African Law And Legal Theory The International Library Of

Research Handbook on Modern Legal Realism
Issues in Legal Theory, Institution Building, and Economic Development in Africa
Critical Essays
Postmodern Legal Movements
Introduction to South African Law and Legal Theory
Law and Development
Integration of Indigenous and Modern Systems of Government in Sub-Saharan Africa
Poznań School of Legal Theory
Seeking Viable Grassroots Representation Mechanisms in African Constitutions
Law and Legal Theory
Islamic Law: A Very Short Introduction
An Introduction to Comparative Law Theory and Method
Introduction to South African Law and Legal Theory
Deterrence, Retribution, and the Aims of the State
Equality in Kenya’s 2010 Constitution
Law and Sacrifice
Law, Morality and the Private Domain
Introduction to South African Law and Legal Theory
Theorising Across Disciplines
Towards a Post Apartheid Theory of Law
(Re-)Envisioning Pan-African Jurisprudence in the 21st Century
Beyond Civil Disobedience
Law and Sacrifice

An Introduction to African Legal Philosophy
Welfare Law
Theory and Practice
Woman and Legal Capacity in Hanafi Law
Community, Relationships and Obligations
African Legal Theory and Contemporary Problems
General index. Second edition
Rights
Law and Jurisprudence At Century's End
Comparative Law in a Global Context
A Manual of Islamic Legal Theory
The Nigerian Legal System
The Legal Systems of Asia and Africa
The Death Penalty in Africa
The Path Towards Abolition
African Law

DENNIS FREDERICK

Research Handbook on Modern Legal Realism Dartmouth Publishing Company
In this book Charles Mwalimu explores viable grassroots representation mechanisms in African constitutions in order to positively integrate indigenous and modern systems in Sub-Saharan Africa. A comparative study method is used to examine the constitutional principles of chieftaincy and local government and their impact on human rights. To establish and prove lack of positive integration Mwalimu connects this failure to poor constitutionalism, development and stultified growth and human rights violations. This book proposes remedial actions to build nondiscriminatory constitutional regimes eradicating violations of human rights.
Issues in Legal Theory, Institution Building, and Economic Development in Africa Oxford University Press
The book examines the theory and practice of law and development. It introduces the General Theory of Law and Development, an innovative approach which explains the mechanisms by which law impacts development. The book analyzes the process of economic development in South Korea,

South Africa, and the United States from legal and institutional perspectives. The book also explains why the concept of 'development' is not only relevant to developing countries but to developed economies as well. The new edition includes five new chapters addressing the relationships between law and economic development in several key areas, including property rights, political governance, business transactions, state industrial promotion, and international trade and development.

Critical Essays BRILL

The text makes the case for a revival of general jurisprudence in response to globalisation.

Postmodern Legal Movements CRC Press

This book grew out of the conviction that the original concepts of the Poznań School of Legal Theory are still perfectly suited for application today, in the era of moral pluralism and multicentric legal systems. Moreover, since we are in the midst of a period of heated disputes over the grounds of the normativity of law, and are confronting controversies about the basis for the legitimacy of court decisions, over the results of legal interpretation, and concerning the coherence of legal systems, it would seem that the legal-theoretical proposals put forward by the circle of Poznań legal theorists, supported as they are by firm methodological foundations, have not by any means lost their value.

Introduction to South African Law and Legal Theory Belknap Press

This book interrogates the nature and state of African American citizenship through the prism of Social Contract Theory. Challenging the United States' commitment to African American citizenship, this book explores the idea of Social Nullification, the decision to reject, revoke and re-define the social contract with a state and society. Charles F. Peterson surveys the history of Social Contract Theory, examines Nullification as political and legal theory, argues public policy as a measure of the state's commitment to the contractarian relationship and frames the writings and activism of Martin R. Delany, Ida B. Wells-Barnett and the African American Reparations Movement as examples of Social Nullification and challenges to the terms of Black life in America.

Law and Development BRILL

The increasing transnationalisation of regulation – and social life more generally – challenges the basic concepts of legal and political theory today. One of the key concepts being so challenged is authority. This discerning book offers a plenitude of resources and suggestions for meeting that challenge.

Integration of Indigenous and Modern Systems of Government in Sub-Saharan Africa Edward Elgar Publishing

A Theory of African Constitutionalism asks and seeks to answer why we need a new theoretical framework for African constitutionalism and how this could offer us better theoretical and practical tools with which to understand, improve, and assess African constitutionalism on its own terms. By locating constitutional studies in Africa within the experiences, interactions, and contestations of power and governance beginning in precolonial times, the book presents the development and transformation of African constitutional systems across time and place, along with the attendant constitutional designs and practices ranging from the nature and operation of the African state to its vertical and horizontal

government structures, to its constitutional rights regime. This title offers both a theoretically and comparatively rich, historically and contextually informed, and temporally and spatially extensive account of the nature, travails, and incremental successes of African constitutionalism with detailed case studies from Nigeria, Ethiopia, and South Africa. A Theory of African Constitutionalism provides scholars, policymakers, governments, and constitution builders in Africa and beyond with new insights for reimagining the purpose, substance, and scope of constitutions and constitutionalism.

Poznań School of Legal Theory Springer Nature

"This study of ahliyya (legal capacity), illustrates how femaleness features as a category of law and further how sex difference determines the legal capacities of women. It originates in concerns for equality in South African debates on state recognition of Muslim marriage. Theoretically and methodologically, it is located in the interdisciplinary space of feminist studies and Islamic law, draws on feminist theories of sex difference and employs feminist methods of reading texts to theorise the differential treatment of women in classical and contemporary legal theory (uṣūl al-fiqh) and positive law (furū' al-fiqh). Reading classical legal theory texts taught in a Ḥanafī madrasas and contemporary adaptations of classical law I make apparent the 'imaginary configurations', 'metaphoric networks' and points of tension through which the texts convey ideas about the woman of Islamic law.In the complex formulation of the female legal subject I find that classical Ḥanafī legal theory does not explicitly distinguish female legal capacity from male legal capacity; femaleness does not feature amongst the nineteen impediments to legal capacity. Nonetheless classical legal theory and positive law both distinguish between male and female legal subjects. The challenge in studying legal capacity and sex difference is to ponder the intersection of these two paradigms, the theoretical non-distinction of women's legal capacity from other forms of legal capacity and the distinctions between men and women in positive law generally. I find that the normative legal subject of the historical law is a free, adult, male yet, unlike the enslaved male and the infant or minor male, the female legal subject is not similarly distinguished by virtue of a differentiated category of legal capacity; gender is not a distinguishing legal category of the theoretical legal subject. Implicitly, however, in the classical legal text social norms come to work as natural conditions that attach to ideas of femaleness. Accordingly, it is incorrect to assume the absence of a distinctive category results in the absence of distinctive legal subjectivity for women. Rather distinctive legal capacity does not necessarily arise from a distinct category of legal incapacity. Instead, the law locates bodies in a matrix of other social categories, viz. reason, age, social class, life experience and marital status, so as to disrupt the symmetry of biology and sex differentiated legal capacity. It relies instead on a discursive construction of femaleness that formulates uneven legal capacities for women. The social facts that attach to women's bodies inform us of the ideological system that produces the female subject of the legal text. Contemporary legal theory, contrary to its classical precursor, either imposes severe restrictions upon women as legal subjects or pretends to the absence of distinction between female and male legal subjects. The pretense denies the differential treatment of

women in the law while the restrictions result in a category of 'imperfect legal capacity' for women. Further, comparing classical and contemporary approaches, the former frames a distinct but discursive female legal subject, multiply and situationally constituted. However, both historical and modern approaches occlude the obvious impediment to legal capacity that marriage effects on female legal subjects, notably limitations on a wife's legal capacities within the marriage and the marital authority of husbands to manage the sociality, mobility, and spirituality of wives, ownership of the marital bond being a uniquely male legal capacity. Finally, contemporary legal theory frames inflexible determinates of female legal subjectivity and eventually produces essentialist and existential understandings of women. This illustrates the modern representation of women's legal capacity as not merely a modern manifestation of historical legal thought, but indeed modern in its origin and formation." --

Seeking Viable Grassroots Representation Mechanisms in African Constitutions BRILL

Derived from the renowned multi-volume International Encyclopaedia of Laws, this practical analysis of competition law and its interpretation in the South Africa covers every aspect of the subject – the various forms of restrictive agreements and abuse of dominance prohibited by law and the rules on merger control; tests of illegality; filing obligations; administrative investigation and enforcement procedures; civil remedies and criminal penalties; and raising challenges to administrative decisions. Lawyers who handle transnational commercial transactions will appreciate the explanation of fundamental differences in procedure from one legal system to another, as well as the international aspects of competition law. Throughout the book, the treatment emphasizes enforcement, with relevant cases analysed where appropriate. An informative introductory chapter provides detailed information on the economic, legal, and historical background, including national and international sources, scope of application, an overview of substantive provisions and main notions, and a comprehensive description of the enforcement system including private enforcement. The book proceeds to a detailed analysis of substantive prohibitions, including cartels and other horizontal agreements, vertical restraints, the various types of abusive conduct by the dominant firms and the appraisal of concentrations, and then goes on to the administrative enforcement of competition law, with a focus on the antitrust authorities' powers of investigation and the right of defence of suspected companies. This part also covers voluntary merger notifications and clearance decisions, as well as a description of the judicial review of administrative decisions. 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 the South Africa will welcome this very useful guide, and academics and researchers will appreciate its value in the study of international and comparative competition law.

Univ of California Press

This book makes a significant contribution to the ongoing global conversations on the various understandings of equality. It illuminates the many ways in which diverse equality guarantees clash, or are interrelated. It also sets out principled approaches

on how they can be coherently interpreted to address the myriad inequalities in Kenya. Taking a comparative approach, the book considers how other jurisdictions including the United States, United Kingdom, Canada, South Africa, India and Botswana have approached the conceptualisation, interpretation and application of various equality concepts. The book focuses on important issues such as: - transformative constitutionalism in relation to the interpretation of Kenya's 2010 Constitution; - expanding the list of enumerated grounds for non-discrimination; - affirmative action; - accommodating religious and cultural diversity versus gender equality; - the interrelation between socio-economic rights and status-based equality.

Law and Legal Theory NYU Press

The papers presented in this volume aim to contribute to the development of African legal theory. Issues discussed include: legal anthropology, customary law in the state legal system; legal concepts; and procedural and substantive justice.

Islamic Law: A Very Short Introduction CRC Press

This short book on comparative law theory and method is designed primarily for postgraduate research students whose work involves comparison between legal systems. It is, accordingly, a book on research methods, although it will also be of relevance to all students (undergraduate and postgraduate) taking courses in comparative law and to academics entering the field of comparison. The substance of the book has been developed over many years of teaching general theory of comparative law, primarily on the European Academy of Legal Theory programme in Brussels but also on other programmes in French, Belgian and English universities. It is arguable that there has been to date no single introductory work exclusively devoted to comparative law methodology and thus this present book aims to fill this gap.

An Introduction to Comparative Law Theory and Method Routledge

How should disability justice be conceptualised, not by orthodox human rights or capabilities approaches, but by a legal philosophy that mirrors an African relational community ideal? This book develops the first comprehensive answer to this question through the contemporary literature on African philosophy, which is relied upon to construct a legal philosophy of disability justice comprising of ethical ideals of community, human relationships and obligations. From these ideals, an African legal philosophy of disability justice is offered as a criterion for critically evaluating existing laws, legal and political institutions, as well as providing an ethical basis for creating new ones to ensure that they are inclusive to people with disabilities. In taking an alternative perspective on the subject, the book outlines and emphasises the need for a new public culture of obligations owed to people with disabilities, highlighting both the prospects and difficulties of achieving the ideal of disability justice that continues to elude the lived experiences of millions of Africans today. Oche Onazi's An African Path to Disability Justice is the first book-length exploration of disability in the light of African ethics, as contrasted with the human rights and capabilities frameworks. Of particular interest are Onazi's thoughtful reflections on how various conceptions of community salient in African moral philosophy––including group-based, reciprocal and relational––bear on what we owe to the disabled. --

Thaddeus Metz, Distinguished Professor, University of Johannesburg
Introduction to South African Law and Legal Theory Oxford University Press
Human development is not simply about wealth and economic well-being, it is also dependent upon shared values that cherish the sanctity of human life. Using comparative methods, archival research and quantitative findings, this book explores the historical and cultural background of the death penalty in Africa, analysing the law and practice of the death penalty under European and Asian laws in Africa before independence. Showing progressive attitudes to punishment rooted in both traditional and modern concepts of human dignity, Aimé Muyoboke Karimunda assesses the ground on which the death penalty is retained today. Providing a full and balanced appraisal of the arguments, the book presents a clear and compelling case for the total abolition of the death penalty throughout Africa. This book is essential reading for human rights lawyers, legal anthropologists, historians, political analysts and anyone else interested in promoting democracy and the protection of fundamental human rights in Africa.
Deterrence, Retribution, and the Aims of the State Peter Lang Pub Incorporated
Law and Legal TheoryEdited by brings together some of the most important essays in the area of the philosophy of law written by leading, international scholars and offering significant contributions to how we understand law and legal theory to help shape future debates.
Equality in Kenya's 2010 Constitution Introduction to South African Law and Legal TheoryGeneral index. Second editionIntroduction to South African Law and Legal TheoryIntroduction to South African Law and Legal TheoryAfrican Legal Theory and Contemporary ProblemsCritical Essays
Jurisprudence in an African Context is devoted to the philosophy of law, in a way that engages earnestly with African thought and the African context. The text features primary texts by leading African intellectuals, putting these into critical dialogue with Western theorists. It addressescore jurisprudential topics, such as the nature and functions of law, the manner in which judges do and should interpret the law, theories of distributive justice, and accounts of civil and criminal justice. These abstract philosophical issues are considered in the context of salient controversieson the African continent, including: how cultural norms should influence judicial interpretation, who is obligated to fight poverty, how to effect land reform, whether to respond punitively to crimes against humanity, and, more broadly, how traditional values might inform contemporary thought andpractice. Texts and topics are expounded and evaluated in a clear, accessible manner, and related questions guide readers to actively engage and respond. Jurisprudence in an African Context is suited as core material for courses in jurisprudence (including both legal and political philosophy), and may be ofinterest to scholars who wish to engage with African thought about the making, interpretation and enforcement of law.
Law and Sacrifice Edward Elgar Publishing
In the wake of apartheid, Law and Sacrifice draws on the uniquely expansive protection of fundamental rights now entrenched in the South African Constitution to outline a new theory of law. The

South African Constitution not only protects the rights of people against abuses of power by the state, but also against abuses of power by private legal subjects. Drawing upon the work of contemporary thinkers such as Martin Heidegger, Hannah Arendt, George Bataille, Jacques Derrida Emmanuel Levinas and Jean-Luc Nancy, the author elicits the radical democratic potential of this 'horizontal' notion of rights. Johan van der Walt argues that apartheid must be understood as more than a racist abuse of power, and here he articulates its 'sacrificial logic'. It is in going beyond this logic, he maintains, that the truly democratic potential of the South African Constitution can be understood: in a radical formal and substantive equality that offers the legal basis for rethinking a post-apartheid future. Combining a rigorous theoretical understanding with a subtle political engagement, Law and Sacrifice is a dazzling interrogation of the limits and possibilities of democratic pluralism. It will be of interest to political and legal theorists as well as to those who are concerned with South African law and politics.

Law, Morality and the Private Domain Lexington Books

The essays in this volume concern the topic of legal rights, how they are related to morality, the place of rights on moral theory, and the legal recognition of rights.

Introduction to South African Law and Legal Theory Hong Kong University Press

Right from the enslavement era through to the colonial and contemporary eras, Africans have been denied their human essence – portrayed as indistinct from animals or beasts for imperial burdens, Africans have been historically dispossessed and exploited. Postulating the theory of global jurisprudential apartheid, the book accounts for biases in various legal systems, norms, values and conventions that bind Africans while affording impunity to Western states. Drawing on contemporary notions of animism, transhumanism, posthumanism and science and technology studies, the book critically interrogates the possibility of a jurisprudence of anticipation which is attentive to the emergent New World Order that engineers ‘human beings to become nonhumans’ while ‘nonhumans become humans’. Connecting discourses on decoloniality with jurisprudence in the areas of family law, environment, indigenisation, property, migration, constitutionalism, employment and labour law, commercial law and Ubuntu, the book also juggles with emergent issues around Earth Jurisprudence, ecocentrism, wild law, rights of nature, Earth Court and Earth Tribunal. Arguing for decoloniality that attends to global jurisprudential apartheid., this tome is handy for legal scholars and practitioners, social scientists, civil society organisations, policy makers and researchers interested in transformation, decoloniality and Pan-Africanism.

Theorising Across Disciplines Routledge

What do Catharine MacKinnon, the legacy of Brown v. Board of Education, and Lani Guinier have in common? All have, in recent years, become flashpoints for different approaches to legal reform. In the last quarter century, the study and practice of law have been profoundly influenced by a number of powerful new movements; academics and activists alike are rethinking the interaction between law and society, focusing more on the tangible effects of law on human lives than on its procedural elements. In this wide-ranging and comprehensive volume, Gary

Minda surveys the current state of legal scholarship and activism, providing an indispensable guide to the evolution of law in America.

Related with African Law And Legal Theory The International Library Of:
• Distressed Debt Analysis Moyer : click here