Falls the Shadow

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About this Publication:

South Africa supposedly has one of the best Constitutions in the world, one which is intended to control and constrain the exercise of power by the state so that it does not threaten the liberty and security of citizens. But, in reality, does the Constitution contribute more to the security of some groups than others? Does it help to ensure certain types of security but not others? And does it have greater impact on some institutions than others? The book is based on the assumption that the Constitution has a significant impact on the security of South African citizens and communities but that this impact is differential.

The chapters in the book explore what kind of impacts the Constitution has, explain what accounts for the differences, examine the consequences, and consider whether there are any general observations and hypotheses that emerge from comparative perspectives.

Contents Include:

Chapter 1: Introduction - Mind the Gap! - Dr Laurie Nathan (Professor and Director of the Centre for Mediation in Africa, University of Pretoria)

Chapter 2: You can't eat the Constitution: Is democracy for the poor? Adv Tseliso Thipanyane

Chapter 3: Access to justice: The role of legal aid and civil society in protecting the poor - Dr Kristina Bentley (Research Associate, Democratic governance and Rights Unit, UCT)


Chapter 5: Custom and constitutional rights: an impossible dialogue? - Mazibuko Jara
Chapter 7: Judicial Selection: What qualities make for a good judge? - Susannah Cowen

Chapter 8: Judicial Appointments: Do procedural shortcomings hinder access to justice? - Abongile Sipondo and Chris Oxtoby

Chapter 9: Intelligence Bound: The South African Constitution and Intelligence Services - Dr Laurie Nathan

Conclusion - Things fall apart: the centre cannot hold - Prof Richard Calland (University of Cape Town)

Of Interest and Benefit to:

Legal professionals, academics who focus on constitutions, rights and security, students of politics and law and members of the South African public who have an interest in human rights and their protection under the Constitution.