

# CRITICAL PRAISE FOR STU WOOLMAN'S BOOKS

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## *The Selfless Constitution: Experimentalism & Flourishing as Foundations of South Africa's Basic Law*

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'Stu Woolman is one of the leading constitutional law scholars in South Africa for a reason. His *Selfless Constitution* -- a philosophical *tour de force* -- bestows upon us an utterly original way to think about constitutional jurisprudence in South Africa. In so doing, the book underwrites a host of novel and imaginative contributions to contemporary currents in interdisciplinary legal thought, sociology of law, philosophy, and political theory.'

**Drucilla Cornell, Professor of Law and Philosophy, Rutgers University and Birkbeck College, University of London**

'Professor Woolman makes an unduly modest assertion when, near end of this remarkable book, he writes that his object has been to encourage its readers 'to reconsider previously held practices'. He sells himself short. The book certainly does encourage the reader to attempt such a reconsideration. But it does much more. Its analysis of the modes of thought now current in South African constitutional practice cuts to the quick; but he does not stop there - he does not rest merely on a mordant exposure of fallacies. He puts up a formidable case not only for the need to rethink matters constitutional, but, also, proffers a basis for curing its misconceptions. That cure, he shows persuasively, lies in the adoption of doctrines that are in accord with modern thought and scientific discoveries, at the same time as they address pressing problems and offer means for their solution well within our horizon. While writing with verve and panache, Woolman manages to advance a truly unique view of South African constitutional jurisprudence that remains universal in both its foundation and application. The ability to connect what we know about ourselves and the human condition, philosophically and empirically, with South Africa's early engagement with constitutional democracy, places this work in a league of its own. The scope is breath-taking, the work a treat. The reader is provoked by its many challenges, and rewarded by its still greater accomplishments.'

**David Zeffertt, Professor Emeritus, University of the Witwatersrand**

'Stu Woolman has penned a *tour de force* in interdisciplinary legal thought. Drawing on insights from the neuroscience evidence on consciousness through recent empirical contributions to social theory to his encyclopaedic knowledge of the constitutional issues raised during the last 20 years, Woolman builds a formidable theory of experimentalism and flourishing keyed to local conditions -- namely the post-apartheid's normative commitments to dignity, equality and liberty. The result is a provocative account of what the Constitutional Court has and hasn't done, and thus a call for the Court (and South Africa as a whole) to do even more. The book is an invitation to reflect, to dispute, and to contribute to the creation of a body of law that should be, as he passionately urges, open, participatory and humane.

**Stephen Ellmann, Professor, New York Law School**

*The Selfless Constitution* delivers something exceptionally rare in South African legal literature: an intellectually ambitious book that fuses insights from fields outside the law with a thorough and imaginative engagement with legal precedent. Woolman invites his readers to revisit ancient philosophical debates, while pondering modern scientific and sociological breakthroughs that offer insights on the true meaning of freedom. He explains why freedom ought to be re-conceptualized as flourishing, and how flourishing should inform how we structure our constitutional democracy. Woolman's multidisciplinary approach and novel use of experimentalism in the South African context challenges, enhances and reshapes our traditional understandings of constitutional doctrine and paves a new path for legal and democratic theory. In doing so, Woolman makes a significant contribution to the burgeoning discipline of comparative constitutionalism and the still nascent fields of experimental governance, the capabilities approach and development theory.

**Michael Bishop, University of Cape Town**

## ***Constitutional Law of South Africa, 2<sup>nd</sup> Edition***

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'A truly remarkable accomplishment. Combining doctrine and theory, and informing both with comparative insight, Woolman and Bishop's work stands in the *first rank* of constitutional treatises worldwide. No one who wishes to understand South African constitutionalism can do without it.'

**Sujit Choudhry, Cecelia Goetz Professor of Law; Faculty Director, *Constitutional Transitions*; New York University School of Law**

'*Constitutional Law of South Africa* is an indispensable companion to the text, history, theory and judicial interpretation of the Constitution of South Africa. In remarkable depth and detail, this five volume opus explains how the workings of this modern constitution reflect both the lessons learned during two centuries of global experimentation with constitutional democracy and the specific gloss South African unique history has placed on the provisions of its basic law.'

**Michael Dorf, Professor, Cornell University School of Law**

'*Constitutional Law of South Africa* is far more than an invaluable reference work on the law of this distinctive constitutional system. Comprehensive, critical, comparative and current, it is required reading for scholars and practitioners around the world with any interest in South African constitutional law.'

**Cheryl Saunders, Professor, University of Melbourne Faculty of Law**

Woolman and Bishop have created a remarkably comprehensive work by an outstanding panel of contributors. This treatise represents an optimum blend between a penetrating analysis of doctrine and the practical application of that doctrine into real life contexts. This treatise is indispensable, not only to South African constitutional lawyers and jurists, but to everyone engaged in the practice of law.

**Michael Katz, Chairman, Edward Nathan & Sonnenbergs**

This commentary is simply indispensable for all legal academics, any legal practitioner, and every court, and all those individuals whose work in some way involves interpretation and application of the Constitution.

**Andre Van Der Walt, Professor, Faculty of Law, Stellenbosch University**

## ***The Constitution in the Classroom: Law & Education in South Africa, 1994 – 2008***

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Until now, too little attention has been paid to education law. Stu Woolman and Brahm Fleisch set that right here. They offer a compelling analysis of a body of law that should enable, but often hinders, the transformation of our schools. And they do while tackling the system's most difficult legal challenges. More importantly, the book takes at its word and offers thoughtful proposals for realizing the right to education.

**Christina Murray, Professor, Faculty of Law, University of Cape Town; Fellow, Centre for Human Values, Princeton University**

*The Constitution in the Classroom* constitutes a major contribution to the study of education law in South Africa. The outcome of a long-standing partnership between Woolman and Fleisch -- both accomplished scholars in their respective fields of constitutional law and education policy -- the book employs systematic and rigorous analysis of statute and case law, read against the extant literature, to reach insightful, if at times, challenging conclusions on a range of controversial issues: the democratic nature of school governance, single medium public schools, the adequacy (from a constitutional standpoint) of our education system, school fees, school choice and the justification for 'discriminatory' admissions policies.

**Mary Metcalfe, Professor, School of Education, University of the Witwatersrand**

Education law is a fast developing branch of the law. *Constitution in the Classroom* ... makes a notable contribution to this field, not because it endeavors to cover the applicable legal rules in comprehensive textbook-like, . . . but because it discusses, in depth, several serious issues in this field. ... [T]he text ... contributes to the development of legal theory, specifically in the field of education law, [and] ... is written in an engaging, even provocative and sometimes sweeping, style which forces the reader to reflect.

**RassieMahlerbe, Professor, Faculty of Law, University of Johannesburg**

*The Constitution in the Classroom* . . . is an impressive scholarly work that, in my view, will stand as the leading analytic text on law and education in South Africa since the advent of democracy. . . . It is . . . thought provoking . . . well written . . . exhibits an impressive degree of legal, educational, sociological and historical research. . . and makes an original contribution to the development of South African legal theory.

**Matthew Chaskalson, Advocate, Johannesburg Bar**

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# ***The Business of Sustainable Development in Africa: Human Rights, Partnerships & Alternative Business Models***

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At last! A book focused on the vital subject of corporate citizenship and partnerships in Africa. Written by a diverse group of scholars and practitioners, the book achieves an excellent balance of theory and practice, and offers insightful African perspectives within a broader global context. The authors have drawn valuable lessons from both large companies and social enterprises, and from internal management challenges and more systemic collaborative efforts. This deserves a prominent place on the bookshelf of anyone who is interested in business, in international development, or in Africa.

***Jane Nelson, Director, Corporate Social Responsibility Initiative, John FKennedy School of Government, Harvard University***

In today's globalised economy, strategies pursued by business leaders have profound effects on people and the environment. In countries with severe poverty and under-resourced regulatory and governance frameworks, navigating between the bottom line and the needs of affected communities can pose serious dilemmas. This book argues that a strategic, values-based approach, coupled with a willingness to innovate and collaborate, can assist companies in grappling with such challenges, and may even turn such challenges into new opportunities. The overarching themes of human rights, cross-sector partnerships and alternative business models are described along with diverse case studies drawn mostly from sub-Saharan Africa. The lessons of the case studies and critical essays provide insights rarely seen in the literature on business and sustainable development. Coming from the Global South, these lessons have broader significance for the global debate on private sector development and they transcend much of the current, sometimes over-simplified commentary associated with the field.

***David Wheeler, Dean, School of Management, Dalhousie University***

This book opens a crucial debate on the contribution and commitment of the private sector to development in Africa. Sustainable development cannot be achieved through government action alone and the private sector has an important role to play. The book succeeds in unpacking what this means for companies in diverse African contexts. It highlights the tensions between business activities and the development agenda, as well as the need to understand the role of companies beyond the traditional emphasis on philanthropy. This book will inspire decision makers in business, government and civil society in their quest to maximize the private sector's contribution to development in Africa.

***Michelle NdiayeNtab, CEO, African Institute of Corporate Citizenship (AICC)***

The UN Global Compact's ten principles are meant to trigger and guide responsible behaviour at the level of the individual company, as well as collective action between companies. In this way, the private sector – in partnership with other social actors – works towards a more sustainable and inclusive global economy. . . . It is my hope that this publication will help managers around the world . . . shape their decision-making processes in a more responsible and sustainable manner.

***Ellen Kallinowsky, Director, Global Compact Regional Learning Forum, GTZ Centre for Cooperation with the Private Sector/Public-Private Partnerships***