

# RIGHTS AND CONSTITUTIONALISM

*OF THE PRINCIPLES, HISTORY, AND THEORY OF RIGHTS*

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# Rights And Constitutionalism The New South African Legal Order

**Peter Haberle**



## **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

**Jahrbuch des Offentlichen Rechts der Gegenwart. Neue Folge** Peter Haberle, 1999-03 Auch in seinem soeben erschienenen 46 Band schlägt das Jahrbuch einen hier schon institutionalisierten grossen Bogen von der deutschen über die europäische bis zur Verfassungsentwicklung in anderen Kontinenten Herbert Gunther in Staatsanzeiger für das Land Hessen 11 5 1998 Nr 19 S 1397

**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

Gender and the New South African Legal Order Christina Murray, 1994 South Africa's constitution commits the country to democracy and the elimination of discrimination against women This volume of essays explores the meaning and implications of gender equality in South Africa

**Jahrbuch des Offentlichen Rechts der Gegenwart. Neue Folge**

Gerhard. Ed Leibholz,1984-12-31      *Constitutional Identity and Constitutionalism in Africa* Charles M. Fombad,Nico Steytler,2024-01-23 In its modern history Africa has experienced different waves of constitutional ordering The latest democratisation wave which began in the 1990s has set the stage over the past decade for what is now a hotly debated issue do recent new or fundamentally revised constitutions truly reflect an African constitutional identity Thoughtfully navigating a contested field this volume brings to the fore a number of foundational questions about African constitutionalism Constitutional Identity and Constitutionalism in Africa asks whether the concept of constitutional identity clarifies our understanding of constitutional change in Africa including an exploration of the relationship between constitutional identity and a country s unique culture s and histories Building on this contributions examine the persistent role of colonial heritages in shaping constitutional identity in post Independence African nations and the question of path dependency Given the enduring influence of the colonial experience the volume asks how why and to what end African constitutions must be decolonised to form an authentic constitutional identity This theoretical insight is supplemented and further deepened by detailed case studies of South Africa Ethiopia Cape Verde Cameroon and Egypt and their diverse experience of constitutional continuity and change This volume in the Stellenbosch Handbooks in African Constitutional Law series brings together contributions from established scholars and emerging voices on the study of constitutional processes They provide an urgent critical analysis of existing paradigms concepts and normative ideologies of modern African constitutionalism in the context of constitutional identity      **The Law of South Africa** ,2003      **Government and Politics in the New South Africa**

Albert Venter,1998 In this publication new light is shed on the Qumran community its organisational structure its ultra conservative way of life and how its leaders interpreted the books of the Old Testament by compiling their own commentaries

**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 thoughtfully curated set of essays penned by people who have walked parts of the path with him Jason Brickhill Member of the Johannesburg Bar

**Socio-economic Rights in South Africa** Danie Brand,Christof H. Heyns,2005      **African Journal of International and Comparative Law** ,1997      **Suid-Afrikaanse Hofverslae** ,2006      **The Rule of Law and Delivering Justice in Africa** ,2007      *Criminal Procedure Handbook* Peet M. Bekker,2007 Initially aimed at students the Criminal Procedure Handbook is increasingly being relied on by legal practitioners as a first port of call As in previous editions the 8th edition introduces readers to the fundamental principles and values underlying this area of the law systematically guiding them through the rules of procedure that apply in criminal cases      **Constitution and Law IV** ,2001      *The Law of South Africa* Willem Adolf Joubert,J. A. Faris,2003      *Constitutional Property Law* Andries Johannes Van der Walt,2005 Successor to the

1997 publication The constitutional property clause a comparative analysis of section 25 of the South African Constitution of 1996     **Governing the Environment** H. W. O. Okoth-Ogendo, Godber W. Tumushabe, 1999     **Land Title in South Africa** D. L. Carey Miller, 2000 This important new work is the first comprehensive survey of South African land law following the sweeping land reforms enacted during the past decade It considers the substance and working of these reforms in the context of the pre existing common law and legislation An outline of the main features of the South African landholding before 1990 is followed in a detailed discussion of the established procedures of registration prescription and alternative forms of title Registration in terms of the Deeds Registries Act remains a fundamental aspect of the acquisition of real rights in land and chapters dealing with these subjects constitute an authoritative source of reference for the property practitioner and conveyancer the consultant and developer They revise and update the corresponding chapters from The Acquisition and protection of Ownership Juta 1986 by the same author which is relied upon by practitioners and the courts as a standard reference in the field of property law The land reform programme is examined in the context of these pre existing procedures and with reference to the history of discriminatory landholding and constitutional property provisions The result is a coherent account of land title in South Africa at the end of the 20th century

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