

## **Reflections on teaching human rights law to foster deliberative democracy**

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### Summary:

In this presentation I will argue that the South African Constitution is premised on a rights-based, deliberative model of democracy. I will sketch some of the main features of deliberative democracy as developed in the literature, paying particular attention to the relevance of Nancy Fraser's concept of 'participatory parity' in deliberations concerning the public and private good as well as the interlinkages between them. Deliberative democracy depends on an engaged citizenry which actively participates in various fora in which both public and private power is exercised and political, social, economic and cultural policies are developed. It also provides substance and vibrancy to abstractly formulated human rights norms by developing their content and policy implications for various groups in a range of concrete circumstances. The second part of the presentation will reflect on my experiences in both undergraduate and postgraduate teaching, and share some tentative ideas on how the values and ethos of deliberative democracy can be fostered through the content and methodologies of teaching human rights law.