Quest for Constitutionalism

South Africa since 1994



The Quest For Constitutionalism South Africa Since 1994

Michael W. Dowdle, Michael A. Wilkinson

The Quest For Constitutionalism South Africa Since 1994:

The Quest for Constitutionalism Dr Veronica Federico, Professor Hugh Corder, Professor Romano Orrù, 2014-12-28 This volume provides a timely assessment on the progress made towards the achievement of a constitutional democracy in South Africa The chapters collectively present an in depth analysis of the development of the legal system and of the implications of the Constitution for the social configuration of power To what extent has the vision of constitutionalism contained in the Constitution been realised Primarily concerned with the impact of laws and the salience of their existence and enforcement for South Africans the work highlights the importance of placing the constitutional regime in its historical cultural social economic and political context The book further recognises the importance of the South African constitutional provisions for transnational or globalised constitutionalism more broadly It contains contributions from South African scholars as well as European authors bringing in new analytical angles and adding a specific comparative dimension Through the prism of South Africa the authors discuss the innovative character of constitutional and legal provisions in terms of both constitution making and law making processes and their contents This book provides analysis that will be relevant to scholars students and practitioners specifically those interested in International Relations Law Sociology of Law and African Studies as well as socio political comparative studies The Quest for Constitutionalism Hugh Corder, Veronica Federico, 2016-02-24 This volume provides a timely assessment on the progress made towards the achievement of a constitutional democracy in South Africa The chapters collectively present an in depth analysis of the development of the legal system and of the implications of the Constitution for the social configuration of power To what extent has the vision of constitutionalism contained in the Constitution been realised Primarily concerned with the impact of laws and the salience of their existence and enforcement for South Africans the work highlights the importance of placing the constitutional regime in its historical cultural social economic and political context The book further recognises the importance of the South African constitutional provisions for transnational or globalised constitutionalism more broadly It contains contributions from South African scholars as well as European authors bringing in new analytical angles and adding a specific comparative dimension Through the prism of South Africa the authors discuss the innovative character of constitutional and legal provisions in terms of both constitution making and law making processes and their contents This book provides analysis that will be relevant to scholars students and practitioners specifically those interested in International Relations Law Sociology of Law and African Studies as well as socio political comparative studies The Quest for Constitutionalism Hugh Corder, Veronica Federico, Romano Orrù, 2014 Edwin Cameron: Influences and impact Nurina Ally, Leo Boonzaier, 2025-07-13 An outstanding collection of essays written by some of the leading scholars of South African law which has resulted in a fitting tribute to Edwin Cameron's contribution to our constitutional project Kate O Regan Former Justice of the Constitutional Court of South Africa Edwin Cameron's life and incomparable contribution to the law are justly celebrated in this

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committed during the apartheid era Investigating the postapartheid transition in South Africa from a multidisciplinary perspective involving constitutional law criminal law history and political science this book explores the overlapping of the postapartheid constitution making process and the Amnesty Process for political violence under apartheid and shows that both processes represent important innovations in terms of constitutional law and transitional justice systems Both processes contain mechanisms that encourage the constitution of the unity of the political body while ensuring future solidity and stability From this perspective the book deals with the importance of several concepts such as truth about the past publicly shared memory unity of the political body and public confession Public Participation in African Constitutionalism Tania Abbiate, Markus Böckenförde, Veronica Federico, 2017-11-22 During the last decade of the 20th century Africa has been marked by a constitutional wind which has blown across the continent giving impetus to constitutional reforms designed to introduce constitutionalism and good governance One of the main features of these processes has been the promotion of public participation encouraged by both civil society and the international community This book aims to provide a systematic overview of participation forms and mechanisms across Africa and a critical understanding of the impact of public participation in constitution making processes digging beneath the rhetoric of public participation as being at the heart of any successful transition towards democracy and constitutionalism Using case studies from Central African Republic Egypt Kenya Libya Malawi Morocco Senegal Somalia South Africa South Sudan Tanzania Tunisia Zambia and Zimbabwe the book investigates various aspects of participatory constitution making from conception to processes and specific contents that trigger ambivalent dynamics in such processes The abstract glorification of public participation is questioned as theoretical and empirical perspectives are used to explain what public participation does in concrete terms and to identify what lessons might be drawn from those experiences This is a valuable resource for academics researchers and students with an interest in politics and constitution building in Africa as well as experts working in national offices international organizations or in national and international NGOs Military, Politics and Democratization in Southern Africa Tendai Chari, Patrick Dzimiri,2023-08-10 This book explores multiple challenges faced by democratization in Southern Africa Applying a wider lens to the concept of political transition and employing a variety of theoretical and methodological approaches the contributions gathered here explore residual political cultural practices that hinder democratic consolidation in Southern Africa Presenting various case studies the book tackles themes such as the military political nexus leadership renewal constitutionalism electoral politics election violence marginalization of women civil society and political transition media framing and transitional justice Written from a multidisciplinary perspective and drawing on empirical data from multiple sources this edited volume challenges orthodox conceptualizations of political transition. The book will be of interest to students and scholars of political science African studies and related fields as well as policy makers and professionals interested in the latest political developments in Southern Africa **Research Handbook on Law, Movements and Social Change Steven**

A. Boutcher, Corey S. Shdaimah, Michael W. Yarbrough, 2023-07-01 The study of law and social movements provides an ideal lens for rethinking fundamental questions about the relationship between law and power This Research Handbook takes up that challenge framing a new more global dynamic reflexive and contextualised phase of social movement studies

Constitution-making and Human Rights in the Sudans Lutz Oette, Mohamed Abdelsalam Babiker, 2018-12-20 Sudan and South Sudan have suffered from repeated cycles of conflict and authoritarianism resulting in serious human rights and humanitarian law violations Several efforts such as the 2005 Comprehensive Peace Agreement and transitional justice initiatives have recognized that the failure to develop a stable political and legal order is at the heart of Sudan's governance problems Following South Sudan's independence in 2011 parallel constitutional review processes are under way that have prompted intense debates about core issues of Sudan's identity governance and rule of law human rights protection and the relationship between religion and the State This book provides an in depth study of Sudan's constitutional history and current debates with a view to identifying critical factors that would enable Sudan and South Sudan to overcome the apparent failure to agree on and implement a stable order conducive to sustainable peace and human rights protection It examines relevant processes against the broader constitutional history of Sudan and identifies the building blocks for constitutional reforms through a detailed analysis of Sudanese law and politics The book addresses constitutionalism and constitutional rights protection in their political legal and institutional context in Sudan and South Sudan and the repercussions of the relationship between state and religion for the right to freedom of religion minority rights and women s Constitutional Identity and Constitutionalism in Africa Charles Manga Fombad, Nico Steytler, 2024 This book in the rights Stellenbosch Handbooks in African Constitutional Law series provides a critical analysis of existing paradigms concepts and normative ideologies of modern African constitutional identity Special Bibliography Series ,1957 Decolonizina Constitutionalism Boaventura de Sousa Santos, Sara Araújo, Orlando Aragón Andrade, 2023-07-31 The modern state law and constitution result from a legal canon that re produces the abyssal lines dividing the world that is validated from the world whose humanity and epistemological validity are denied This book aims to contribute to a post abyssal reflection on law and constitutionalism by considering the structural axes of power that are constitutive of modern law capitalism colonialism and heteropatriarchy alongside the legal plurality of the world Is it possible to decolonize decommodify and depatriarchalize the constitution The authors speak from multiple geographies raise different questions resort to differentiated theoretical approaches and reveal varying levels of optimism about the possibilities of transforming constitutions The readers are confronted with critical perspectives on the Eurocentric legal canon as well as with the recognition of anti capitalist anti colonial and anti patriarchal legal experiences The horizon of this publication is the expansion of the possibilities of legal and political imagination The Federal Idea Amnon Lev, 2017-08-10 A significant part of the world's population lives under some sort of federal arrangement And yet the concepts of federalism and federation remain under theorised Federalist

theorists have for the most part defined their object by opposition to the unitary state As a result they have not developed public law theories that capture the specificity of this type of polity Bringing together contributions from leading public law theorists and intellectual historians this volume explores the foundations of federalism It develops novel perspectives on the core problems of traditional federalist theory and charts new departures in federalist theory and federal power sharing At a time when we look for more inclusive ways of ordering public life the volume fills an urgent theoretical and political need

Special Bibliography Series United States Air Force Academy. Library,1997 **Constitutionalism beyond Liberalism** Michael W. Dowdle,Michael A. Wilkinson,2017-01-26 Explores the possibilities of constitutionalism from diverse theoretical and comparative perspectives particularly those from outside liberal and Anglo European paradigms

International Covenant on the Right to Development, 2025-08-04 In this pioneer compilation of academic literature on the International Covenant on the Right to Development including some of the leading experts on the subject the authors delve at length into the central enquiry on how and to what extent the Covenant will as a binding instrument of international law shape the global balance of power Envisaged to be incorporated in the international bill of human rights the analysis on the various component elements leads to the conclusive argument that once in force the Covenant on the Right to Development will have major implications for how the international order is structured and how development is henceforth **Pretoria Student Law Review 2017-11** Sarah Burford, 2017-01-01 About the publication It is with great joy pursued that I along with the editorial committee present to you reader the 2017 Pretoria Student Law Review On this journal s 11th edition it has been an expansive year with a wider variety of topics being researched and produced by our authors As law students young scholars and future legal practitioners we have a duty to utilise the unique position that we are in to challenge the status quo Fittingly the topics covered prove themselves to be contemporary and legally pertinent and encourage critical thinking of the law and its place in South African society This year has not only been a challenging one for students staff and parents but also for the citizens of South Africa as a whole It is thus with even greater pleasure that we offer our humble contribution to legal academia Every year of publication faces its own challenges and this year was no different However it is through setbacks and ambitious deadlines that which makes a finalised product that much more deserved This year's edition touches on a variety of themes which is certain to pique anyone s interest This year's edition of the PSLR would not have been possible without the dedication and hard work of a particularly motivated and dedicated team To Simon Botha Privilege Chanana Rutendo Chinomona Roxanne Gilbert Lethabo Mailula Agnes Matasane Raeesah Thomas Thomas White and Jurgen Zwecker for your long hours and persistence in the production of this year's edition You all have contributed to the mechanism of this wonderful team and it has been a privilege to have worked with you I would further like to thank the authors for their submissions and tireless efforts to produce quality articles My further thanks to Prof Andre Boraine and Lizette Hermann for their consistent guidance and leadership this year This year s edition would not be the

success it is without their encouragement and input this year A further thank you to Prof Philip Stevens for his contributions and input I would also like to thank Adebayo Okeowo for his contribution for the cover for this year s edition I trust you the reader will find the included articles as insightful and though provoking as the editorial team did Sarah Burford Managing editor Table of Contents Editors note Sarah Burford From the Dean's desk Andre Boraine Media freedom in Kenya in 2017 A reality or a mirage Shirley Genga Re imagining a culture of justification through transformative constitutionalism and the philosophy of ubuntu Ofentse Thato Kgabo The effects of public participation on environmental impact assessment Amori Kock A comparative analysis of the UNICITRAL Model Law on Cross Border Insolvency and EU Insolvency Regulation 2017 against the background of various sources of cross border insolvency law Primrose E R Kurasha Anti doping The credibility of the Whereabouts rule Primrose E R Kurasha Tax morality Examining the BEPS debate work of the OECD and its impact on Africa Daniel Godson Olika Marikana a past never truly escaped A critique on the commodification of the legal system and the law as an instrument of justice in post apartheid South Africa Vaughn Rajah Administrative law a tool for social justice and transformative constitutionalism The implications of Melani v City of Johannesburg Nelsie Siboza Reflection and cogitation on the fallacy of postapartheid jurisprudence and the residue of apartheid jurisprudence The Marikana massacre Tshepo Twala

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