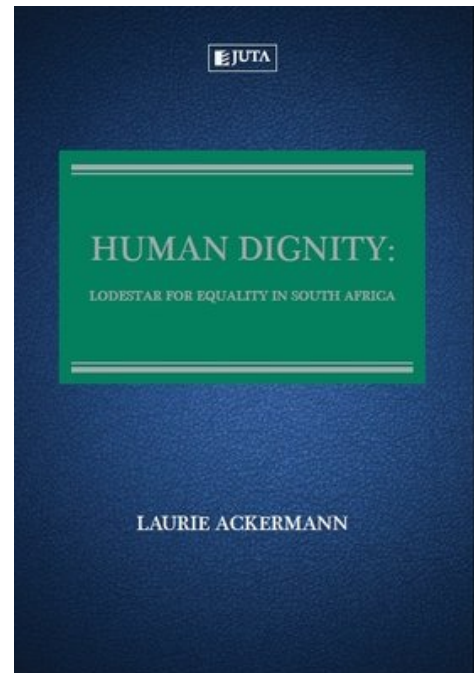


Human Dignity

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About this Publication:

Human Dignity: Lodestar for Equality in South Africa provides an in-depth analysis of human dignity and its relationship to equality in South African law. The author argues that human dignity is the attributive key that unlocks the constitutional meaning of equality and unfair discrimination. Equality cannot be usefully debated without first asking the vital question 'Equality of what?' The answer, it is contended, must be 'human dignity'. The philosophical and Abrahamic religious roots of these constitutional concepts of dignity and equality are investigated, then further explored and illustrated in the comparative context of South African, German and Canadian constitutional jurisprudence.

Clashes and tensions between rights inevitably occur when the equality and non-discrimination rights of a Bill of Rights are applied horizontally, that is between subjects of the state themselves. The human dignity of the contestants plays a vital role in resolving such tensions and conflicts. Human dignity moreover has a determining function when applying constitutionally mandated restitutionary (compensatory) equality and when determining what the legitimate extent and duration of such restitution is. These issues are also considered in a comparative constitutional context.

Peer Reviews:

'Retired Justice Laurie Ackermann was one of the giants of the "Mandela Constitutional Court" appointed in 1994. His new book on human dignity matches the weight and the profundity of his judicial writing on the subject. It is an authoritative, lawyerly and commanding exposition of the value that is the key to South Africa's constitutional future—the dignity of all its peoples.'

Justice Edwin Cameron, Justice of the Constitutional Court of South Africa

'In this work, the claim that it is the inherent dignity and worth of every human person that must inform the interpretation and enforcement of the constitutional right to equality is backed up, inter alia, by a useful exposition of the Kantian concept of dignity and an illuminating and context-sensitive engagement with comparative constitutional law. The author's argument is

appropriate balance between equality and freedom in cases involving the horizontal application of the Bill of Rights. Throughout, the author presents a well-argued and robust defence of a constitutional vision which places the dignity of the individual at the heart of the Constitution's transformative project. This is an important contribution which is certain to stimulate further analysis and debate.'

- Prof Henk Botha, University of Stellenbosch Law Faculty

'The most systematic, theoretically rich, and intellectually provocative treatment in the academic literature to date on the subject of human dignity in South Africa's evolving equality jurisprudence.'

Prof Sandra Liebenberg, HF Oppenheimer Professor of Human Rights Law, University of Stellenbosch Law Faculty

Contents Include:

- Table of cases
- Table of statutes
- Introduction
- Theoretical background to human dignity, equality and non-discrimination as constitutional legal concepts
- Human dignity (human worth) under the Constitution
- Equality under the Constitution
- Dignity's role in the horizontal operation of the right to equality and non-discrimination
- Restitutionary or remedial equality

Of Interest and Benefit to:

- Lawyers
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