

The Research Unit for Legal and Constitutional Interpretation and Theory (RULCI)

COLLOQUIUM 2026

CALL FOR PAPERS

(RE)SEARCHING,
(RE)CONFIGURING,
(RE)IMAGINING SOURCES

13–14 AUGUST 2026

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The Research Unit for Legal and Constitutional Interpretation and Theory (RULCI) is hosting a series of seminars, public lectures, film screenings and its **annual colloquium on the theme of sources**. Our interest in sources, however, is not merely to think about the proverbial fountain of traditional sources themselves as captured by the creed of 17th century legal humanism: ‘Satius est petere fontes quam sectari rivulos’ meaning that it is better to search the fountain than to follow streamlets. Our aim is **to explore those smaller streamlets and to (re) problematise, challenge and displace how sources are identified, accepted and interpreted – plural rivulets as multiple starting points, the rhizome, the pluriverse as source(s), rather than the singular fountain.**

On the one hand, the familiar phrase, sources of law, is often introduced to new students of law as the place or places where the law of South Africa can be found before those laws are applied to resolve legal disputes. South Africa does not only have one source of law. The Constitution, serving as a rule of recognition, officially recognises customary law, the common law, statute law, and international law, as sources of South African law. The recognised sources of South African law differ from each other both in the content of the legal norms they contain and the form those legal norms assume. This recognition of legal pluralism reflects a colonial history, but it is unclear how this feted celebration of plurality can even begin to come to terms with the violence of law’s colonial origins and address questions of decoloniality. The integration or harmonisation of the various sources of law is often conceived as the constitutionalisation and resultant transformation of the various sources under a single set of foundational values (transformative constitutionalism). This familiar framing of the debate is often dominated by the discussion of the adjudicative subsidiarity of sources and forms of law (values, rights and rules) in which statute law prevails as the primary source of law. A related question is whether the 34 Constitutional Principles can be viewed as a source to turn to in current debates about the Constitution.

Much of this thinking about sources is framed by positivist and formalist assumptions. The sources thesis itself, and the distinctions between formal and material sources of law, lie at the heart of positivist approaches to law. The idea that the law is contained and can be found in formally recognised sources of law is the starting point of all formalist theories of legal reasoning.

Yet, on the other hand, it is necessary to rethink the idea of sources outside or at least against the traditional framing.

Sources relate to knowledge, to epistemology and, as Foucault pertinently argued, to power. Scholars and researchers over the years have turned to **experience, standpoint, oral traditions, stories, literature, poetry, the city, rivers, the earth and more as sources that can be as valuable if not more than the conventional ones.** Bearing in mind this relation to epistemology and power a source that we are particularly interested in is protest as source, tying also with #Retrospective: 10 Years after the Student Protests.

Worlds and worlding have seen many moments of despair through the ages and we find ourselves without doubt at the present again at an endpoint of sorts. What next? How to continue? Where to turn to? What sources can provide solace, direction, alternatives?

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Having taken on these questions as a theme for 2026, the Research Unit for Legal and Constitutional Interpretation in collaboration with the Research Chair Gender, Transformation, Worldmaking would like to extend a call for abstracts for papers to be presented at **the annual colloquium taking place on 13-14 August 2026, at the University of the Western Cape.**

Subthemes to explore:

- Protest/ the Student Protests/ #FeesMustFall
- Experience/ Standpoint
- Oral traditions
- Stories/ Narratives/ Voices
- Values as source
- The 34 Constitutional Principles
- Art, Literature, Poetry, Poetics
- Space/ Cities/ Land
- Nature/ Earth
- Violence/ Abjection
- History/ memory/ the future
- Intersectionality/ Assemblage
- Layers/ Folds
- Identity
- Any other idea that speaks to the overall theme

Please send a 200 word abstract to admin-rulci@uwc.ac.za by 13 July 2026.