Law 602-3  
Legal Globalization and Comparative Law:  
Botswana and South Africa  

Course Memorandum  
Fall 2017  

Professors Mark Schultz & Chris Behan  
M, 4:30-6:10 (Room 204)  
Onsite Portion of Course: 27 December 2017-13 January 2018

1. Course Overview and Objectives

In this course, you will learn the fascinating histories of South Africa and Botswana and their important role in the modern global political and economic system, meet their dynamic people, and experience their unforgettable natural beauty and wildlife. Most of the news that the average American hears from Africa is terribly imbalanced, overlooking its great success stories and emerging bright future. The continent is home to an increasing number of democratic and economic success stories, a huge rising middle class, rapidly increasing amounts of foreign investment, and stands poised to become an economic powerhouse.

South Africa and Botswana are two countries that embody the good news from Africa. They have overcome great historical challenges, largely through the rule of law. They are thus perfect topics of study for law students.

Botswana is one of the world’s great development success stories. When it became independent from Britain in the late 1960s, it was a pastoral society with a largely cattle-based economy and just one-half mile of paved road. Today, it is a modern, educated, rapidly growing, middle-income country. It managed this transition through an unbroken record of peace and stability, fair and free democratic elections, extremely low corruption, and remarkably wise stewardship of natural resources (particularly diamond wealth and wildlife). However, it has also faced tremendous challenges, including one of the world’s highest HIV infection rates. Botswana offers numerous lessons for confronting and managing modern problems.

Twenty years ago, South Africa experienced a non-violent revolution as it emerged from the racial oppression of the Apartheid system to become a vibrant, multi-racial democracy. Its constitution is heralded as a model for modern constitutions. Its remarkable Truth and Reconciliation process facilitated a peaceful transition, allowing it to pardon and move past the seemingly unforgiveable and unforgettable. Since then, South Africa has emerged as a leading nation and economy. It still faces great challenges, but today’s Rainbow Nation enjoys peace and economic success that only a few imagined and dreamed of thirty years ago.

You’ll spend the fall semester learning about the history, culture, legal systems, economic development, and natural resource management of these remarkable countries. As part of this course, you will learn about the legal systems, read about their histories, and watch relevant films. Each student will be responsible for presenting on a relevant topic.

During Winter Break 2017, the class will travel to South Africa and Botswana (Departure: December 27; Arrive back in U.S.: Sunday January 14, 2018). As of the writing of this course memorandum, we are still working out final itinerary details, but we are planning to spend time in Cape Town, Kruger National Park, Johannesburg, and Gaborone, Botswana.
2. Class Meetings

The class meets every Monday from 4:30-6:15 in Room 204, starting on Monday, August 28. The law school is not holding classes on Monday, August 21, because of Eclipse Day. In addition, there is no class on Monday, September 4, because of Labor Day. We will not make these classes up. Instead, we expect you to use the time you would otherwise have spent preparing for and attending class on the paper and presentation assignments later in the semester.

We expect you to be prepared, present, and engaged in class. The usual law school expectations apply, but in particular, we ask that you show consideration for the guest speakers and fellow students presenting. That consideration consists of being well prepared, paying attention, and contributing questions and discussion. Guest speakers are doing extra work and giving their time to benefit you. The golden rule applies to your fellow students as presenters – provide them the courtesy and attention you hope to receive.

3. Course Materials

There are no assigned texts for the course. Reading assignments will be posted to the course TWEN page.

4. Contact Information

Professor Schultz’s office is Room 222. His email address is mschultz@siu.edu. His mobile phone is 618-713-7056 (text preferred – please identify yourself).

Professor Behan’s office is Room 136. His email address is cbehan@siu.edu. His mobile phone is 618-521-1849 (text preferred—please identify yourself).

5. Attendance and Other Classroom Policies

Pursuant to School of Law and ABA rules, attendance is required. This is a 3-credit course that meets once a week. You may miss one class without having to obtain permission. For good cause shown, you may obtain advance permission to miss a second class. If you miss class on a day that you are scheduled to give a presentation, you will fail the assignment—unless there was an absolute and unavoidable emergency that caused you to miss.

Please be prepared for all class sessions and lectures by reading, in advance, any assigned materials, thinking about them, and developing well-considered questions that will aid the classroom discussion. Show respect to guest speakers by paying attention in class and remaining engaged. This policy also applies to the lectures and presentations in Botswana and South Africa.

You are welcome to use laptop computers in the classroom for appropriate purposes, which include taking notes and assisting in the classroom discussion.

6. Assessment

This course is graded, as follows:

- 4000-word paper on assigned topic, as per assignment memo on TWEN: 45% of final grade
- Presentation on paper topic, as per assignment memo on TWEN: 15%
- 1000-word paper addendum following in-country visit, as per assignment memo on TWEN: 15%
• In-class MPT assignment: 5%
• In-class participation: 5%
• Trip timeliness, participation, and demeanor (you will receive an expectations memo and briefing before we travel): 15%


Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on the BERT’s website at www.bert.siu.edu, Department of Public Safety’s website www.dps.siu.edu (disaster drop down) and in the Emergency Response Guidelines pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The BERT will provide assistance to your instructor in evacuating the building or sheltering within the facility.

8. Students with Disabilities

The law school’s policies and procedures regarding students with disabilities may be found on line at http://www.law.siu.edu/. Students with disabilities requiring reasonable accommodations should contact the Registrar’s office.

9. Recording Policy

The class will not be recorded.

10. Semester Schedule

Please ensure that you check the TWEN page for supplemental reading assignments and preparation materials prior to each class. Schedule is subject to change.

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<th>Week</th>
<th>Date</th>
<th>Topic/ Responsible Professor</th>
<th>Assignment</th>
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<tbody>
<tr>
<td>1</td>
<td>21 Aug</td>
<td>• No class. Eclipse Day</td>
<td>• Using proper eyewear, watch the eclipse</td>
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| 2    | 28 Aug| • Course & Country and Culture Introduction  
• Travel Policies and Tips  
• Schultz & Behan         | • No advance assignment                      |
| 3    | 4 Sep | • Labor Day/No Class        | • Paper topic assignments posted on TWEN           |
| 4    | 11 Sep| • Researching African law  
• Professor Doug Lind    | • Bring laptop and be prepared to participate in research exercises in-class. |
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| 5    | 18 Sep | • South Africa History, Part One: Through Boer War  
• Schultz | • See TWEN  
• Paper topic assignment and selection due (see TWEN) |
| 6    | 25 Sep | • South Africa History, Part Two  
• Behan | • See TWEN |
| 7    | 2 Oct  | • SA History Part Three  
• Discussion of “A Dry White Season”  
• Behan | • Movie is on reserve at the Law Library or can be rented on YouTube for $2.99. [https://www.youtube.com/watch?v=dbs4JjRQpp4](https://www.youtube.com/watch?v=dbs4JjRQpp4).  
• Assignment memorandum on TWEN (assignment is ungraded).  
• Ensure you reserve enough time to completely watch the movie and fulfill the assignment prior to class. |
| 8    | 9 Oct  | • Botswana History  
• Schultz | • See TWEN |
| 9    | 16 Oct | • Comparative Law Guest Lecture: Professor Pardieck | • See TWEN |
| 10   | 23 Oct | Guest Lecture: Constitutional Law Issues in Botswana: Tshepiso Ndzinge-Makhamisa | • See TWEN  
• **First Draft of Paper Due via Dropbox on TWEN by Sunday, 22 October, at 11:59 pm.** (see assignment memo for more details). |
| 11   | 30 Oct | • Paper Presentations | • |
| 12   | 6 Nov  | • Paper Presentations | • |
| 13   | 13 Nov | • Paper Presentations | • |
|      |        | **Thanksgiving Break 18-26 November** | |
| 14   | 27 Nov | • In-Class MPT Exercise. Graded. | • See TWEN  
• Final Paper Draft Due Friday 1 Dec at 11:59 pm |