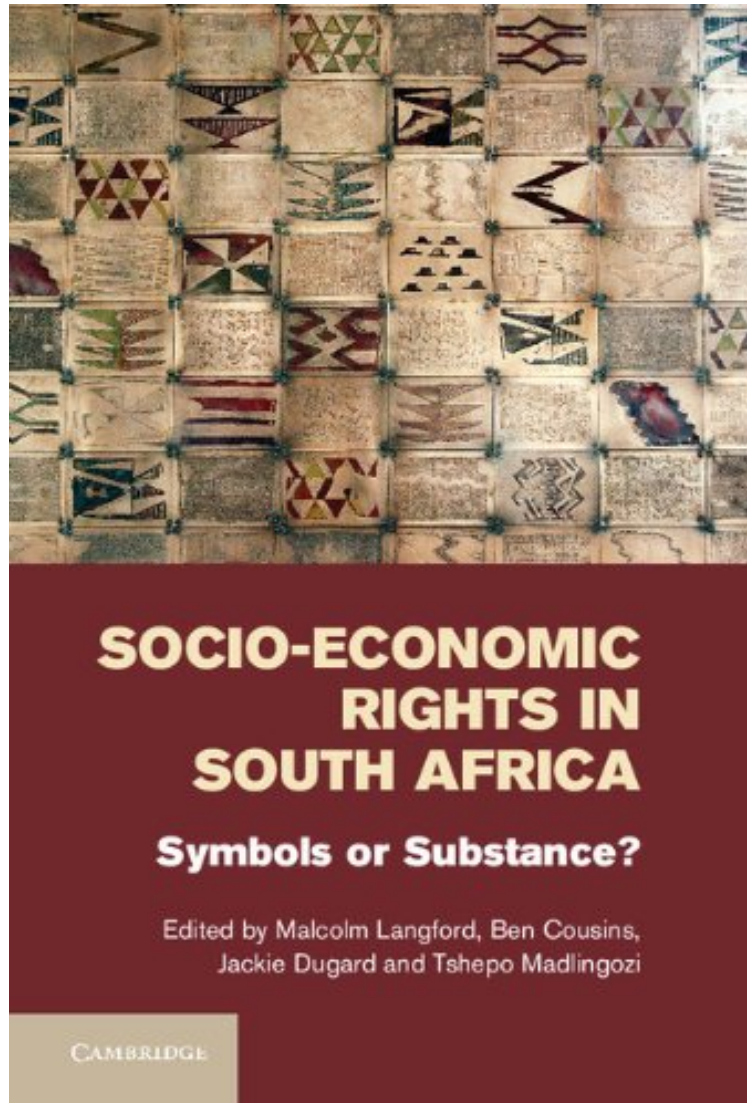


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Socio-Economic Rights in South Africa: Symbols or Substance?

From Cambridge University Press

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From Cambridge University Press : Socio-Economic Rights in South Africa: Symbols or Substance? before purchasing it in order to gauge whether or not it would be worth my time, and all praised Socio-Economic Rights in South Africa: Symbols or Substance?:

The embrace of socio-economic rights in South Africa has featured prominently in scholarship on constitution making, legal jurisprudence and social mobilisation. But the development has attracted critics who claim that this turn to rights has not generated social transformation in practice. This book sets out to assess one part of the puzzle and asks what

has been the role and impact of socio-economic strategies used by civil society actors. Focusing on a range of socio-economic rights and national trends in law and political economy, the book's authors show how socio-economic rights have influenced the development of civil society discourse and action. The evidence suggests that some strategies have achieved material and political impact but this is conditional on the nature of the claim, degree of mobilisation and alliance building, and underlying constraints.

"South Africa long has been an inspiration to the world for its struggle against apartheid, peaceful transition to a multiracial democracy, and new constitution with a comprehensive declaration of rights interpreted by a distinguished Constitutional Court. Many have waited eagerly to see how the promise would be realized. *Socio-Economic Rights in South Africa: Symbols or Substance?* offers the most illuminating answers to date. With great theoretical sophistication and unparalleled empirical data, it charts the complex ways in which rights and social movements are mutually constitutive in the engagement with such diverse issues as land, health care, the delivery of water, sanitation and electricity, the environment, access to information, gender, and immigration. Everyone interested in understanding how struggles for socio-economic rights differ from the more familiar earlier contests over legal and political rights must read this book." --Richard Abel Connell Distinguished Professor of Law Emeritus and Distinguished Research Professor, University of California, Los Angeles, Author of *Politics by Other Means: Law in the Struggle against Apartheid, 1980-94*"This volume makes an extraordinary contribution to the increasingly sophisticated literature on socio-economic rights globally. Rooted in a deeply contextual approach to the conditions under which civil society engages the ideas, laws and institutions through which socio-economic resources are struggled for and produced, *Socio-Economic Rights in South Africa: Symbols or Substance?* offers important insights into the complexity of understanding and achieving these rights. The different contributions offer both insights into a vast range of different socio-economic resources - from land, water and housing to work, welfare and social security - yet the volume successfully roots these various resource struggles in the political economy of post-apartheid South Africa. At the same time the volume highlights a range of theoretical questions that are key to the task of untangling the interactions of structural conditions, institutional cultures and social forms of mobilization necessary to study and understand issues of capacity, causation and the possibility of alternative strategies that might be deployed in civil society to access these resources. Langford, Cousins, Dugard and Madlingozi must be congratulated on bringing together such a rich range of contributions that transform and deepen our understanding of socio-economic rights in South Africa and beyond." --Heinz Klug, Evjue-Bascom Professor of Law, University of Wisconsin Law School"Dugard, Cousins, Langford, and Madlingozi - clear voices that understand the power and limitation of rights language - have edited a pioneering work that should both inspire and chastise the South African human rights movement. They insightfully show a state and civil society seduced by the medium of economic and social rights, and how rights-based strategies can be dynamic, but also vulnerable to capture by the status quo. One cannot but conclude that the South African laboratory proves that the rights discourse is not a path for total liberation from human privation." --Makau Mutua, SUNY Distinguished Professor and Floyd H. Hilda L. Hurst Faculty Scholar, SUNY Buffalo Law School, The State University of New York"Conceptually appealing, and theoretically innovative and provocative, this volume is an important, timely, and exciting contribution to the scholarly literature regarding the pursuit of social and economic rights in South Africa, and particularly the question whether the South African rights based approach serves as either a model to be emulated, or as a cautionary tale. The contributors raise the compelling question, namely, why the South African constitution, with its expansive incorporation of social and economic rights and so heralded internationally, has failed to generate the "social transformation" embedded in this incorporation. Utilising a comparative lens, with an impressive methodology and a comprehensive interdisciplinary bibliography, the contributors highlight the extent to which civil society actors with their new armoury of socio-economic rights strategies and tactics have been able to close the dissonance between the constitutional promise and empirical reality." -Penelope Andrews, President and Dean, Albany Law School

About the Author Malcolm Langford is a Research Fellow at the Norwegian Centre for Human Rights, Faculty of Law, University of Oslo, and Director of the Centre's Socio-Economic Rights Programme. He leads a number of international research networks, is an adviser to different UN agencies, governments and NGOs, and has been a visiting fellow and professor at a number of universities. He has published widely on human rights issues in law, economics and development as well as political science. His books include *The International Covenant on Economic, Social and Cultural Rights*, with M. Craven (2013); *The MDGs and Human Rights: Past, Present and Future*, edited with A. Sumner and A. E. Yamin Russell (2013); and *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law* (2008). Ben Cousins holds a DST/NRF Research Chair and is based at the Institute of Poverty, Land and Agrarian Studies in the School of Government, University of the Western Cape, which he founded in 1995. He has worked in agricultural training and extension in the UK, Swaziland and Zimbabwe, and undertaken research on land tenure, agriculture, and land and agrarian reform in Zimbabwe and South Africa. His books include *At the Crossroads: Land and Agrarian Reform in South Africa into the 21st Century* (edited, 2000) and *Land, Power and Custom: Controversies Generated by South Africa's Communal Land Rights Act* (co-edited with Aninka Claassens, 2008). Jackie Dugard is Executive Director of the Socio-Economic Rights Institute of South Africa,

which she co-founded in January 2010. She is also a Visiting Senior Fellow at the School of Law, University of the Witwatersrand. Dugard's areas of expertise are socio-economic rights, socio-legal studies, and access to basic services and justice for the poor. She has published widely on the role of law in affecting socio-economic change, as well as on basic services-related rights and access to courts. Tshepo Madlingozi is a Senior Lecturer at the Faculty of Law, University of Pretoria. He is a member of the editorial committee of the African Human Rights Law Journal, a member of the management committee of the Pretoria University Law Press and a member of the Board of Trustees of several NGOs. He has undertaken consultancy work for various intergovernmental institutions and NGOs including the AU Pan-African Parliament and the UN Office of the High Commissioner for Human Rights. He has published in journals such as the Journal of Law and Society and the Journal of Human Rights Practice.