

RIGHTS AND CONSTITUTIONALISM

The New South African Legal Order

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Rights And Constitutionalism The New South African Legal Order

Muna Ndulo, Cosmas Emeziem



Rights And Constitutionalism The New South African Legal Order:

Rights and Constitutionalism Dawid Hercules Van Wyk, 1996 This major work written by prominent South African academics is an introduction to the new constitutional order in South Africa It places fundamental rights as affirmed in Chapter 3 of the South African Constitution in a comparative and international context The authors draw heavily on the constitutional experience of countries such as Canada India Germany and the United States which greatly influenced the drafting of Chapter 3 of the Constitution The study is shaped by principles that form the foundation of the new order the supremacy of the Constitution the notion of a democratic constitutional state and the judicial protection of fundamental rights The book is divided into four parts The first deals with constitutionalism democracy and constitutional interpretation The second part provides an examination of the historical background of the 1993 Constitution and a description of the principal features of the Constitution The third part contains an analysis of the key fundamental rights which constitutes the main purpose of the study Detailed treatment is given to civil and political rights social and economic rights the concepts of equality and administrative justice and the circumstances in which limitations may be imposed on rights A separate chapter is devoted to the international protection of human rights as directed by Section 35 1 of the Constitution The final part comprises a bibliography of the works cited in the text following the sequence of the chapters This is a book which will be of interest to all constitutional law specialists and to many political scientists particularly those with an interest in constitutionalism and constitutional litigation

Equality and Non-discrimination in South Africa Shadrack Gutto, 2001 This study explores and critiques law and law making in the nascent constitutional democracy in the new South Africa with a focus on the complex roles of the executive parliament political parties the media and civil society The capacity and potential in the judiciary and the legal profession in promoting and protecting values and rights of equality and non discrimination is examined Substantive equality and non discrimination law in theory and in practice is considered critically from a broad historical and social context that highlights areas of race gender disability harassment and hate speech socio economic rights and legal services International human rights law and comparative law aspects are skillfully interwoven in this pioneering scholarly work

Litigating Socio-economic Rights in South Africa Christopher Mbazira, 2009 Litigating Socio Economic Rights in South Africa A choice between corrective and distributive justice by Christopher Mbazira 2009 ISBN 978 0 9814124 7 4 Pages viii 273 Print version Available Electronic version Free PDF available

The Right to Property in Commonwealth Constitutions Tom Allen, 2000-03-09 Practical theoretical and historical approach to constitutional rights to property in Commonwealth countries

Governance in the New South Africa Guy C. Z. Mhone, Omano Edigheji, 2003 The major challenges confronting South Africa since the advent of non racial multiparty democracy have been the need to promote democratic governance economic growth global competitiveness and to improve the standard of living of its people especially the previously disadvantaged majority Black population These challenges have coincided with the ascendancy of

globalisation with its attendant social economic and political imperatives all of which have consequences for governance and development at the national level not least in emerging economies like South Africa This important book assesses the implications of global imperatives for the nature capacity character and scope of democratic governance and the pursuit of equitable development in the new South Africa A major conclusion is that the implementation of domestic economic reforms predicated on market fundamentalism with its dominant logic and paradigm of globalisation and economic management is incompatible and irreconcilable with the quest for democratic governance and equitable development The contributors contend that such an approach reproduces a substantively undemocratic and inequitable society Governance in the New South Africa concludes by offering some considerations related to how substantive democracy and equitable development may be promoted in South Africa on the basis of democratic governance and developmentalism Socio-economic Rights in the South African Constitution Mandla Seleane, 2001 This publication will assist researchers students and the public in their understanding of socio economic rights

Minority Protection in Post-Apartheid South Africa Kristin Henrard, 2002-08-30 Accommodation of population diversity is a vital issue for any multinational society The legacy of Apartheid in South Africa complicates this effort considerably Henrard introduces a theoretical framework regarding how to accommodate minority protection in the most appropriate way and analyzes the respective contributions of individual rights minority rights and the right to self determination Subsequent chapters examine the case study of post apartheid South Africa and attempt to investigate its constitutional development Henrard finds that provisions within the 1996 Constitution do acknowledge an interrelation between these three important factors however implementation of minority protection policy is often quite a different matter In seeking appropriate means of minority protection this study stresses inclusionism integration and the essential right to identity and real equality While Henrard reviews and discusses the entire democratic transformation process in South Africa she cautions that because current developments are characterized by their unsettled nature major transformation and flux analysis of the implementation phase can be only indicative The apartheid history does not in itself inhibit progressive stances on this important issue Still despite the promising nature of the 1996 Constitution the picture that emerges in terms of policy development aimed at minority protection is ambivalent **The Routledge**

Handbook of African Law Muna Ndulo, Cosmas Emeziem, 2021-11-23 The Routledge Handbook of African Law provides a comprehensive critical overview of the contemporary legal terrain in Africa The international team of expert contributors adopt an analytical and comparative approach so that readers can see the nexus between different jurisdictions and different legal traditions across the continent The volume is divided into five parts covering Legal Pluralism and African Legal Systems The State Institutions Constitutionalism and Democratic Governance Economic Development Technology Trade and Investment Human Rights Gender Based Violence and Access to Justice International Law Institutions and International Criminal Law Providing important insights into both the specific contexts of African legal systems and the ways in which

these legal traditions intersect with the wider world this handbook will be an essential resource for academics researchers lawyers and graduate and undergraduate students studying this ever evolving field Socio-economic Rights in South Africa
Danie Brand, Christof H. Heyns, 2005 **Religion and Law** Peter W. Edge, 2017-03-02 Discussion of the way in which law engages with religious difference often takes place within the context of a single jurisdiction Religion and Law An Introduction presents a comprehensive text for students drawing on examples from across key Anglophone jurisdictions the United Kingdom the United States Canada New Zealand Australia and South Africa as well as international law to explore a broad range of issues Aimed at a non legal readership this book introduces the use of legal sources and focuses on factual situations as much as legal doctrine Key issues arising from interaction of the religious individual and the State are discussed as well as the religious organisation or community and the State The interaction is explored through case studies of areas as diverse as the legal regulation of religious drug use sacred spaces and sacred places and claims of clergy misconduct Taking a broad non jurisdictional approach to the key issues in particular providing insights differing from the dominant US experiences and paradigms this student friendly textbook includes a clearly structured bibliography and clear guidance on how to approach relevant legal materials

The Enigmatic Realm of **Rights And Constitutionalism The New South African Legal Order**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing short of extraordinary. Within the captivating pages of **Rights And Constitutionalism The New South African Legal Order** a literary masterpiece penned by way of a renowned author, readers attempt a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting affect the hearts and minds of people who partake in its reading experience.

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