

**THE CONSTITUTION OF SOUTH AFRICA: A
CONTEXTUAL ANALYSIS
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**The Constitution
of South Africa**

A Contextual Analysis

Heinz Klug

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Heinz Klug is Evjue-Bascom Professor of Law and Director of the Global Legal Studies Center at the University of Wisconsin Law School and an Honorary Senior Research Associate in the School of Law at the University of the Witwatersrand.

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THE CONSTITUTION OF SOUTH AFRICA: A CONTEXTUAL ANALYSIS (CONSTITUTIONAL SYSTEMS OF THE WORLD)

BY HEINZ KLUG PDF

South Africa's 1996 'Final' Constitution is widely recognized as the crowning achievement of the country's dramatic transition to democracy. The transition began with the unbanning of the liberation movements and release of Nelson Mandela from prison in February 1990. This book presents the South African Constitution in its historical and social context, providing students and teachers of constitutional law and politics with an invaluable resource through which to understand the emergence, development, and continuing application of the supreme law of South Africa. The chapters present a detailed analysis of the different provisions of the Constitution, providing a clear, accessible, and informed view of the Constitution's structure and role in the new South Africa. The main themes include: a description of the historical context and emergence of the Constitution through the democratic transition * the implementation of the Constitution and its role in building a new democratic society * the interaction of the Constitution with the existing law and legal institutions, including the common law, indigenous law, and traditional authorities * the strains placed on the new constitutional order by both the historical legacies of apartheid and new problems facing South Africa. Specific chapters address: the historical context * the legal, political, and philosophical sources of the Constitution * its principles and structure * the Bill of Rights * parliament and executive * the Constitution's provisions for cooperative government and regionalism. The final chapter discusses the challenges facing the Constitution and its aspirations in a democratic South Africa. Written in an accessible style, with an emphasis on clarity and concision, the book includes a list of references for further reading at the end of each chapter.

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Thoughtful Book, But Not for Law Students

By not me

"The Constitution of South Africa" calls itself a "contextual analysis" of the South African constitution. Basically, it's a meditation on the pivotal role played by democratic constitutionalism in resolving the crisis

of apartheid and framing a new polity able (maybe) to overcome South Africa's legacy of inequality and deprivation. Along the way, the book provides an overview of the structures and functioning of the South African government as mandated by the 1996 constitution. However, the book is NOT a legal exegesis of the constitution -- there is little close analysis of text or case law, and big parts of the new constitutional dispensation (such as civil liberties) are barely mentioned. It is also NOT a political history of democratic South Africa, although there are many references to post-1994 developments, including the rift between Mbeki and Zuma, and the impact of the ANC's near-monopoly on politics. The book is wise and realistic, but readers should know what they are getting.

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