

# Human Rights, Legal Pluralism, Religion and Culture

## Masters course @ UCT Law

### The Course

Human Rights, Legal Pluralism, Religion and Culture is offered to law and non-law participants alike. An uncapped research- and seminar-based course, this course takes the approach of encouraging engagement with questions and issues that arise within the context of legal pluralism and human rights with specific reference to religion and culture.

In a country as diverse as South Africa, the course enables participants to explore (amongst other issues) the diversity of family forms from religious and cultural perspectives, and allows participants to investigate ways of incorporating religious and cultural family laws into secular legal frameworks, keeping in mind constitutional and human rights imperatives.

### The Focus

The course draws on legislation, case law and socio-legal studies where applicable, to examine how religious and customary laws drawn from among others (but not limited to) Islam, Hinduism, Judaism, Buddhism and African customary laws impact on various human rights including (but not limited to) the rights to freedom of religion, culture and equality. Apart from a study of the South African context, comparative perspectives are also offered including India, Europe, UK, Canada, and South East Asia to enhance understanding of the debates and application of multiple legal systems and their implications for human rights in the international arena.

### The LLM Programme

This course will work well with Masters courses offered by the Faculty's Public and Private law departments. Such courses include, for example, *International Protection of Human Rights* and courses offered in the Master's programme on Private Law and Human Rights.

### The Students

*Human Rights, Legal Pluralism, Religion and Culture* will be of interest to those interested in exploring how to incorporate diverse religious and cultural family laws into secular legal frameworks, and to understand the implications for human rights.

### The Experts

The lecturer, Associate Professor Waheeda Amien, is a C2 NRF-rated Researcher. One of the few experts in South Africa on religious and cultural family laws, Prof Amien has a PhD in Muslim Family Law and Human Rights and specialises in Legal Pluralism, Family Law and Human Rights with special emphasis on Religion, Culture and Women's Rights, particularly in relation to Muslim Family Law. She publishes widely in her area of specialisation and teaches in her area of specialisation (amongst other areas) at UCT and at universities across the world.



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Prof Amien is an Attorney of the High Court of South Africa and ran a family law practice in the public interest arena for a few years before joining the academy. For the last two decades, Waheeda has been involved in advocacy processes for the recognition and regulation of religious marriages, especially Muslim marriages in South Africa. She is a Member of the South African Law Reform Commission Advisory Committee Project 100 on the *Review of Aspects of Matrimonial Property Law*, and is also a member of the Executive Body of the *International Commission on Legal Pluralism* and the Steering Committee of the *International Network of Scholars Researching Unofficial Marriages*.

In addition to Prof Amien's lectures, guest lecturers from other institutions in South Africa and abroad who are experts in religious and cultural family laws will also offer their unique perspectives on the accommodation of diversity in family and other areas of law.

### **The Course Value**

This course will serve participants well in practice, especially family law. In addition to offering a theoretical understanding of the course topic, participants have the opportunity through the course to develop their critical thinking, research, writing and presentation skills. If students want to continue with their academic studies, it will prepare them well for further postgraduate studies including a PhD.

Among the guest lecturers who are experts in religion and culture, in South Africa and abroad, Prof Ben Schonthal from the University of Otago in New Zealand will provide a lecture (2021) on Buddhism in South East Asia.

### **Related Resources**

The Faculty's dedicated Law Library has copies of the course's prescribed e-book on the *Introduction to Legal Pluralism in South Africa*. All other reading material (prescribed and recommended) is provided by the lecturer and made available on the course website.

### **Information on course application and registration**

This course is offered through UCT's School for Advanced Legal Studies.

[www.sals.uct.ac.za](http://www.sals.uct.ac.za) | Clare Richfield [clare.richfield@uct.ac.za](mailto:clare.richfield@uct.ac.za)

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