

# 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

ubuntu an african jurisprudence examines how and why south african courts and law makers have been using the concept of ubuntu over the last thirty years reflecting the views of judges and scholars and above all proclaiming the importance of this new idea for south african legal thinking although ubuntu is the product of relations in and between the close knit groups of a precolonial society its basic aims social harmony and caring for others give it an inherently inclusive scope this principle is therefore quite capable of embracing all those who constitute the heterogeneous populations of modern states included in this work are discussions of two traditional institutions that provide model settings for the realisation of ubuntu imbizo national gatherings consulted by traditional rulers to decide matters of general concern and indaba a typically african process of making decisions based on the consensus of the group courts and law makers have used imbizo to give effect to the constitutional requirement of participatory democracy and indaba to suggest an alternative method of decisionmaking to systems of majority voting ubuntu offers something extraordinarily valuable to south africa and in fact to the wider world its emphasis on

our responsibility for the welfare of our fellow beings acts as a timely antidote not only to the typically rationalist disinterested system of justice in western law but also to the sense of anomie so prevalent in today's society

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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

contents

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