

https://dspace.org/

Stuck in legal limbo: a case study of migrants accessing the law in Johannesburg

Lambson, Sydney Vivian

2014-11-11
http://hdl.handle.net/10539/15862

Downloaded from a DSpace repository. https://dspace.org/

Abstract

This study looks at the experiences of migrants accessing notions of justice at the Wits Law Clinic, the pro-bono public interest law clinic of the University of the Witwatersrand, Johannesburg, South Africa. This study explores the way migrants engage with public interest law in the light of an overwhelming adversarial and threatening experience of the law. The law in the form of state law and its powers embodied in law enforcers and petty bureaucrats is mainly used against them and confines them to a 'state of bare life'. One could therefore expect that this compels migrants to keep their heads down and avoid any form of formalization, and instead reverting to a total reliance on informal survival strategies. This study however shows that migrants retain a strong faith in the law and draw a huge sense of hope from the services they receive from the Wits Law Clinic – even though the only action that is sometimes taking place is the endless writing of letters. But it appears that the reduction of the law to absolutely mundane bureaucratic activity still holds enough symbolic power of giving migrants a sense of moving closer towards the promise of justice, which the law also holds, even though it might be over and over deferred.