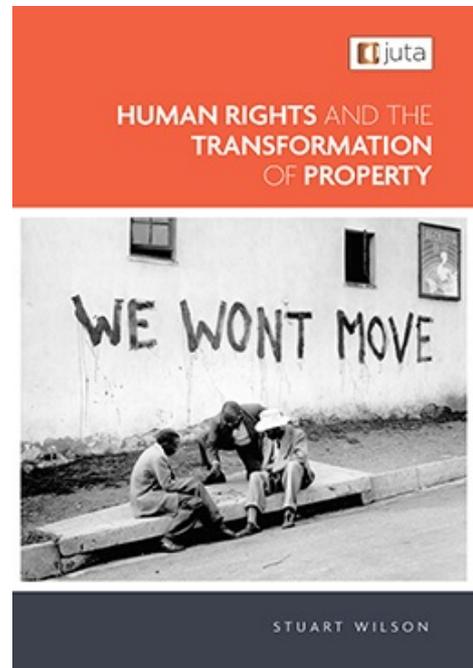


Human Rights and The Transformation of Property (Print)

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About this Publication:

In *Human Rights and The Transformation of Property*, leading human rights lawyer Stuart Wilson develops a novel theory of how law leads to social change and what the prospects are for South Africa's Constitution to shape a more just distribution of property. Wilson questions long-held beliefs about the nature of land reform and the appropriateness of the concept of ownership as a way of organising access to land and property in South Africa.

The book gives an overview of key aspects of constitutional and common law property rights – including the rights of ownership, possession and eviction; the rights associated with leases and mortgages; the National Credit Act; and the PIE Act – and discusses how they interact. It shows how recent developments in the law of eviction, rental housing, mortgage and consumer credit have opened up new spaces in which unlawful occupiers, tenants and debtors are challenging the power of landlords and financial institutions to dispossess them. By triggering a radical restructuring of property law, Wilson argues, the Constitution may yet keep the promise of a South Africa that belongs to all who live in it.

Human Rights and The Transformation of Property offers the most up-to-date critical account of recent developments in residential lease law, mortgage bond law and eviction law, and provides a policy rationale for these developments. It will be a valuable teaching text for law students and a reference guide for law and humanities academics, legal practitioners, NGOs and activists.

Reviews:

'Stuart Wilson's powerful message is never to stop imagining ways in which society could be fairer, better and more equal.'

Tembeka Ngcukaitobi SC

Author of *The Land is Ours: Black Lawyers and the Birth of Constitutionalism in South Africa*

'This book breaks new ground in its brilliant exposition of the dynamics of law and social change examined through the prism of the struggles of landless and homeless people to assert their rights to secure and dignified living conditions as enshrined in the South African Constitution. Wilson demonstrates how these struggles have disrupted traditional conceptions of property rights, opening new spaces through which to pursue the transformation of South Africa's skewed landscape of poverty and inequality. This book makes a vital contribution to the literature on property law, socio-economic rights, and law and social change, not only in South Africa but globally.'

Prof Sandra Liebenberg

HF Oppenheimer Chair of Human Rights Law and Distinguished Professor
University of Stellenbosch

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CHAPTER 1: Making Space for Transformation
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Of Interest and Benefit to:

- Law students
- Law and humanities academics
- Legal practitioners
- NGOs
- Activists