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General Index [to Accompany] Introduction to South African Law and Legal Theory, 2nd Ed
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Problems
The Dignity Jurisprudence of the
Constitutional Court of South Africa
Aspen Treatise for
Introduction to Feminist Legal Theory

Introduction to South African Law and Legal Theory

This is an introductory book on African legal philosophy. The book claims that African legal philosophy exists and is intelligible in the context of African culture, just as every other legal philosophy has its cultural foundation. What law is, how it is thought, how it is interpreted, and how it is applied takes place within the parameters of African culture. At a time when the imposition of Western culture on Africans has to be reckoned with, African legal philosophy is, in part, a response to this imposition. It ought to have a liberating effect.

Law and Legal Theory

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 addresses core 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

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controversies on 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 and practice. 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 of interest to scholars who wish to engage with African thought about the making, interpretation and enforcement of law.

Postmodern Legal Movements

African Law and Legal Theory

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

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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.

Social and Legal Theory in the Age of Decoloniality

The emergence of feminist legal theory has reshaped people's understanding of the law and its potential for reforming social and political norms. This collection includes both classic and new papers of feminist work in philosophy, psychoanalysis, political theory and literary criticism.

Law and Sacrifice

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.

The Nigerian Legal System: Public law

Volume 1 on public law provides an introduction to the Nigerian legal system. The various chapters deal with: introduction and sources of law; jurisprudence and Nigerian perspectives; African customary law; Islamic law; comparative constitutionalism and Nigerian perspectives; citizenship, immigration and administrative law; judicial system and legal profession; criminal law, evidence and civil procedure; statutory marriage and divorce laws; customary marriage and divorce; marriage and divorce under Islamic law; matters of children; gender and law in Nigeria with emphasis on Islamic law. Volume 2 has 25 chapters on private law that includes security of the environment and environmental law, land and property administration, commercial business and trade laws, communication, media and press laws, transportation and carrier laws, law enforcement, armed forces and military laws, investments, and intellectual property.

Chinese Law and Legal Theory

Money is a legal institution with principal economic and sociological consequences. Money is a debt, because that is how it is conceptualised and comes into existence: as circulating credit – if viewed from the creditor’s perspective – or, from the debtor’s viewpoint, as debt. This book presents a legal theory of money, based on the concept of dematerialised property. It describes the money creation or money supply process for cash and for bank money, and

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looks at modern forms of money, such as cryptocurrencies. It also shows why mainstream economics presupposes, but avoids an analysis of, money by effectively eliminating money from the microeconomic market model and declaring it as merely a neutral medium of exchange and unit of account. The book explains that money rather brings about and influences substantially the exchange or transaction it is supposed to facilitate only as a neutral medium. As the most liquid of all assets, money enables financialisation, monetisation and commodification in the economy. The central role of the banks in the money creation process and in the economy, and their strengthened position after the bank rescue measures in the wake of the financial crisis 2008-9 are also discussed. Providing a rigorous analysis of the most salient legal issues regarding money, this book will appeal to legal theorists, economists and anyone working in commercial or banking law.

Feminism, Postfeminism and Legal Theory

There is a growing interest within law schools in the intersections between law and different areas of social theory. The second edition of this popular text introduces a wide range of traditions in sociology and the humanities that offer provocative, contextual views on law and legal institutions. The book is organised into six sections, each with an introduction by the editors, on classical sociology of law, systems theory, critical approaches, law in action,

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postmodernism, and law in global society. Each chapter is written by a specialist who reviews the literature, and discusses how the approach can be used in researching different topics. New chapters include authoritative reviews of actor network theory, new legal realism, critical race theory, post-colonial theories of law, and the sociology of the legal profession. Over half the chapters are new, and the rest are revised in order to include discussion of recent literature.

Feminist Legal Theory

Legal Naturalism advances a clear and convincing case that Marx's theory of law is a form of natural law jurisprudence. It explicates both Marx's writings and the idea of natural law, and makes a forceful contribution to current debates on the foundations of law. Olufemi Taiwo argues that embedded in the corpus of Marxist writing is a plausible, adequate, and coherent legal theory. He describes Marx's general concept of law, which he calls "legal naturalism." For Marxism, natural law isn't a permanent verity; it refers to the basic law of a given epoch or social formation which is an essential aspect of its mode of production. Capitalist law is thus natural law in a capitalist society and is politically and morally progressive relative to the laws of preceding social formations. Taiwo emphasizes that these formations are dialectical or dynamic, not merely static, so that the law which is naturally appropriate to a capitalist economy will embody tensions and contradictions that replicate the underlying conflicts of that

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economy. In addition, he discusses the enactment and reform of "positive law"—law established by government institutions—in a Marxian framework.

Feminist Legal Theory

The leading text in the field, *Introduction to Feminist Legal Theory* was the first book that served as an introductory survey of feminist jurisprudence. Its historical view of feminist legal theory places issues in social context and thoroughly reviews the evolving paradigms of contemporary feminism from the 1970s through the present. The full range of legal issues affecting women are covered, including gender discrimination, rape, sexual harassment, motherhood, reproductive issues, and much more. Clear, energetic presentation keeps students engaged and involved with succinct overviews, intellectually stimulating material, and jargon-free prose. The Third Edition features up-to-date theories and topics, such as the "autonomy" feminism and "masculinities" theory. Expansion of the current theory-based structure includes the "big three" feminisms described in the previous edition and the "new three" feminisms, which are expanded in the third edition. New applied areas are covered as well, such as transgender legal issues and sex trafficking. While the book remains U.S.-focused, important new material on global and comparative feminism has been added. Throughout the text, students will find discussion about changes in the law since 2003 on issues such as rape, pay equity, sex stereotyping, marriage equality, Title IX, and more. Thoroughly updated, the revised Third

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Edition presents: Up-to-date theories and topics "autonomy" feminism, "masculinities" theory, "social justice" feminism LGBT and critical race perspectivesa Two-part organization, focusing on chronology and substantive areas of the law that are of particular importance to feminist legal scholars Part one focuses on chronology by examining the three generations of feminist legal theory that have emerged since 1971 the Generation of Equality (1970s) the Generation of Difference (1980s) the Generation of Complex Identities (1990s to present) this part will also include the "new three" feminisms in the 3rd edition (intersectional, autonomy and postmodern feminism) Part two focuses on substantive areas of the law, which fall into three categories economic subordination of women sexual subordination of women motherhood and reproduction Introduction of new applied areas transgender legal issues sex trafficking reproductive justice More material on global and comparative feminism, while remaining U.S.-focused Discussion of changes in the law since 2003 rape domestic violence pay equity torts and tax law same-sex marriage Title IX, and more

Routledge Handbook of Socio-Legal Theory and Methods

Law, Morality and the Private Domain

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

Routledge Handbook of Law and Theory

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

Law and Social Theory

A selection of articles concerning Chinese Law and Legal Theory which reflects the diversity of contemporary approaches to the study of law in Chinese Society and the high standards of scholarship in this area.

An Introduction to South African Law and Legal Theory

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,

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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.

Introduction to South African Law and Legal Theory, Second Edition

Law and Legal Theory Edited 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.

Corporate Social Responsibility and Law in Africa

Law in Aid of Development

Legal Theory and the Social Sciences

The book is a collection of essays, which aim to situate African legal theory in the context of the myriad of contemporary global challenges; from the prevalence of war to the misery of poverty and disease to the crises of the environment. Apart from being problems that have an indelible African mark on

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them, a common theme that runs throughout the essays in this book is that African legal theory has been excluded, under-explored or under-theorised in the search for solutions to such contemporary problems. The essays make a modest attempt to reverse this trend. The contributors investigate and introduce readers to the key issues, questions, concepts, impulses and problems that underpin the idea of African legal theory. They outline the potential offered by African legal theory and open up its key concepts and impulses for critical scrutiny. This is done in order to develop a better understanding of the extent to which African legal theory can contribute to discourses seeking to address some of the challenges that confront African and non-African societies alike.

Theory Introduction to South African Law and Legal Theory

Drawing on a range of approaches from the social sciences and humanities, this handbook explores theoretical and empirical perspectives that address the articulation of law in society, and the social character of the rule of law. The vast field of socio-legal studies provides multiple lenses through which law can be considered. Rather than seeking to define the field of socio-legal studies, this book takes up the experiences of researchers within the field. First-hand accounts of socio-legal research projects allow the reader to engage with diverse theoretical and methodological approaches within this fluid interdisciplinary area. The book provides a rich

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resource for those interested in deepening their understanding of the variety of theories and methods available when law is studied in its broadest social context, as well as setting those within the history of the socio-legal movement. The chapters consider multiple disciplinary lenses – including feminism, anthropology and sociology – as well as a variety of methodologies, including: narrative, visual and spatial, psychological, economic and epidemiological approaches. Moreover, these are applied in a range of substantive contexts such as online hate speech, environmental law, biotechnology, research in post-conflict situations, race and LGBT+ lawyers. The handbook brings together younger contributors and some of the best-known names in the socio-legal field. It offers a fresh perspective on the past, present and future of sociolegal studies that will appeal to students and scholars with relevant interests in a range of subjects, including law, sociology and politics.

Comparative Law in a Global Context

The eighteenth-century Enlightenment saw the birth of an era which sought legitimacy not from the past but from the future. No longer would human beings invoke the authority of tradition; instead, modern societies emerging in the West justified themselves by their success at increasing, through the application of scientific knowledge, human control over the world. Ever since this notion of modernity was formulated it has provoked intense debate. In this wide-ranging historical introduction to social theory, Alex Callinicos

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explores the controversies over modernity and examines the connections between social theory and modern philosophy, political economy and evolutionary biology. He offers clear and accessible treatments of the thought of Montesquieu, Adam Smith and the Scottish Enlightenment, Hegel, Marx, Tocqueville, Maistre, Gobineau, Darwin, Spencer, Kautsky, Nietzsche, Durkheim, Weber, Simmel, Freud, Lukacs, Gramsci, Heidegger, Keynes, Hayek, Parsons, the Frankfurt School, Levi-Strauss, Althusser, Foucault, Habermas and Bourdieu, and concludes by surveying the state of contemporary social thought. A remarkably comprehensive and lucid primer, *Social Theory* is essential reading for students of politics, sociology and social and political thought.

Law and Legal Theory in Classical and Medieval Islam

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.

Introduction to South African Law and Legal Theory

Ever since H.L.A. Hart's self-description of The Concept of Law as an 'exercise in descriptive sociology', contemporary legal theorists have been debating the relationship between legal theory and sociology, and between legal theory and social science more generally. There have been some who have insisted on a clear divide between legal theory and the social sciences, citing fundamental methodological differences. Others have attempted to bridge gaps, revealing common challenges and similar objects of inquiry. Collecting the work of authors such as Martin Krygier, David Nelken, Brian Tamanaha, Lewis Kornhauser, Gunther Teubner and Nicola Lacey, this volume - the second in a three volume series - provides an overview of the major developments in the last thirty years. The volume is divided into three sections, each discussing an aspect of the relationship of legal theory and the social sciences: 1) methodological disputes and collaboration; 2) common problems, especially as they concern different modes of explanation of social behaviour; and 3) common objects, including, most prominently, the study of language in its social context and normative pluralism.

Jurisprudence in an African Context

This Major Reference series brings together a wide range of key international articles in law and legal theory. Many of these essays are not readily

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accessible, and their presentation in these volumes will provide a vital new resource for both research and teaching. Each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction.

Credit and Creed

Moral problems, argues Professor Raymond Wacks, pervade the legal system, and he shows how the judicial function, the sources of legitimacy, and the protection of rights have an inescapable ethical dimension. The second part of the book focuses on the private domain and the legal concept of privacy. The extent to which the law ought to preserve a distinctly private realm is a pressing concern in our surveillance society in which personal information is increasingly collected, transferred, and stored. This controversial and difficult subject is one into which Professor Wacks, a leading expert in this field, is uniquely qualified to offer important insights.

Legal Theory and Legal History

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 Africa is widely considered to be the most sweeping in the world. This book brings together the first sixteen

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years of constitutional jurisprudence addressing the meaning, role, and reach of dignity in the law of South Africa as a multiracial democracy.

Legal Naturalism

Global Technology and Legal Theory

The rise and spread of the Internet has accelerated the global flows of money, technology and information that are increasingly perceived as a challenge to the traditional regulatory powers of nation states and the effectiveness of their constitutions. The acceleration of these flows poses new legal and political problems to their regulation and control, as shown by recent conflicts between Google and the European Union (EU). This book investigates the transnational constitutional dimension of recent conflicts between Google and the EU in the areas of competition, taxation and human rights. More than a simple case study, it explores how the new conflicts originating from the worldwide expansion of the Internet economy are being dealt with by the institutional mechanisms available at the European level. The analysis of these conflicts exposes the tensions and contradictions between, on the one hand, legal and political systems that are limited by territory, and, on the other hand, the inherently global functioning of the Internet. The EU's promising initiatives to extend the protection of privacy in cyberspace set the stage for a broader dialogue on constitutional problems related to the

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enforcement of fundamental rights and the legitimate exercise of power that are common to different legal orders of world society. Nevertheless, the different ways of dealing with the competition and fiscal aspects of the conflicts with Google also indicate the same limits that are generally attributed to the very project of European integration, showing that the constitutionalization of the economy tends to outpace the constitutionalization of politics. Providing a detailed account of the unfolding of these conflicts, and their wider consequences to the future of the Internet, this book will appeal to scholars working in EU law, international law and constitutional law, as well as those in the fields of political science and sociology.

Islamic Law and Legal Theory

Introduction to South African Law and Legal Theory

There is much debate about postfeminism, what it is, and its role in feminist politics. Whilst postfeminism has become increasingly influential in the study of literature, popular culture, and philosophy, it has so far received comparatively little attention in law. This book aims to remedy this situation. The book brings together feminist legal scholars working in different contexts to examine the idea of postfeminism and assess its contemporary relevance. It explores a range of questions including the following: Does postfeminism describe an age that follows

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modernism, an age where identity politics has realised its goals and feminism is no longer needed? Or does postfeminism describe the feminism of a postmodernist age where identity can mean anything at all? Or, differently again, does the term capture a 'new feminism' that discredits feminism and attempts to reshape its political consciousness? And what might the answers to these questions mean for law and legal theory, and a feminist politics of law reform?

An Introduction to African Legal Philosophy

General Index [to Accompany] Introduction to South African Law and Legal Theory, 2nd Ed

This book examines the conception of corporate social responsibility (CSR) in Africa, expanding it's frontiers beyond corporate reporting, voluntary corporate charity and community development projects. Taking a corporate law perspective on CSR, the author combines theory and practice to explain how CSR interacts with of sustainable development and sets an agenda for effective operationalization in Africa. The book not only devises an enforcement mechanism towards embedding effective CSR and sustainable development in Africa but also addresses CSR greenwash on the continent. The author critically examines CSR practices, legal and regulatory techniques in Nigeria and South Africa in the context of contexts of international regulatory dialogues and

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shows how corporate socially responsible behaviour can be effectively embedded within business communities in Africa. Increasing our understanding of the theoretical, legal and regulatory frameworks supporting corporate responsibility, this book will be of interest to scholars, policy makers and practitioners in the fields of Africa law, corporate law, corporate social responsibility and African business.

Globalisation and Legal Theory

This handbook sets out an innovative approach to the theory of law, reconceptualising it in a material, embodied, socially contextualised and politically radical way. The book consists of original contributions authored by prominent academics, all of whom provide a valuable overview of legal theory as a discipline. The book contains five sections: • Spatiotemporal • Sense • Body • Text • Matter Through this structure, the handbook brings the law into active discussion with other disciplines, as well as supra-disciplinary debates on the areas of spatiality, temporality, materiality, corporeality and sensorial studies, capturing the most exciting developments in current legal theory, and anticipating future research in the area. The handbook is essential reading for scholars and students of jurisprudence, sociology of law, critical legal studies, socio-legal theory and interdisciplinary legal studies, as well as those people from other disciplines interested in the way the law converses with interdisciplinarity.

Introduction to South African Law and

Legal Theory

Now in its second edition, this textbook presents a critical rethinking of the study of comparative law and legal theory in a globalising world, and proposes an alternative model. It highlights the inadequacies of current Western theoretical approaches in comparative law, international law, legal theory and jurisprudence, especially for studying Asian and African laws, arguing that they are too parochial and eurocentric to meet global challenges. Menski argues for combining modern natural law theories with positivist and socio-legal traditions, building an interactive, triangular concept of legal pluralism. Advocated as the fourth major approach to legal theory, this model is applied in analysing the historical and conceptual development of Hindu law, Muslim law, African laws and Chinese law.

An African Path to Disability Justice

Introduction to South African Law and Legal Theory

This work deals with the law and legal theory in classical and medieval Islam. Among the topics covered are: non-analogical arguments in Sunni juridical Qiyas; logic and formal arguments in Sunni jurisprudence; inductive corroboration; and al-Shafi'i and his influence on Islamic jurisprudence.

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