

Law And Sociology Current Legal Issues Vol 8

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Issues in Transnational Policing James Sheptycki 2002-01-04 Globalisation, the wired planet, the global village, these are a few of the terms associated with the social and political changes that are said to describe the world at the beginning of the new millennium. One of the most important institutions of the social ordering has been that of policing, but very little has been written on how the practices of social control are affected by the processes of transnationalisation. This book brings together contributions by experts on policing that focus on some of the newly emergent policing issues connected with these changes: *the global private security industry *cross national networking between police *the establishment of an international criminal court *money laundering *policing cyberspace *the drug war Issues in Transnational Policing crosses the boundaries between criminology, international relations and international law to provide a thought-provoking picture of the complex issues surrounding the politics of policing in the future.

Jurisprudence in a Globalized World Jorge Luis Fabra-Zamora 2020-02-28 Leading legal scholars and philosophers provide a breadth of perspectives and inspire stimulating debate around the transformations of jurisprudence in a globalized world. This innovative book considers modifications

to jurisprudence's methodological approaches driven by globalization, the concepts and theoretical tools required to account for putative new forms of legal phenomena, and normative issues relating to the legitimacy and democratic character of these legal orders.

Encyclopedia of Law and Society David S. Clark 2007 Provides more than seven hundred alphabetical entries covering the interaction of law and society around the globe, including the sociology of law, law and economics, law and political science, psychology and law, and criminology.

Applicative Justice Naomi Zack 2016-03-04 Naomi Zack pioneers a new theory of justice starting from a correction of current injustices. While the present justice paradigm in political philosophy and related fields begins from John Rawls's 1970 Theory of Justice, Zack insists that what people in reality care about is not justice as an ideal, but injustice as a correctable ill. For a way to describe real injustice and the society in which it occurs, Zack resurrect Arthur Bentley's key insight that government and law (or political life) is a constant process of contending interest groups throughout society. Bentley's main idea allows for a resolution of the contradiction between formal legal equality for U.S. minorities and post-civil rights practical inequality. Just law and unjust practice co-exist as a fact of

political life. The correction of injustice in reality requires applicative justice, in a comparison between those who are treated unjustly with those who are treated justly, and the design of effective measures to equalize such treatment. Zack's theory of applicative justice offers a revolutionary reorientation of society's pursuit of justice, seeking to undo injustice in a practical and fully achievable way.

Re-imagining religion and belief Baker, Christopher 2018-08-29 The need to reimagine religion and belief is precipitated by their greater visibility in public life. Meanwhile, social policy responses often see them from a problem-based, rather than an asset-based, approach. However, with growing diversity of religion and belief in every sector comes the potential for new dialogues across previously impermeable policy and disciplinary silos. This volume brings together leading international authors to critically consider these challenges within legal and policy frameworks, including security and cohesion, welfare, law, health and social care, inequality, cohesion, extremism, migration and abuse. It challenges policy makers to re-imagine religion and belief as an integral part of public life that contains resources, practices, forms of knowledge and experience that are essential to a coherent policy approach to diversity, enhanced democracy and participation.

The Economic Characteristics of Developing Jurisdictions Michal S. Gal 2015-06-29 There is ongoing debate as to what competition law and policy is most suitable for developing jurisdictions. This book argues that the unique characteristics of developing jurisdictions matter when crafting and enforcing competition law and these should

Reimagining Equality Nancy E. Dowd 2018-06-26 A comprehensive examination of developmental inequality among children Developmental equality—whether every child has an equal opportunity to reach their fullest potential—is essential for children's future growth and access to opportunity. In the United States, however,

children of color are disproportionately affected by poverty, poor educational outcomes, and structural discrimination, limiting their potential. In *Reimagining Equality*, Nancy E. Dowd sets out to examine the roots of these inequalities by tracing the life course of black boys from birth to age 18 in an effort to create an affirmative system of rights and support for all children. Drawing on interdisciplinary research, the book demonstrates that black boys encounter challenges and barriers that funnel them toward failure rather than developmental success. Their example exposes a broader reality of hierarchies among children, linked to government policies, practices, structures, and institutions. Dowd argues for a new legal model of developmental equality, grounded in the real challenges that children face on the basis of race, gender, and class. Concluding with a “New Deal” for all children, *Reimagining Equality* provides a comprehensive set of policies that enables our political and legal systems to dismantle what harms and discriminates children, and maximize their development.

Routledge Handbook of Socio-Legal Theory and Methods Naomi Creutzfeldt 2019-08-13 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 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.

Health Care, Crime and Regulatory Control Russell G. Smith 1998 Published with the Australian Institute of Criminology. Medicine has always been intimately involved with crime and criminology, whether it is through explanations of criminal behaviour or the attempt to modify this behaviour through treatment. This book looks at the interaction between the criminal justice system and regulating health care practice. Covering a variety of disciplines, the book addresses regulatory controls and the regulation in health care of alternative health care methods, sexual misconduct in health care, unlawful killing and fraud.

Pragmatism, Logic, and Law Frederic Kellogg 2020-12-10 Pragmatism, Logic and Law offers a view of legal pragmatism consistent with pragmatism writ large, tracing it from origins in late 19th century America to the present, covering various issues, legal cases, personalities, and relevant intellectual movements within and outside law. It addresses pragmatism's relation to legal liberalism, legal positivism, natural law, critical legal studies (CLS), and post-Rorty "neopragmatism." It views legal pragmatism as an exemplar of pragmatism's general contribution to logical theory, which bears two connections to the western philosophical tradition: first, it extends Francis Bacon's empiricism into contemporary aspects of scientific and legal

experience, and second, it is an explicitly social reconstruction of logical induction. Both notions were articulated by John Dewey, and both emphasize the social or corporate element of human inquiry. Empiricism is informed by social as well as individual experience (which includes the problems of conflict and consensus). Rather than following the Aristotelian model of induction as immediate inference from particulars to generals, a model that assumes a consensual objective viewpoint, pragmatism explores the actual, and extended, process of corporate inference from particular experience to generalization, in law as in science. This includes the necessary process of resolving disagreement and finding similarity among relevant particulars.

Mapping the Legal Boundaries of Belonging Rene Provost 2014-11-04 For several decades, culture played a central role in challenging the liberal tradition. More recently however, religion has re-emerged as one of the central challenges facing Western liberal societies' conception of multiculturalism. *Mapping the Legal Boundaries of Belonging* explores the complex relationship between religion and multiculturalism and the role of the state and law in the creation of boundaries. The intersection between religion, nationalism and other vectors of difference in Canada and Israel offer an ideal laboratory in which to examine multiculturalism in particular and the governance of diversity in general. The contributors to this volume investigate concepts of religious difference and diversity and the ways in which these two states and legal systems understand and respond to them. As a consequence of a purportedly secular human rights perspective, they show, state laws may appear to define religious identity in a way that contradicts the definition found within a particular religion. Both state and religion make the same mistake if they take a court decision that emphasizes individual belief and practice as effecting a direct modification of a religious norm: the court lacks the power to change the

authoritative internal definition of who belongs to a particular faith. Similarly, in the pursuit of a particular model of social diversity, the state may adopt policies that imply a particular private/public distinction foreign to some religious traditions.

Europe, China, and the Limits of Normative Power

Zsuzsa Anna Ferenczy 2019 Europe, China, and the Limits of Normative Power is a groundbreaking book, offering insights into European influence regarding China's development, during a period when Europe confronts its most serious political, social, and economic crises of the post-war period. Considering Europe's identity and its future international relevance, this book examines the extent to which Europe's multi-layered governance structure, the normative divergence overshadowing EU–China relations and Europe's crises continue to shape – and often limit – Europe's capacity to inspire China's development.

AI Approaches to the Complexity of Legal Systems

Pompeu Casanovas 2010-10-21 The inspiring idea of this workshop series, Artificial Intelligence Approaches to the Complexity of Legal Systems (AICOL), is to develop models of legal knowledge, concerning organization, structure and content, in order to promote mutual understanding and communication between different systems and cultures. Complexity and complex systems describe recent developments in AI and law, legal theory, argumentation, the Semantic Web, and multi-agent systems. The aim of the AICOL workshops is thus to offer effective support for the exchange of knowledge and methodological approaches between scholars from different scientific fields, by highlighting their similarities and differences. The comparison of multiple formal approaches to the law (such as logical models, cognitive theories, argumentation frameworks, graph theory, game theory), as well as opposite perspectives like internal and the external viewpoints, this volume stresses possible convergences, as, for instance, are possible in the realms of conceptual structures, argumentation schemes, emergent behaviors,

learning evolution, adaptation, and simulation. This volume assembles 15 thoroughly refereed and revised papers, selected from two workshops organized at the XXIV World Congress of Philosophy of Law and Social Philosophy (IVR, Beijing, China, September 15-20, 2009) and at JURIX-09 (December 16-19, 2009, Rotterdam). The papers are organized in topical sections on language and complex systems in law, ontologies and the representation of legal knowledge, argumentation and logics, as well as dialogue and legal multimedia.

Legal Pluralism and Development

Brian Z. Tamanaha 2012-05-28 Previous efforts at legal development have focused almost exclusively on state legal systems, many of which have shown little improvement over time. Recently, organizations engaged in legal development activities have begun to pay greater attention to the implications of local, informal, indigenous, religious and village courts or tribunals, which often are more efficacious than state legal institutions, especially in rural communities. Legal pluralism is the term applied to these situations because these institutions exist alongside official state legal systems, usually in a complex or uncertain relationship. Although academics, especially legal anthropologists and sociologists, have discussed legal pluralism for decades, their work has not been consulted in the development context. This book brings together, in a single volume, contributions from academics and practitioners to explore the implications of legal pluralism for legal development.

A Magna Carta for Children? Michael Freeman 2020-09-30 The UN Convention on the Rights of the Child is the most widely ratified human rights treaty in the world, yet everyday children still face poverty, violence, war, disease and disaster. Are the rights we currently afford to children enough? Combining historical analysis with international human rights law, Michael Freeman considers early legal and philosophical theories on children's rights before exploring the impact and limitations of

the Convention itself. He also suggests ways that we may rethink children's rights in the future as well as identifying key areas for reform. This book will appeal to an interdisciplinary audience who are interested in children's rights, children's studies, the history of childhood, international human rights, and comparative family law. It is a crucial restatement of the importance of law, policy and rights in improving children's lives.

Women, Land and Justice in Tanzania Helen

Dancer 2015 s of research Reveals the impact of Tanzania's land law

Russian Legal Realism Bartosz Brożek 2019-01-07

This edited volume explores ideas of legal realism which emerge through the works of Russian legal philosophers. Apart from the well-known American and Scandinavian versions of legal realism, there also exists a Russian one: readers will discover fresh perspectives and that the collection of early twentieth century ideas on law discussed in Russia can be understood as a unified school of legal thought – as Russian legal realism. These chapters by renowned European and Eastern European legal philosophers add to ongoing discussions about the nature of law, especially in the context of developments around our scientific knowledge about the mind and behaviour. Analyses of legal phenomena carried out by legal realists in Russia offer novel arguments in favour of embracing psychological and sociological perspectives on the law. The book includes analysis of the St. Petersburg school of legal philosophy and Leon Petrażycki's psychological theory of law. This original and multifaceted research on Russian realists is of considerable value to an international audience. Researchers and postgraduate students of law, legal theory and legal ethics will find the book particularly appealing, but it will also interest those investigating the philosophy or sociology of law, or legal history.

Good Faith in Insurance and Takaful Contracts in

Malaysia Haemala Thanasegaran 2016-01-22 This book examines good faith in non-marine insurance

and takaful (Islamic insurance) contracts in Malaysia, and proposes holistic law reform of the same. The first two-thirds of the book comprise an extensive comparative legal analysis of the issues between Malaysia, Australia and the United Kingdom, with the final third dedicated to a socio-economic analysis of law reform and suggestions for law reform particularly suited to Malaysia. The book evaluates whether the duty of utmost good faith (the cornerstone of insurance and takaful contracts) is effectively regulated and, in turn, observed by insurers (and takaful operators) and insureds alike in Malaysia. The adequacy of the Insurance Act 1996 (Malaysia), the Takaful Act 1984 (Malaysia), the Financial Services Act 2013 (Malaysia) and the Islamic Financial Services Act 2013 (Malaysia) is evaluated, along with the supporting infrastructure and oversight measures introduced by the Malaysian government. In doing so, The book examines the duty of utmost good faith from both a doctrinal and a social science perspective, in order to propose suitable legal reform.

IBSS: Sociology: 2002 Compiled by the British Library of Political and Economic Science 2004-03-01 First published in 1952, the International Bibliography of the Social Sciences (anthropology, economics, political science, and sociology) is well established as a major bibliographic reference for students, researchers and librarians in the social sciences worldwide. Key features * Authority: Rigorous standards are applied to make the IBSS the most authoritative selective bibliography ever produced. Articles and books are selected on merit by some of the world's most expert librarians and academics. *Breadth: today the IBSS covers over 2000 journals - more than any other comparable resource. The latest monograph publications are also included. *International Coverage: the IBSS reviews scholarship published in over 30 languages, including publications from Eastern Europe and the developing world. *User friendly organization: all non-English titles are word sections. Extensive author, subject and place name indexes are provided

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The Oxford Handbook of Law and Anthropology Marie-Claire Foblets 2022-04-01 The Oxford Handbook of Law and Anthropology is a groundbreaking collection of essays that provides an original and internationally framed conception of the historical, theoretical, and ethnographic interconnections of law and anthropology. Each of the chapters in the Handbook provides a survey of the current state of scholarly debate and an argument about the future direction of research in this dynamic and interdisciplinary field. The structure of the Handbook is animated by an overarching collective narrative about how law and anthropology have and should relate to each other as intersecting domains of inquiry that address such fundamental questions as dispute resolution, normative ordering, social organization, and legal, political, and social identity. The need for such a comprehensive project has become even more pressing as lawyers and anthropologists work together in an ever-increasing number of areas, including immigration and asylum processes, international justice forums, cultural heritage certification and monitoring, and the writing of new national constitutions, among many others. The Handbook takes critical stock of these various points of intersection in order to identify and conceptualize the most promising areas of innovation and sociolegal relevance, as well as to acknowledge the points of tension, open questions, and areas for future development.

Law, Society and Community Richard Nobles 2016-04-22 This collection of socio-legal studies, written by leading theorists and researchers from

around the world, offers original, perceptive and critical contributions to ideas and theories that have been expounded by Roger Cotterrell over a long and distinguished career. Engaging with many classic issues and theories of the sociology of law, the contributions are likely to become classics themselves as they tackle some of the most significant challenges that modern law faces. They do not shy away from what one of the contributors describes as the complexity and multiplicity of our contemporary legal world. The book is organized in three parts: socio-legal themes; methodological and jurisprudential themes; globalization, cultural and comparative law themes. Starting with a chapter that re-engages with the need to interpret legal ideas sociologically, and ending with one that explores the global significance of modern fascination with the idea of the rule of law, this selection offers important additions to the oeuvre of Roger Cotterrell (a list of whose academic writings is included in the book).

Im Netz der Hierarchien Rafael Mrowczynski 2009-12-11 Aus der hierarchischen und netzwerkartigen Segmentierung der sowjetsozialistischen Gesellschaft resultieren besondere Schwierigkeiten, eine kohärente Mittelschicht einzugrenzen. Ähnliche berufliche Rollen konnten sehr unterschiedliche Ressourcenzugänge ergeben. Die Desintegration in der zweiten Hälfte der 1980er Jahre untergrub die materielle Stellung eines beträchtlichen Teils der Personen, die nach beruflichen Kriterien der spezifischen „professionellen Mittelschicht“ der sowjetischen Gesellschaft zugerechnet werden konnten. Andererseits aber wurden wichtige Grundlagen für die soziale Position der postsozialistischen Mittelschichtsvertreter während der Zeit des „reifen Sozialismus“ geschaffen.

Family Law and Personal Life John Eekelaar 2006-11-30 How should our most intimate personal relationships be governed in a liberal society? Should the state encourage a particular model of family life, or support individuals in their pursuit of

personal happiness? To what extent do people have the right to shape the lives of their offspring? This book examines the questions at the heart of family law, rethinking the ideas that shape our understanding of the family as a social unit, its purpose, and the obligations and rights that belong to family members. The book explores how the governance of personal relationships has depended on the exercise of power, from the traditional assumptions of patriarchy, where the male head of the family enjoyed full control over his dependents and descendants, to the ideology of welfarism, where state institutions protect the interests of the vulnerable at the expense of their close relations. Emerging from these conflicting ideologies comes today's rights-based culture, where traditional expectations for behaviour within a family sit within a new emphasis on the ability of minorities and traditional dependents to determine the shape of their own lives. Against this background of shifting power relations, the book explores the interrelationship between the legal regulation of people's personal lives and the values of friendship, truth, respect and responsibility. In doing this, a variety of controversial issues are examined in the light of those values: including the legal regulation of gay and unmarried heterosexual relationships; freedom of procreation; state supervision over the exercise of parenthood; the role of fault in divorce law; the way parenthood is allocated; the rights and responsibilities of parents to control their children; the place of religion in the family; the rights of separated partners regarding property and of separated parents regarding their children. Throughout, the book offers a new picture of the intimacy at the centre of personal relationships and argues that only by understanding this intimacy, and its role in human happiness, can we arrive at a true framework for respecting, and governing, the personal lives of other people.

Equal Access to Justice for Inclusive Growth

Putting People at the Centre OECD 2019-03-28 This report looks at how governments can ensure that

everyone has access to justice, and that justice processes and services are responsive to people's needs. Based on lessons derived from people-centred service delivery, the report identifies access to justice principles and promising practices, as well as measurement tools and indicators to help countries monitor their progress.

Current Legal Problems 1998 Michael Freeman

2000 This book is the fifty-first volume of *Current Legal Problems* and contains the now customary selection of high-quality essays by a group of outstanding scholars. This volume gathers together a particularly valuable and broad-ranging set of contributions which makes for a stimulating study of legal theory at the end of the millennium

Mapping the Legal Boundaries of Belonging René

Provost 2014 Présentation de l'éditeur : "This collection of essays explores the complex relationship between religion and multiculturalism and the role of the state and law in the creation of boundaries. Western secular democracies are composed of increasingly religiously diverse populations. The idea of "multiculturalism" was formed as a constructive response to this phenomenon, but, in many areas of the globe, support for multiculturalism is challenged by attempts to preserve the cultural and legal norms of the majority. The State of Israel offers a particularly pertinent case study, and is a central focus of this collection. The contributors to this volume address the concepts of religious difference and diversity, as well as the various ways in which states and legal systems understand and respond to them. *Mapping the Legal Boundaries of Belonging* shows that, as a consequence of a purportedly secular human rights perspective, state laws may appear to define religious identity in a way that contradicts the definition found within a particular religion. Both state and religion make the same mistake, however, if they take a court decision that emphasizes individual belief and practice as a direct modification of a religious norm: the court lacks the power to change the internal authoritative definition of who

belongs to a particular faith. Similarly, in the pursuit of a particular model of social diversity, the state may adopt policies that imply a particular private/public distinction foreign to some religious traditions. This volume, which includes contributions from leading scholars in the field, will be an invaluable resource to anyone seeking to understand the legal meaning and impact of religious diversity."

European Union Health Law Tamara K. Hervey
2015-11-12 A contextual analysis of the internal logics of EU health law through four themes: consumerism; (human) rights; interactions between equality, solidarity and competition; and risk. Leading authors in the emergent field explain the interactions and implications of EU health law through thematic reinterpretation of the law in context in key substantive areas, such as the regulation of health research, access of patients to high quality care, health care professional regulation, organisation and funding of health care services, and public health. This book offers a fresh perspective and thorough understanding of EU health law through individual and collective or systemic perspectives, and covers health law both within the EU and globally. Essential reading for anyone interested in health law in any EU Member State or in global health law.

Research Methods in Law Dawn Watkins
2013-07-18 The aim of this book is to explain in clear terms some of the main methodological approaches in legal research. This is an edited collection, with each chapter written by specialists in their field, researching in a variety of jurisdictions. Each contributor addresses the topic of "lay decision makers in the legal system" from one particular methodological perspective, explaining how they would approach the issue and discussing why their particular method might, or might not, be suited to this topic. In asking all contributors to focus on the same topic, the editors have sought to provide a common link throughout the text, thereby providing the reader with an opportunity

to draw comparisons between methods with relative ease. In light of the broad geographical range of its contributors, the book is aimed at an international readership. This book will be of particular interest to PhD students in law, but it will also be of use to undergraduate dissertation students in law, LL.M Research students as well as prospective PhD students and early year researchers.

Das Recht des Rechtspluralismus Ralf Seinecke
2016-01-08 Rechtspluralismus zählt zu den Schlüsselbegriffen der neuen globalen, inter- oder transnationalen Rechtswelt. Aber was bedeutet Rechtspluralismus? Kann und darf Recht plural verfasst sein? Und was folgt aus dem Rechtspluralismus für die Rechtsgeschichte oder Rechtstheorie, für Europarecht, Völkerrecht oder Internationales Privatrecht? Ralf Seinecke verfolgt diese Fragen auf verschiedenen Wegen. Er zeichnet die historische Entwicklung des Begriffs seit den 1960er Jahren bis in die Gegenwart nach, legt die verschiedenen historischen, juristischen oder politischen Phänomene des Rechtspluralismus offen und analysiert die Konzeptionen des Rechtspluralismus anhand seiner wichtigsten Theoretiker wie Boaventura de Sousa Santos oder Gunther Teubner. Schliesslich untersucht der Autor den Rechtsbegriff des Rechtspluralismus und zeigt, dass der Pluralismus des Rechts keine Besonderheit der Postmoderne ist, sondern schon die klassische Moderne der Rechtstheorie prägte.

Responsibility, Law and the Family Jo Bridgeman
2016-04-08 Focusing on moral, social and legal responsibilities as opposed to rights or obligations, this volume explores the concept of responsibility in family life, law and practice. Divided into four parts, the study considers the nature of family responsibility; constructions of children's responsibilities; shifting conceptions of family responsibilities; and family, responsibility and the law. The collection brings together leading experts from the disciplines of sociology, socio-legal studies and law to discuss responsibilities prior to birth,

responsibilities for children, as well as responsibilities of children and of the state towards family members. The volume informs and challenges the developing conceptualization of responsibilities which arise in interdependent, intimate and caring relationships and their legal regulation. It will be of great interest to researchers and practitioners working in this complex field.

The Changing Role of Law in Japan Dimitri Vanoverbeke 2014-06-27 How has Japan managed to become one of the most important economic actors in the world, without the corresponding legal infrastructure usually associated with complex economic activities? The Changing Role of Law in Japan offers a comparative perspective

Homosexuality in the Jurisprudence of the Supreme Court of India Yeshwant Naik 2017-04-07

The book analyses the Indian Supreme Court's jurisprudence on homosexuality, its current approach and how its position has evolved in the past ten years. It critically analyses the Court's landmark judgments and its perception of equality, family, marriage and human rights from an international perspective. With the help of European Court of Human Rights' judgments and international conventions, it compares the legal and social discrimination meted out to the Indian LGBTI community with that in the international arena. From a social anthropological perspective, it demonstrates how gay masculinity, although marginalized, serves as a challenge to patriarchy and hegemonic masculinity. This unique book addresses the lack of in-depth literature on gay masculinity, elaborately narrating and analysing contemporary gay masculinity and emerging gay lifestyles in India and highlighting the latest research on the subject of homosexuality in general and in particular with respect to India. It also discusses several new issues concerning the gay men in India supported by the living law approach put forth by Eugen Ehrlich.

Judicial Activism in Bangladesh Ridwanul Hoque 2011-01-18 This book critically examines the

evolving global trend of judicial activism with particular reference to Bangladesh. It constructs judicial activism as a golden-mean adjudicative technology, standing between excessive judicial assertion and unacceptable judicial passivity that may leave injustices un-redressed. It argues that judicial balancing between over-activism and meek administration of justice should essentially be predicated upon domestic conditions, and the needs and fundamental public values of the judges' respective society. Providing cross-jurisdictional empirical evidence, the study demonstrates that judicial activism, steered towards improving justice and grounded in one's societal specificities, can be exercised in a morally and legally legitimate form and without rupturing the balance of powers among the state organs. This study has sought to displace the myth of judicial activism as constitutional transgression by "unelected" judges, arguing that judicial activism is quite different from excessivism. It is argued and shown that a particular judge or judiciary turns out to be activist when other public functionaries avoid or breach their constitutional responsibilities and thus generate injustice and inequality. The study treats judicial activism as the conscientious exposition of constitutional norms and enforcement of public duties of those in positions of power. The study assesses whether Bangladeshi judges have been striking the correct balance between over-activism and injudicious passivity. Broadly, the present book reveals judicial under-activism in Bangladesh and offers insights into causes for this. It is argued that the existing milieu of socio-political injustices and over-balance of constitutional powers in Bangladesh calls for increased judicial intervention and guidance, of course in a balanced and pragmatic manner, which is critical for good governance and social justice. "Writing about judicial activism easily gets shackled by fussy and pedestrian debates about what judges may or may not do as unelected agents of governance. The book . . . goes much beyond such reductionist pedestrianisation of law, for it

courageously lifts the debate into the skies of global legal realism. The analysis perceptively addresses bottlenecks of justice, identifying shackles and mental blocks in our own minds against activist concerns for justice for the common citizen.” —Prof Werner Menski (Foreword)

Examining Practice, Interrogating Theory:

Comparative Legal Studies in Asia Helen J.

Nicholson 2008-08-22 Legal transplantation and reform in the name of globalisation is central to the transformation of Asian legal systems. The contributions to *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia* analyse particular legal changes in China, Indonesia, Malaysia, Singapore, Thailand, Taiwan, and Vietnam. The contributions also concurrently critically analyse the utility of scholarly developments in comparative legal studies, particularly discourse analysis; regulatory theory; legal pluralism; and socio-legal approaches, in the study of Asian legal systems. While these approaches are regularly invoked in the study of transforming European legal systems, the debate of their relevance and explanatory capacity beyond the European context is recent. By bringing together these diverse analytical tools and enabling a comparison of their insights through Asian empirical case studies, this book makes an invaluable contribution to the debates concerning legal change and the methods by which it is analysed globally, and within Asia.

Legal Theory and the Social Sciences

MaksymilianDel Mar 2017-07-05 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.

Cosmopolitanism Robert Fine 2007-10-30 The idea of cosmopolitanism has informed some of the most important developments in current sociology. It has changed the way in which we think about a vast array of issues: the forces of globalization, the resurgence of nationalism, the future of political community in Europe, the role of international law in social life, changing forms of violence and even the life of the mind. This book explains what cosmopolitanism is and why it has grabbed the sociological imagination. Robert Fine explores the concept of cosmopolitanism and its application to a range of contemporary issues, including: the future of Europe the role of human rights, global governance and perpetual peace in the construction of a cosmopolitan order crimes against humanity the justification of humanitarian military interventions the extension of democracy beyond national limits. This book offers an innovative mix of theoretical and socio-political elements that will be of great interest to students and researchers in the fields of international political theory, international relations, social theory and cultural studies.

The Oxford Handbook of Global Legal Pluralism

Paul Schiff Berman 2020-09-24 "Abstract Global legal pluralism has become one of the leading analytical frameworks for understanding and conceptualizing law in the twenty-first century"--[Law in Society: Reflections on Children, Family,](#)

Culture and Philosophy Alison Diduck 2015-08-27

This collection, written by legal scholars from around the world, offers insights into a variety of topics from children's rights to criminal law, jurisprudence, medical ethics and more. Its breadth reflects the fact that these are all elements of what can broadly be called 'law and society', that enterprise that is interested in law's place or influence in different aspects of real lives and understands law to be simultaneously symbol, philosophy and action. It also testament to the broad range of vision of Professor Michael Freeman, in whose honour the volume was conceived. The contributions are divided into categories which reflect his distinguished career and publications, over 85 books and countless articles, including pioneering work on children's rights, domestic violence, religious law, jurisprudence, law and culture, family law and medicine, ethics and the law, as well as his enduring commitment to interdisciplinarity.

Niklas Luhmann's Theory of Politics and Law M.

King 2003-09-16 Niklas Luhmann's social theory stands in direct opposition to the dominant 'anthropocentric' traditions of legal and political analysis. King and Thornhill now offer the first

comprehensive, critical examination of Luhmann's highly original theory of the operations of the legal and political systems. They describe how from the perspective of his 'sociological enlightenment' Luhmann continually calls to account the certainties, the ambitions and rational foundations of The Enlightenment and the idealized versions of law and politics which they have produced.

Intolerant Religion in a Tolerant-Liberal Democracy

Yossi Nehushtan 2016-01-21 This book aims to examine and critically analyse the role that religion has and should have in the public and legal sphere. The main purpose of the book is to explain why religion, on the whole, should not be tolerated in a tolerant-liberal democracy and to describe exactly how it should not be tolerated – mainly by addressing legal issues. The main arguments of the book are, first, that as a general rule illiberal intolerance should not be tolerated; secondly, that there are meaningful, unique links between religion and intolerance, and between holding religious beliefs and holding intolerant views (and ultimately acting upon these views); and thirdly, that the religiosity of a legal claim is normally a reason, although not necessarily a prevailing one, not to accept that claim.