



For My Father, *Ephraim Woolman*
Who Understood the True Meaning of *Selfless*

Acknowledgements

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Umuntu ngumuntu ngabantu.



Citations

Acknowledgements and citations are a matter of distributive justice, the currency in which we pay our intellectual debts. The payment is important; indeed, there is a saying in the Talmud that when a scholar acknowledges all his sources, he brings the day of redemption a little closer. But it isn't easy to make that full acknowledgement; we are probably unaware of, or unable to recognize, many of our deepest debts.

Michael Walzer

This book contains different forms of recognition:

- Bibliography: Books, Articles, Book Chapters and Government Reports
- Table of Cases, International Covenants and Legislation
- Subject Matter Index
- Endnotes (where substantive, extended and engaging encounters with other authors most often occur)

Even this attempt to acknowledge all the sources that made this work possible will fall far short of the mark. More importantly, these citations – and the commentary upon them – cannot capture almost twenty years of engagement with scholars, judges and practitioners in South Africa. Professor Jonathan Klaaren once called me an oralist – meaning that I learned as much from what others had to say as I did from the books, articles or cases to which I otherwise applied my mind. Professor Klaaren's tongue-in-cheek characterization does, however, have a particular bearing on what does and does not appear in these pages. This book cannot possibly take cognizance of the innumerable conversations that have shaped my understanding of our country's law and the lived experience of its denizens. To my friends and fellow scholars whose wise words are not reflected in the various citations found in this work, I offer both my thanks and an apology. You have made me who I am, and this monograph would not have been possible without your work, and more often than not, the observations and the apercu that tripped from your lips. This book is because you are (like it or not).