

1. Record Nr.	UNINA9910454124603321
Autore	Kende Mark S. <1960->
Titolo	Constitutional rights in two worlds : South Africa and the United States // Mark S. Kende [[electronic resource]]
Pubbl/distr/stampa	Cambridge : , : Cambridge University Press, , 2009
ISBN	1-107-19927-1 1-282-10382-2 9786612103827 0-511-51738-6 0-511-57601-3 0-511-51787-4 0-511-51534-0 0-511-51433-6 0-511-51662-2
Descrizione fisica	1 online resource (xiii, 321 pages) : digital, PDF file(s)
Disciplina	342.6808/5
Soggetti	Human rights - South Africa Constitutional law - South Africa Human rights - United States Constitutional law - United States
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Title from publisher's bibliographic system (viewed on 05 Oct 2015).
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Introduction -- History and background -- The death penalty -- Gender equality -- Gay rights -- Affirmative action -- Freedom of expression -- Freedom of religion -- Socioeconomic rights -- Final thoughts.
Sommario/riassunto	The South African Constitutional Court has issued internationally prominent decisions abolishing the death penalty, enforcing socio-economic rights, allowing gay marriage and promoting equality. These decisions are striking given the country's apartheid past and the absence of a grand human rights tradition. By contrast, the US Supreme Court has generally ruled more conservatively on similar questions. This book examines the Constitutional Court in detail to determine how

it has functioned during South Africa's transition and compares its rulings to those of the US Supreme Court on similar rights issues. The book also analyzes the scholarly debate about the Constitutional Court taking place in South Africa. It furthermore addresses the arguments of those international scholars who have suggested that constitutional courts do not generally bring about social change. In the end, the book highlights a transformative pragmatic method of constitutional interpretation - a method the US Supreme Court could employ.
