

Editorial:

In this extraordinarily voluminous edition we offer 2 orationes, 8 articles and 3 notes.

Oratio

- The first oratio is by Josef GA Krger, QC. Partner in Borden Ladner Gervais LLP, Calgary, Canada, who spoke in August 2010 in Potchefstroom, giving an expert exposition of the Canadian law on the restructuring of insolvent corporations in Canada.
- The second oratio is by Werner Menski of the School of Law, University of London, speaking in June this year at the University of London in a Religare Conference. Showing his distaste for fuzzy law, he argues that "moderate secularism" is not merely another fuzzy concept, but it is "super-fuzzy", and that lawyers claiming to love certainty "have a tendency to sit in judgment over matters and even pre-judge things they know little about, including legal pluralism" leading to much irritation.

Articles

- Phoebe Bolton of the University of Stellenbosch argues that internal appeal and dispute resolution processes do not afford unsuccessful bidders adequate protection in South Africa's municipal tender processes.
- André Boraine and Corlia van Heerden of the University of Pretoria analyse the impact of the debt relief remedies and certain special provisions that apply to debt enforcement on sequestration procedures in terms of South African legislation as interpreted by the courts.
- Enid Coetzee of the University of Johannesburg argues the merits of taking children's' constitutionally protected fundamental rights into consideration in sentencing offenders in South Africa, especially where the offender is the primary caregiver of the child.
- Anne Louw of the University of Pretoria points out that biological fathers are still not awarded parental responsibilities and rights on the same basis as with mothers and investigates the constitutionality of this situation given South Africa's international obligations.
- Olubayo Oluduro of Adekunle Ajasin University, Nigeria explores the role of religious leaders in the battle against the spread of HIV/AIDS in Nigeria.
- Bradley Smith of the University of the Free State critically analyses, with comparative reference to Canadian law, possibilities of introducing a contextualised choice model in life partnerships of unmarried cohabiters.
- Wenette Jacobs, Philip Stoop and Ren van Niekerk of UNISA point out the difficulties of interpreting and applying "fundamental consumer rights" in terms of recently introduced South African legislation, which favours the consumer and burdens the provider with responsibilities.
- Clarence Tshoose of UNISA examines the right to social assistance for households living with HIV/AIDS in South Africa, concluding that more remains to be done towards the establishment of a more comprehensive social security system.

Notes

- Jacolien Barnard and Chris Nagel of the University of Pretoria discuss a case involving public policy and validity, error, cancellation, repudiation, undue influence and damages in the law of contract, showing how the parties successfully obtaining an order would have been much better served if they followed a different route.
- Rsaan Krger of Rhodes University criticises jurisprudence that dilates the rule of law as a constraining factor in the exercise of public power by not requiring procedural fairness for certain presidential powers granted by the South African Constitution.
- Nafta Mokate Lehobye of the Tshwane University of Technology provides advice on avoiding plagiarism in our contemporary cyber-digital environment.

Francois Venter

