

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

**Course Memorandum**  
**Fall 2014**

Professors Mark Schultz & Chris Behan  
T, 2:30-3:45, (Room 103)  
Onsite Portion of Course: January 1-14

**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 2015, the class will travel to Botswana and South Africa (Departure: Thursday, January 1st; Arrive back in U.S.: Wednesday January 14, 2015). Much of the trip will be spent in Gaborone, the capital of Botswana, with the remainder of the time divided between a day in Johannesburg, the capital of South Africa, and a three-night safari in South Africa's Kruger National Park

as well as other significant cultural, environmental and sites and experiences. As of the writing of this course memorandum, we are still working on the final itinerary.

## **2. Class Meetings.**

The class meets every Tuesday from 2:30-3:45 in Room 103. There will be no class on Tuesday, November 11 because of Veterans Day. There will be a make-up assignment for this class.

## **3. Course Materials.**

There are no assigned texts for the course. Students will be assigned to do a presentation on a book of their choice from a reading list that we provide (Professor Schultz has already emailed an extensive reading list to the class) and can either purchase the book or check it out from Morris Library or a local public library. Other course materials, such as articles in preparation for guest lectures, will be provided via the course TWEN page at no charge to students.

## **4. Contact Information.**

Professor Schultz's office is Room 222. His email address is [mschultz@siu.edu](mailto:mschultz@siu.edu). His office phone is 618-453-8750.

Professor Behan's office is Room 136. His email address is [cbehan@siu.edu](mailto:cbehan@siu.edu). His office phone is 618-453-8722.

## **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.

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

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

## **6. Assessment.**

This course is graded S/U. In order to receive an S in the class, you must:

- Comply with the course attendance policy as explained above.
- Complete all assigned readings, papers, and presentations in accordance with written instructions and to the satisfaction of the professors
- Fully participate in all events and the program of instruction in Botswana and South Africa
- Complete reflective learning projects (blog entries) for the course in accordance with written

instructions

## 7. Emergency Procedures.

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](http://www.bert.siu.edu), Department of Public Safety's website [www.dps.siu.edu](http://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 online at <http://www.law.siu.edu/>. Students with disabilities requiring reasonable accommodations should contact the Registrar's office.

## 9. Recording Policy

The Tuesday sessions of the class will not be recorded.

## 10. Semester Schedule

Week	Date	Topic/ Responsible Professor	Assignment
1	19 Aug	<ul style="list-style-type: none"><li>• Course &amp; Country and Culture Introduction</li><li>• Schultz &amp; Behan</li></ul>	<ul style="list-style-type: none"><li>• No advance assignment</li></ul>
2	26 Aug	<ul style="list-style-type: none"><li>• South Africa History, Part One: Through Boer War</li></ul>	<ul style="list-style-type: none"><li>• See TWEN</li></ul>
3	2 Sep	<ul style="list-style-type: none"><li>• South Africa History, Part Two</li></ul>	<ul style="list-style-type: none"><li>• See TWEN</li></ul>
4	9 Sep	<ul style="list-style-type: none"><li>• Botswana History</li></ul>	<ul style="list-style-type: none"><li>• See TWEN</li></ul>
5	16 Sep	<ul style="list-style-type: none"><li>• Comparative Law</li></ul>	<ul style="list-style-type: none"><li>• See TWEN</li></ul>
6	23 Sep	<ul style="list-style-type: none"><li>• Legal Systems of Botswana and South Africa Overview</li></ul>	<ul style="list-style-type: none"><li>• See TWEN</li></ul>
7	30 Sep	<ul style="list-style-type: none"><li>• Travel Tips Presentations</li></ul>	<ul style="list-style-type: none"><li>• Assignment memo on TWEN</li><li>• Students prepare travel tip presentation and create handout for class</li></ul>
8	7 Oct	<ul style="list-style-type: none"><li>• Environmental Law Issues</li><li>• Professor McCubbin</li></ul>	<ul style="list-style-type: none"><li>• See TWEN</li></ul>
9	14 Oct	<ul style="list-style-type: none"><li>• Public Health and the AIDS Crisis</li></ul>	<ul style="list-style-type: none"><li>• See TWEN</li></ul>

<b>Week</b>	<b>Date</b>	<b>Topic/ Responsible Professor</b>	<b>Assignment</b>
		<ul style="list-style-type: none"> <li>• Professor Brobst</li> </ul>	
<b>10</b>	<b>21 Oct</b>	<ul style="list-style-type: none"> <li>• Human Rights Issues in Botswana and South Africa</li> <li>• Guest Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See TWEN</li> </ul>
<b>11</b>	<b>28 Oct</b>	<ul style="list-style-type: none"> <li>• Women and the Law in Botswana and South Africa</li> <li>• Guest Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See TWEN</li> </ul>
<b>12</b>	<b>4 Nov</b>	<ul style="list-style-type: none"> <li>• Popular Culture and Intellectual Property in South Africa and Botswana</li> <li>• Schultz</li> </ul>	<ul style="list-style-type: none"> <li>• See TWEN</li> </ul>
<b>13</b>	<b>11 Nov</b>	<b>No class. Veterans' Day. Out of Class Assignment: Finish Book and Prepare Book Report Presentation</b>	
<b>14</b>	<b>18 Nov</b>	Book Report Presentations	<ul style="list-style-type: none"> <li>• Assignment Memo on TWEN</li> <li>• Student groups read book, prepare and give presentation to class</li> </ul>