

Introduction To Law And Legal Skills In South Africa Jurisprudence Paperback

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since the second world war dignity has increasingly been recognized as an important moral and legal value although important examples of dignity based arguments can be found in western european and north american case law and legal theory the dignity jurisprudence of the constitutional court of south african is widely considered to be the most sweeping in the world in part this is related to the unique provisions of

the south african constitution in areas such as socioeconomic rights and allowing dignity to be taken into the sphere of economic justice as well as that of human rights this book brings together the first sixteen years of constitutional jurisprudence addressing the meaning role and reach of dignity in the law of south africa as a multiracial democracy the case law is coupled with analysis from a range of selected contributors the book will therefore be a crucial source for anyone seeking to evaluate dignity whether in law or in human life more broadly

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

this title is part of an established series which introduces various legal systems of the world it provides an authoritative and accessible overview of the main branches of south african public private and commercial law offering insight into the rich system of south african law this title will be of particular interest to the international legal community the south african legal system has not only developed fascinating mixtures of civil law and common law rules over more than a century but has also experienced a post apartheid south africa of particular interest is the way in which so many branches of law have been infused by basic constitutional values many of the contributors have published work in their own fields and have considerable experience of presenting their subject matter in a broader comparative perspective the succinct and balanced nature of the contributions makes this title attractive to a wide audience of academics students and practitioners with an interest in this remarkable legal system

south africa the power house of the african continent as well as germany europe s largest economic power are faced with an intricate maze of international obligations whether related to the united nations the world trade organization the african union or the european union eu international human rights law international humanitarian law or any other sub regime of international law the two countries are in a different position when facing the implementation of this maze of obligations south africa is a developing economy that faces various capacity challenges which at times also impact the manner and extent to which it implements its international treaty obligations germany on the other hand benefits from comparatively well funded institutes of international law and a well trained academic community which have contributed

to the successful implementation of much of international law but as the relevant chapters in this volume show the german case is not without its own complexities as a result an exchange of ideas and experiences pertaining to the implementation of international obligations can prove fruitful for both countries moreover such an exchange could also serve as a useful point of departure for other countries in southern africa that face similar challenges in relation to implementation the current book explores suitable techniques of implementation of international law by comparing south africa with germany after a general overview of the status of international law within germany and south africa respectively it focuses on the implementation of international instruments pertaining to key sub areas of international law in the two countries these include the united nations charter peace and security the international law of the sea international economic law international environmental law international human rights law international criminal law regional integration and the status of international judicial decisions before domestic courts

this book brings together the ubuntu jurisprudence of south africa as well as the most cutting edge critical essays about south african jurisprudence on ubuntu can indigenous values be rendered compatible with a modern legal system this book raises some of the most pressing questions in cultural political and legal theory

law and poverty perspectives from south africa and beyond is a collection of essays by leading south african and international experts as well as emerging young scholars the collection focuses on key theoretical and strategic questions concerning the relationship between law and systemic poverty the essays were first presented at a colloquium on law and poverty organised by the Stellenbosch Law Faculty which took place from 29 to 31 May 2011 the range and richness of the essays illuminate the multifaceted nature and causes of poverty as well as the possibility and limits of law in responding to the social injustice which poverty represents by engaging with these questions the book aims to deepen critical reflection and debate on law's ability to respond effectively to social and economic marginalisation the substantive content of law is influenced by how lawyers conceive and frame cases by what theories we choose to advance and what understanding of the legal process and the scope of judicial review we offer to the courts working on these questions is at best a modest contribution towards establishing a just society but as the learning insight imagination and intellectual daring on display in this collection of essays reveals it is a contribution that should concern all those interested in the interrelationship between law and social justice prof Karl Klare George J and Kathleen Waters Matthews distinguished university professor northeastern university school of law the collection was edited by Sandra Liebenberg hf Oppenheimer chair in human rights law at the university of Stellenbosch Law Faculty and Geo Quinot professor of law at

stellenbosch law faculty and editor of the stellenbosch law review professors liebenberg and quinot co direct a newly formed research and postgraduate training project on socio economic rights and administrative justice seraj based at the stellenbosch law faculty

derived from the renowned multi volume international encyclopaedia of laws this practical analysis of the law of contracts in south africa and wales covers every aspect of the subject definition and classification of contracts contractual liability relation to the law of property good faith burden of proof defects penalty clauses arbitration clauses remedies in case of non performance damages power of attorney and much more lawyers who handle transnational contracts will appreciate the explanation of fundamental differences in terminology application and procedure from one legal system to another as well as the international aspects of contract law throughout the book the treatment emphasizes drafting considerations an introduction in which contracts are defined and contrasted to torts quasi contracts and property is followed by a discussion of the concepts of consideration or cause and other underlying principles of the formation of contract subsequent chapters cover the doctrines of relative effect termination of contract and remedies for non performance the second part of the book recognizing the need to categorize an agreement as a specific contract in order to determine the rules which apply to it describes the nature of agency sale lease building contracts and other types of contract facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for business and legal professionals alike lawyers representing parties with interests in south africa will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative contract law

in many african countries litigants experience significant uncertainty in their attempts to enforce foreign judgments drawing on the experiences of the united kingdom and the united states vis à vis efforts to attain an effective global legal framework on foreign judgments this book undertakes a comparative analysis of how south african and nigerian courts can promote the recognition and enforcement of foreign judgments in a fair manner this comparative analysis is made considering both african countries as paradigms of their respective legal traditions the author a legal consultant and academic in private international law analyses stage by stage the challenging process that litigants face when they seek to enforce foreign judgments in south africa and nigeria this analysis includes insightful consideration of broader issues such as the following how challenges faced by judgment creditors may be circumvented practical issues impeding the free movement of foreign judgments impact of globalisation increase in international commercial transactions and regionalism on private international law

application of fairness how territorial sovereignty and state interests in international commerce impede the free movement of foreign judgments and qualified obligation under which courts would presumptively enforce foreign judgments subject to certain exceptions and to the balancing of competing interests between private litigants and the state the comparative analysis is undergirded by relevant case law spanning decades in africa and centuries in europe and the united states in summary the author projects a clear case for predictability and certainty in the recognition and enforcement of foreign judgments as well as how to go about it thus offering lawyers a strategic position to weigh their options in contemplating enforcement of foreign judgments in any jurisdiction even beyond the african region this innovative approach will also be of particular value to policymakers at national levels international and regional economic organisations as well as scholars in private international law and international commercial law generally this is regardless of their specific legal area or niche especially considering the dearth of literature in african private international law

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