

## Publication

### An Injury to One is an Injury to All? Class Actions in South African Courts and their Effects on Plaintiffs

#### **JournalArticle (Originalarbeit in einer wissenschaftlichen Zeitschrift)**

**ID** 2987919

**Author(s)** Kesselring, Rita

**Author(s) at UniBasel** [Kesselring, Rita](#) ;

**Year** 2016

**Title** An Injury to One is an Injury to All? Class Actions in South African Courts and their Effects on Plaintiffs

**Journal** PoLAR: Political and Legal Anthropology Review

**Volume** 39

**Number** S1

**Pages / Article-Number** 74-88

**Keywords** class action, victimhood, legalization, structural violence, the law, human rights, socio-economic rights, South Africa

This article contributes to one of the key issues in recent scholarship on the relation between law and society: how does engagement with the law trigger shifts in subjectivities? Scholars suggest that as groups and individuals seek recourse to the law, their subjectivities are legalized. They are skeptical of the global increase of social issues being taken to court. I critically review these theories of 'legalization' by empirically tracing the implications of procedural rules onto forms of sociality among apartheid-era victims today. With the example of a class action, an emerging legal remedy in South Africa I will show that, on the hand, procedural pressure to personalize injuries may indeed disrupt solidarity. The reason why the law is effective in producing a suspicious subject position, however, cannot be attributed to the 'quasi-magical power' of the law, as Bourdieu called it, but has to be searched for in historically grown social and political circumstances apartheid victims' find themselves in today. The law does not simply impose its logic onto the social, it can only legalize for pre-existing societal reasons.

**Publisher** Wiley

**ISSN/ISBN** 1081-6976 ; 1555-2934

**URL** <http://onlinelibrary.wiley.com/doi/10.1111/plar.12172/full>

**edoc-URL** <http://edoc.unibas.ch/42943/>

**Full Text on edoc** Available;

**Digital Object Identifier DOI** 10.1111/plar.12172

**ISI-Number** WOS:000393145500006

**Document type (ISI)** Article