ and MOELLENDORF, D (eds.) *Jurisprudence* 2004 Juta and Co Ltd: Lansdowne, South Africa

RONELL, A *Crack Wars: Literature, Addiction, Mania* 1992 University of Nebraska Press: Lincoln


SCHUTTE, A 1992 an unpublished paper in my possession

SCHUTTE, O “Cultural Alterity: Cross Cultural Communication and Feminist Theory in North-South Contexts” 1998 (13:2) *Hypatia (Border Crossing)* 53

SIM, S *Postmodern Encounters: Derrida and the End of History* 1999 Icon Books: United Kingdom

SINGER, P “The Player and the Cards: Nihilism and Legal Theory” 1984 *Yale Law Journal* 1


STEPHENSON, N *The Diamond Age* 1995 Penguin Books


TRENGROVE, W “Judicial Remedies for Violations of Socio-Economic Rights” 1999 (1) *Economic and Social Rights Law Review* 8

TRONTO, J “Care as the Basis for Radical Political Judgments” 1995 (10) *Hypatia* 141


TUTU, D No Future Without Forgiveness: A Personal Overview of South Africa’s Truth and Reconciliation Commission 1999 Rider and Co: London


VAN MARLE, K Towards an Ethical Interpretation of Equality LLD Thesis 2000 University of South Africa


VAN MARLE, K “Some Perspectives on Sex, Gender, Difference, and Equality” 2000 (15:2) Suid-Afrikaanse Publiekereg/ South African Public Law 461


VAN MARLE, K “In Support of a Revival of Utopian Thinking, the Imaginary Domain and Ethical Interpretation” 2002 Tydskrif van Suid-Afrikaanse Reg/Journal of South African Law 501


VAN MARLE, K “Gender Mainstreaming – An Ethical Feminist Consideration” 2005 an unpublished manuscript in my possession

VAN NIEKERK, GJ “Indigenous Law and Narrative: Rethinking Methodology” 1999 (XXXII) CILSA 208


VILLA-VINCENCIO, C and NIEHAUS, C (eds.) Many Cultures, One Nation: Festschrift for Beyers Naude 1995 Human and Rousseau: Cape Town

Wa MOGALE, D Prison Poems 1992 Ad. Donker Publisher

WEIL, S Gravity and Grace 1952 Routledge: London


WHITE. H The Content of Form, Narrative Discourse and Historical Representation 1987 The Johns Hopkins University Press: Baltimore and London


B. Table of Statutes

Black Administration Act 38 of 1927


Criminal Procedure Act 51 of 1977

Immorality Act 43 of 1957

Immorality Amendment Act 2 of 1988

Interim Constitution of the Republic of South Africa Act 200 of 1993

Insurance Act 27 of 1943

Intestate Succession Act 81 of 1987

Law of Evidence Amendment Act 45 of 1988

Magistrates' Court Act 32 of 1944

Maintenance of Surviving Spouses Act 27 of 1990


Promotion of Equality and Prevention of Unfair Discrimination Amendment Act 52 of 2002

Promotion of Unity and Reconciliation Act 34 of 1995

Rules Board for Courts of Law Act 107 of 1985

Social Assistance Act 59 of 1992

Sexual Offences Act 43 of 1957

Small Claims Court Act 61 of 1984

Supreme Court Act 59 of 1959
C. Table of Cases

AZAPO and Others v President of the Republic of South Africa 1996 4 SA 671 (CC)

Bhe and Others v Magistrate, Kayelitsha CCT 49/03; Shibi v Sithole and Others CCT 69/03; South African Human Rights Commission and Another v President of the Republic of South Africa CCT50/03

Brink v Kitshoff NO 1996 4 SA 197 (CC)

Christian Education South Africa v Minister of Education 1999 2 SA 83 (CC)

Carmichele v Minister of Safety and Security and Another 2001 1 SA 489 (SCA)

Carmichele v Minister of Safety and Security and Another CCT 48/00


Eldridge et al v Attorney General of British Colombia et al (1997) 151 DLR (4th) 577 (Supreme Court of Canada)

Fraser v Children’s Court, Pretoria North 1997 2 SA 261 (CC)

Government of the Republic of South Africa v Grootboom and Others 2000 (11) BCLR 1169 (CC)

Harksen v Lane NO 1998 1 SA 300 (CC)

Hoffman v South African Airways 2001 1 SA 1 (CC)

Jordan and Others v The State and Others TPD A227/99 and A296/97 (not reportable)

Jordan and Others v The State and Others 2002 11 BCLR 1117 (CC)

Khosa and Others v Minister of Social Development and Others CCT13/03

Minister of the Interior v Lokhat 1961 2 SA 587 (A)

Mthembu v Letsela 1997 2 SA 936 (T)

Mthembu v Letsela 1998 2 SA 675 (T)

Mthembu v Letsela 2000 3 SA 867 (SCA)

Muller v President of the Republic of Namibia 2000 (6) BCLR 655 (Nm)

National Coalition for Gay and Lesbian Equality v Minister of Justice 1999 1 SA 6 (CC); 1998 6 BCLR 726 (W)
NK v Minister of Safety and Security CCT 52/04

Osman v UK (2002) 29 EHR 245

Port Elizabeth Municipality v Various Occupiers CCT 53/03

President of the Republic of South Africa v Hugo 1997 4 SA 1 (CC)

Pretoria City Council v Walker 1998 2 SA 363 (CC)

Prinsloo v Van der Linde 1997 3 SA 1021 (CC)

Ryland v Edros 1997 1 BCLR 77 (C)

S v Chapman 1997 3 SA 341 (A)

S v Makwanyane 1995 3 SA 931 (C); 1995 6 BCLR 665 (CC); 1995 2 SACR 1 (CC)

Volks NO v Robinson and Others CCT 12/04