Dear students,

Welcome to Advanced Indigenous Law studies. Your study material is undergoing revision in order to bring it up-to-date in line with current academic discourses and practice. Consequently, your Study Guide LCP405M which was issued together with your study material has become obsolete, and has been replaced by Tutorial Letter 102/2/2018. Please ignore any references to Study Guide LCP405M.

Tutorial Letter 102/2/2018 is your only STUDY GUIDE for Semester 2 of 2018 which you are going to use for all your studies including preparations for your assessments (both assignments and examinations). It has been posted on MyUnisa where you can access it immediately, and you will soon receive hard copies as well.


Please pay attention to this important study material for Semester 2 of 2018. You will notice that Tutorial Letter 102/2/2018 is a DRAFT STUDY GUIDE that will soon be completed for use from this semester going forward.

Please pay attention to the Activities and Feedbacks; and do your best in completing the Self-assessments that are provided at the end of the study units. These exercises are intended to provoke your own thoughts so that you can raise your own questions; and attempt to answer them.


Some of you are complaining that that 5 pages is too short for the second assignment. This not so. For names of the parties just cite them as in the question only. Do not list all the respondents as some students tend to do. Give only the legal question to be answered by the court, not the facts. Then give the reason for judgment (ratio
decidendi) and the decision. All these can be done in a paragraph or two per case. But must be done carefully and thoroughly. Eg, Motsoatsoa v Roro All SA 324 (GSJ) –

Legal question: Whether the handing over the bride is an essential requirement for a valid customary marriage?

Reasons for judgment: The law does not allow the bride to hand herself over, but must be handed over by her family.

Decision of the court: The customary marriage is invalid for lack of a proper handing over of the bride.

Where are the facts? Read the question in the assignment. Nobody asked you to give facts!!!

Please note: The limit of the length is not cast in stone. If you are struggling to keep to the limit, you can exceed the limit as long as your conscience tells you that you have gone over the boundary. This means that you will not add more than one more page. Beyond that is penalty!!!

Your lecturers