

Adjudication In Religious Family Laws Cultural Accommodation Legal Pluralism And Gender Equality In India Cambridge Studies In Law And Society

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Divorcing Traditions Katherine Lemons 2019-03-15 Divorcing Traditions is an ethnography of Islamic legal expertise and practices in India, a secular state in which Muslims are a significant minority and where Islamic judgments are not legally binding. Katherine Lemons argues that an analysis of divorce in accordance with Islamic strictures is critical to the understanding of Indian secularism. Lemons analyzes four marital dispute adjudication forums run by Muslim jurists or lay Muslims to show that religious law does not muddle the categories of religion and law but generates them. Drawing on ethnographic and archival research conducted in these four institutions—NGO-run women's arbitration centers (mahila panchayats); sharia courts (dar ul-qazas); a Muslim jurist's authoritative legal opinions (fatwas); and the practice of what a Muslim legal expert (mufti) calls "spiritual healing"—Divorcing Traditions shows how secularism is an ongoing project that seeks to establish and maintain an appropriate relationship between religion and politics. A secular state is always secularizing. And yet, as Lemons demonstrates, the state is not the only arbiter of the relationship between religion and law: religious legal forums help to constitute the categories of private and public, religious and secular upon which secularism relies. In the end, because Muslim legal expertise and practice are central to the Indian legal system and because Muslim divorce's contested legal status marks a crisis of the secular distinction between religion and law, Muslim divorce, argues Lemons, is a key site for understanding Indian secularism.

Adjudication in Religious Family Laws Gopika Solanki 2011-04-25 This book argues that the shared adjudication model in which the state splits its adjudicative authority with religious groups and other societal sources in the regulation of marriage can potentially balance cultural rights and gender equality. In this model the civic and religious sources of legal authority construct, transmit and communicate heterogeneous notions of the conjugal family, gender relations and religious membership within the interstices of state and society. In so doing, they fracture the homogenized religious identities grounded in hierarchical gender relations within the conjugal family. The shared adjudication model facilitates diversity as it allows the construction of hybrid religious identities, creates fissures in ossified group boundaries and provides institutional spaces for ongoing intersocietal dialogue. This pluralized legal

sphere, governed by ideologically diverse legal actors, can thus increase gender equality and individual and collective legal mobilization by women effects institutional change.

Palaces of Hope Ronald Niezen 2017-01-26 This book assembles a range of work by researchers who have entered the social worlds of global organizations.

Human Rights Encounter Legal Pluralism Giselle Corradi 2017-05-18 This collection of essays interrogates how human rights law and practice acquire meaning in relation to legal pluralism, ie, the co-existence of more than one regulatory order in a same social field. As a social phenomenon, legal pluralism exists in all societies. As a legal construction, it is characteristic of particular regions, such as post-colonial contexts. Drawing on experiences from Latin America, Sub-Saharan Africa and Europe, the contributions in this volume analyse how different configurations of legal pluralism interplay with the legal and the social life of human rights. At the same time, they enquire into how human rights law and practice influence interactions that are subject to regulation by more than one normative regime. Aware of numerous misunderstandings and of the mutual suspicion that tends to exist between human rights scholars and anthropologists, the volume includes contributions from experts in both disciplines and intends to build bridges between normative and empirical theory.

Governing Islam Julia Stephens 2018-06-21 Governing Islam traces the colonial roots of contemporary struggles between Islam and secularism in India, Pakistan, and Bangladesh. The book uncovers the paradoxical workings of colonial laws that promised to separate secular and religious spheres, but instead fostered their vexed entanglement. It shows how religious laws governing families became embroiled with secular laws governing markets, and how calls to protect religious liberties clashed with freedom of the press. By following these interactions, Stephens asks us to reconsider where law is and what it is. Her narrative weaves between state courts, Islamic fatwas on ritual performance, and intimate marital disputes to reveal how deeply law penetrates everyday life. In her hands, law also serves many masters - from British officials to Islamic jurists to aggrieved Muslim wives. The resulting study shows how the neglected field of Muslim law in South Asia is essential to understanding current crises in global secularism.

Multiculturalism and Religious Identity Sonia Sikka 2014-06-01 How, and to what extent, can religion be included within commitments to multiculturalism? Multiculturalism and Religious Identity addresses this question by examining the political recognition and management of religious identity in Canada and India. In multicultural policy, practice, and literature, religion has until recently not been included within broader discussions of multiculturalism, perhaps due to worries of potential for conflict with secularism. This collection undertakes a contemporary analysis of how the Canadian and Indian states each approach religious diversity through social and political policies, as well as how religion and secularism meet both philosophically and politically in contested public space. Although Canada and India have differing political and religious histories - leading to different articulations of multiculturalism, religious diversity, and secularism - both countries share a commitment to ensuring fair treatment for the different religious communities they include. Combining broader theoretical and normative reflections with close case studies, Multiculturalism and Religious Identity leads the way to addressing these timely issues in the Canadian and Indian contexts.

Family Law James Dwyer 2014-12-09 Family Law emphasizes the issues and skills most relevant to domestic relations practice. The text employs a novel and dramatic organization with three substantive units that compare the legal treatment of the parent-child relationship vs. adult intimate relationships at stages of formation, regulation, and dissolution. In keeping with the modern reorientation of the field, Family Law reflects the transition "From Partners to Parents" beginning with the creation of parent-child relationship rather than marriage. Its geographical breadth delivers more comparative materials than other texts, using examples from a variety of cultures to provoke "why don't we do this?" considerations. Each student-friendly chapter and section begins with a clear summary of current law that orients the reader before examining legal texts in detail. This structure invites theoretical critique only after a solid foundation is laid. Statutes are core to the text which gives proper emphasis to the vital skill of statutory interpretation in today's practice. Up-to-date material provides more recent cases than any other textbook. With an empirical emphasis, Family Law draws from the significant literature in sociology, psychology, anthropology and other fields so that legal analysis is grounded in real-life application. Focused questions direct students to the heart of the analysis, often using headings before questions to alert readers to the type of analysis required, for example: statutory interpretation, policy, client counseling, and moral theory. Features: Novel organization three substantive units compares legal treatment of parent-child

relationship vs. adult intimate relationships considers stages of formation, regulation, and dissolution
Reflects modern reorientation of the field in keeping with transition "From Partners to Parents" starts with creation of parent-child relationship rather than marriage Geographical breadth much more comparative material than current texts examples from other cultures lead to "why don't we do this?" considerations Student-friendly organization each chapter and section begins with clear summary of current law orients students before examining legal texts invites theoretical critique after foundation is laid Statutes at the core proper emphasis on the vital skill of statutory interpretation Up-to-date more recent cases than any other textbook Empirical emphasis draws from sociology, psychology, anthropology, and other fields grounds legal analysis in real world application Focused questions direct students to the heart of the analysis use headings to alert students as to the type of analysis required (e.g., statutory interpretation, policy, client counseling, moral theory)

Law's Wars Richard L. Abel 2018-08-16 The US 'war on terror', which Bush declared and Obama continued, repeatedly violated fundamental rule of law values. Law's Wars: The Fate of the Rule of Law in the US 'War on Terror' is the first comprehensive account of efforts to resist and correct those violations. It focuses on responses to abuses in Abu Ghraib, efforts by Guantanamo Bay detainees to improve conditions of confinement in and win release, exposure of and efforts to end torture and electronic surveillance, and civilian casualties on the battlefield, including targeted killings. Abel deploys a law and society perspective to construct and analyze detailed narratives of the roles of victims, whistle-blowers, the media, NGOs, lawyers, doctors, politicians, military personnel, foreign governments and international organizations in defending the rule of law. Only by understanding past errors can we hope to prevent their repetition in what promises to be an endless 'war on terror'.

Transnational Legal Ordering and State Change Gregory C. Shaffer 2012-11-26 Leading law and society scholars apply an empirically grounded approach to the study of transnational legal ordering and its effects within countries.

Adjudication in Religious Family Laws Gopika Solanki 2007 Multi-religious and multi-ethnic democracies face the challenge of constructing accommodative arrangements that can both facilitate cultural diversity and ensure women's rights within religio-cultural groups. This thesis is an investigation of the Indian state's policy of legal pluralism in recognition of religious family laws in India. The Indian state has adopted a model of what I have termed "shared adjudication" in which the state shares its adjudicative authority with internally heterogeneous religious groups and civil society in the regulation of marriage among Hindus and Muslims.

Normative Pluralism and Human Rights Kyriaki Topidi 2018-06-13 The complex legal situations arising from the coexistence of international law, state law, and social and religious norms in different parts of the world often include scenarios of conflict between them. These conflicting norms issued from different categories of 'laws' result in difficulties in describing, identifying and analysing human rights in plural environments. This volume studies how normative conflicts unfold when trapped in the aspirations of human rights and their local realizations. It reflects on how such tensions can be eased, while observing how and why they occur. The authors examine how obedience or resistance to the official law is generated through the interaction of a multiplicity of conflicting norms, interpretations and practices. Emphasis is placed on the actors involved in raising or decreasing the tension surrounding the conflict and the implications that the conflict carries, whether resolved or not, in conditions of asymmetric power movements. It is argued that legal responsiveness to state law depends on how people with different identities deal with it, narrate it and build expectations from it, bearing in mind that normative pluralism may also operate as an instrument towards the exclusion of certain communities from the public sphere. The chapters look particularly to expose the dialogue between parallel normative spheres in order for law to become more effective, while investigating the types of socio-legal variables that affect the functioning of law, leading to conflicts between rights, values and entire cultural frames.

Asian Muslim Women Huma Ahmed-Ghosh 2015-09-11 Presents multifaceted aspects of Asian Muslim women's lives and agencies. This book resists the homogenization of Muslim women by detailing the diversity in their lives and by challenging the dominant paradigm of Arabized Islam as the sole interpreter of the faith. Though much has been written on the Middle East, there is a huge gap in research on Asia, which has two-thirds of the world's Muslim population. These essays reveal that the lives of Muslim women are impacted not only by Islam but also by local politics, class, religion, and ethnicity. Through ethnographic research and other methodologies, the contributors describe how economic globalization, construction of sexualities, and diasporic expectations shape women's lives. The book focuses on

women's negotiations and resistances to global, national, and local patriarchies in an attempt to empower themselves. Huma Ahmed-Ghosh is Professor of Women's Studies at San Diego State University and the editor of *Contesting Feminisms: Gender and Islam in Asia*, also published by SUNY Press.

Legal Mobilization Under Authoritarianism Waikeng Tam 2013 Using post-colonial Hong Kong as a case study, this book examines why and how legal mobilization arises in authoritarian regimes.

Diversity in Practice Spencer Headworth 2016-03-31 Leading scholars look beyond the rhetoric of diversity to reveal the ongoing obstacles to professional success for traditionally disadvantaged groups.

The Law Multiple Irene van Oorschot 2020-10-31 Where, when, and how is the law practiced? An investigation of how truths are made in the legal system.

Security, Socialisation and Affect in Indian Families Ira Raja 2016-05-23 Sociological research on Indian families has largely focused on questions of household form and structure, to the exclusion of not only the more nebulous dimensions of family life and relationships but also the discursive and imagined aspects of our familial worlds such as may be accessed through an analysis of film, literature and the electronic media. Moreover, when sociological inquiry has sought to go beyond the demographic and census aspects of the household, it has trained its eye on the heterosexual family centred on the conjugal couple, frequently at the expense of those relational patterns and diversities that fall outside the familiar circuits of desire within the family. The present volume brings together ten essays from a range of disciplines including law, literature, anthropology, sociology, and queer studies, to engage with hitherto neglected and emergent aspects of Indian family life. This book was published as a special issue of *South Asia: Journal of South Asian Studies*.

Gender and Multiculturalism Amanda Gouws 2015-12-22 Multiculturalism is a concept that has been stretched to include a variety of political conditions, mainly in countries that have liberal democratic political systems and traditions. In this North/South 'comparison' we illuminate remedies pursued by governments and various political interests to address the binary. Tensions of culture and rights may not be the same everywhere. An interesting point of comparison is in the treatment of liberalism – often assumed in the global North to be the universal norms to be defended, whereas in the global South, liberalism itself may be viewed as the problem. Colonial histories are fraught with discriminatory legislation aimed at accommodating indigenous populations, often a trade-off for more structural redistributive justice through, for example, land reform. In Africa, for example, the codification of customary law has reinforced misogynistic and static interpretations of 'African culture'. This book will show how varied and complex the embodiment of multiculturalism as a political practice, or policy discourse in different political contexts can be, and how often the outcome of multicultural discourses creates a binary between culture and universal human rights. The aim of this book is to grapple with dislodging this binary. This book was published as a special issue of *Politikon*.

The Confluence of Law and Religion Frank Cranmer 2016-04-15 Since the early 1990s, politicians, policymakers, the media and academics have increasingly focused on religion, noting the significant increase in the number of cases involving religion. As a result, law and religion has become a specific area of study. The work of Professor Norman Doe at Cardiff University has served as a catalyst for this change, especially through the creation of the LLM in Canon Law in 1991 (the first degree of its type since the time of the Reformation) and the Centre for Law and Religion in 1998 (the first of its kind in the UK). Published to mark the twenty-fifth anniversary of the LLM in Canon Law and to pay tribute to Professor Doe's achievements so far, this volume reflects upon the interdisciplinary development of law and religion.

Criminalizing Children David McCallum 2017-12-21 Incarceration of children is rising rapidly throughout of Australia, with indigenous children most at risk of imprisonment. Indigenous and non-indigenous children have been subject to detention in both welfare and justice systems in Australian states and territories since colonization. Countless governments and human rights enquiries have attempted to address the problem of the increasing criminalization of children, with little success. David McCallum traces the history of 'problem children' over several decades, demonstrating that the categories of neglected and offending children are both linked to similar kinds of governing. Institutions and encampments have historically played a significant role in contributing to the social problems of today. This book also takes a theoretical perspective, tracking parallel developments within the human sciences of childhood and theories of race. Applying a social theoretical analysis of these events and the changing rationalities of governing, McCallum challenges our assumptions about how law and governance of

children leads to their criminalization and incarceration.

Constituting Religion Tamir Moustafa 2018-07-25 Constituting Religion examines how constitutional provisions for both Islam and liberal rights catalyze conflicts over religion in Malaysia and feed a 'rights-versus-rites' binary. This title is also available as Open Access.

Divorce and Democracy Saumya Saxena 2022-07-31 This book captures the Indian state's difficult dialogue with divorce, mediated largely through religion. By mapping the trajectories of marriage and divorce laws of Hindu, Muslim, and Christian communities in post-colonial India, it explores the dynamic interplay between law, religion, family, minority rights and gender in Indian politics. It demonstrates that the binary frameworks of the private-public divide, individuals versus group rights, and universal rights versus legal pluralism collapse before the peculiarities of religious personal law. Historicizing the legislative and judicial response to decades of public debates and activism on the question of personal law, it suggests that the sustained negotiations over family life within and across the legal landscape provoked a unique and deeply contextual evolution of both, secularism and religion in India's constitutional order. Personal law, therefore, played a key role in defining the place of religion and determining the content of secularism in India's democracy.

The Trouble with Marriage Srimati Basu 2015-01-03 The Trouble with Marriage is part of a new global feminist jurisprudence around marriage and violence that looks to law as strategy rather than solution. In this ethnography of lawyer-free family courts and mediations of rape and domestic violence charges in India, Srimati Basu depicts everyday life in legal sites of marital trouble, reevaluating feminist theories of law, marriage, violence, property, and the state. Basu argues that alternative dispute resolution, originally designed to empower women in a less adversarial legal environment, has created new subjectivities, but, paradoxically, has also reinforced oppressive socioeconomic norms that leave women no better off, individually or collectively.

Religion, Law and Society Russell Sandberg 2014-05-08 What can lawyers and sociologists learn from each other about religion in the twenty-first century?

The Oxford Handbook of Islamic Law Anver M. Emon 2018-11 This volume provides a comprehensive survey of the contemporary study of Islamic law and a critical analysis of its deficiencies. Written by outstanding senior and emerging scholars in their fields, it offers an innovative historiographical examination of the field of Islamic law and an ideal introduction to key personalities and concepts. While capturing the state of contemporary Islamic legal studies by chronicling how far the field has come, the Handbook also explains why certain debates recur and indicates fundamental gaps in our knowledge. Each chapter presents bold new avenues for research and will help readers appreciate the contested nature of key concepts and topics in Islamic law. This Handbook will be a major reference work for scholars and students of Islam and Islamic law for years to come.

Gift Exchange Grégoire Mallard 2019-03-14 Examines gift exchanges as a foundational notion both in anthropology and in debates about international economic governance. This title is also available as Open Access on Cambridge Core.

Mutinies for Equality Tanja Herklotz 2021-05-31 This book studies recent transformations in the area of law and gender in modern India. It tackles legal and social developments with regard to family life, sexuality, motherhood, surrogacy, erotic labour, sexual harassment in the workplace and violence against women, among others. It analyses reform efforts towards women's and LGBTIQ rights and attempts to situate where a reform has taken place, by whom it was brought about, and what impact it has had on society. It engages with protagonists who shape the debate around law and gender and locate their efforts into a socio-political context, thereby showing that the discourses around law and gender are closely connected to broader debates around pluralism, secularism and religion, identity, culture, nationalism, and family. The book offers compelling evidence that the drivers of change are emerging from beyond the traditional institutions of courts and parliament, and that to understand the everyday implications of gender based reform, it is important to look beyond only these institutional sources.

Religion as Empowerment Kyriaki Topidi 2016-06-10 This volume shows how and why legal empowerment is important for those exercising their religious rights under various jurisdictions, in conditions of legal pluralism. At the same time, it also questions the thesis that as societies become more modern, they also become less religious. The authors look beyond the rule of law orthodoxy in their consideration of the freedom of religion as a human right and place this discussion in a more plurality-sensitive context. The book sheds more light on the informal and/or customary mechanisms that explain

the limited impact of law on individuals and groups, especially in non-Western societies. The focus is on discussing how religion and the exercise of religious rights may or may not empower individuals and social groups and improve access to human rights in general. This book is important reading for academics and practitioners of law and religion, religious rights, religious diversity and cultural difference, as well as NGOs, policy makers, lawyers and advocates at multicultural jurisdictions. It offers a contemporary take on comparative legal studies, with a distinct focus on religion as an identity marker.

The Legal Process and the Promise of Justice Rosann Greenspan 2019-06-04 Malcolm Feeley, one of the founding giants of the law and society field, is also one of its most exciting, diverse, and contemporary scholars. His works have examined criminal courts, prison reform, the legal profession, legal professionalism, and a variety of other important topics of enduring theoretical interest with a keen eye for the practical implications. In this volume, The Legal Process and the Promise of Justice, an eminent group of contemporary law and society scholars offer fresh and original analyzes of his work. They assess the legacy of Feeley's theoretical innovations, put his findings to the test of time, and provide provocative historical and international perspectives for his insights. This collection of original essays not only draws attention to Professor Feeley's seminal writings but also to the theories and ideas of others who, inspired by Feeley, have explored how courts and the legal process really work to provide a promise of justice.

Adjudication in Religious Family Law Gopika Solanki 2014-05-14 Argues that the shared adjudication model regarding the regulation of marriage can potentially balance cultural rights and gender equality.

Gender and Justice in Family Law Disputes Samia Bano 2017-05-02 Recently, new methods of dispute resolution in matters of family law-such as arbitration, mediation, and conciliation-have created new forms of legal culture that affect minority communities throughout the world. There are now multiple ways of obtaining restitution through nontraditional alternative dispute resolution (ADR) mechanisms. For some, the emergence of ADRs can be understood as part of a broader liberal response to the challenges presented by the settlement of migrant communities in Western liberal democracies. Questions of rights are framed as "multicultural challenges" that give rise to important issues relating to power, authority, agency, and choice. Underpinning these debates are questions about the doctrine and practice of secularism, citizenship, belonging, and identity. Gender and Justice in Family Law Disputes offers insights into how women's autonomy and personal decision-making capabilities are expressed via multiple formal and nonformal dispute-resolution mechanisms, and as part of their social and legal lived realities. It analyzes the specific ways in which both mediation and religious arbitration take shape in contemporary and comparative family law across jurisdictions. Demarcating lines between contemporary family mediation and new forms of religious arbitration, Bano illuminates the complexities of these processes across multiple national contexts.

Human Rights under State-Enforced Religious Family Laws in Israel, Egypt and India Yüksel Sezgin 2013-08-22 About one-third of the world's population currently lives under pluri-legal systems where governments hold individuals subject to the purview of ethno-religious rather than national norms in respect to family law. How does the state-enforcement of these religious family laws impact fundamental rights and liberties? What resistance strategies do people employ in order to overcome the disabilities and limitations these religious laws impose upon their rights? Based on archival research, court observations and interviews with individuals from three countries, Yüksel Sezgin shows that governments have often intervened in order to impress a particular image of subjectivity upon a society, while people have constantly challenged the interpretive monopoly of courts and state-sanctioned religious institutions, re-negotiated their rights and duties under the law, and changed the system from within. He also identifies key lessons and best practices for the integration of universal human rights principles into religious legal systems.

The Cambridge Companion to Comparative Family Law Shazia Choudhry 2019-01-31 Families and family law have encountered significant challenges in the face of rapid changes in social norms, demographics and political expectations. The Cambridge Companion to Comparative Family Law highlights the key questions and themes that have faced family lawyers across the world. Each chapter is written by internationally renowned academic experts and focuses on which of these themes are most significant to their jurisdictions. In taking this jurisdictional approach, the collection will explore how different countries have tackled these issues. As a result, the collection is aimed at students, practitioners and academics across a variety of disciplines interested in the key issues faced by family law around the

world and how they have been addressed.

On British Islam John R. Bowen 2016-03-15 *On British Islam* examines the history and everyday workings of Islamic institutions in Britain, with a focus on shari'a councils. These councils concern themselves with religious matters, especially divorce. They have a higher profile in Britain than in other Western nations. Why? Taking a historical and ethnographic look at British Islam, John Bowen examines how Muslims have created distinctive religious institutions in Britain and how shari'a councils interpret and apply Islamic law in a secular British context. Bowen focuses on three specific shari'a councils: the oldest and most developed, in London; a Midlands community led by a Sufi saint and barrister; and a Birmingham-based council in which women play a leading role. Bowen shows that each of these councils represents a prolonged, unique experiment in meeting Muslims' needs in a Western country. He also discusses how the councils have become a flash point in British public debates even as they adapt to the English legal environment. *On British Islam* highlights British Muslims' efforts to create institutions that make sense in both Islamic and British terms. This balancing act is rarely acknowledged in Britain—or elsewhere—but it is urgent that we understand it if we are to build new ways of living together.

Law and Religion in the Commonwealth Renae Barker 2022-06-30 This book examines law and religion from the perspective of its case law. Each chapter focuses on a specific case from a Commonwealth jurisdiction, examining the history and impact of the case, both within the originating jurisdiction and its wider global context. The book contains chapters from leading and emerging scholars from across the Commonwealth, including from the United Kingdom, Canada, Australia, Pakistan, Malaysia, India and Nigeria. The cases are divided into four sections covering: - Foundational Questions in Law and Religion - Freedom of Religion around the Commonwealth - Religion and state relations around the Commonwealth - Rights, Relationships and Religion around the Commonwealth. Like religion itself, the case law covers a wide spectrum of life. This diversity is reflected in the cases covered in this book, which include: - Titular Roman Catholic Archbishop of Kuala Lumpur v Home Minister on the use of the Muslim name for God by non-Muslims in Malaysia - *The Church of the New Faith v Commissioner of Pay-roll Tax (Vic)* which determined the meaning of religion in Australia - *Eweida v UK* which clarified the application of Article 9 of the European Convention on Human Rights - *R v Big M Drug Mart* on the individual protections of religious freedom under the Canadian Charter of Rights. The book examines how legal disputes involving religion are among the most contested in the courts and shows that in these cases, passions run high and the outcomes can have significant consequences for all involved.

Iraq and the Crimes of Aggressive War John Hagan 2015-06-04 From the torture of detainees at Abu Ghraib to unnecessary military attacks on civilians, this book is an account of the violations of international criminal law committed during the United States invasion of Iraq. Taking stock of the entire war, it uniquely documents the overestimation of the successes and underestimation of the failings of the Surge and Awakening policies. The authors show how an initial cynical framing of the American war led to the creation of a new Shia-dominated Iraq state, which in turn provoked powerful feelings of legal cynicism among Iraqis, especially the Sunni. The predictable result was a resilient Sunni insurgency that re-emerged in the violent aftermath of the 2011 withdrawal. Examining more than a decade of evidence, this book makes a powerful case that the American war in Iraq constituted a criminal war of aggression.

Research Handbook on Law and Religion Rex Ahdar 2018-09-28 Offering an interdisciplinary, international and philosophical perspective, this comprehensive Research Handbook explores both perennial and recent legal issues that concern the modern state and its interaction with religious communities and individuals.

Legal Pluralism and Governance in South Asia and Diasporas Livia Holden 2016-04-14 *Legal Pluralism and Governance in South Asia and the Diasporas* contributes to the already heated debate about legal pluralism and the ontology of law by shifting the attention toward the relationship between what is treated as law and its impact on governance at the fora of dispute resolution. This book addresses sensitive issues such as gender rights and alternative dispute resolution in India, Hindu and Muslim personal laws in South Asia and in Europe, cross-border white violence, the change to Islamic legal traditions under Western domination, women's inheritance in Pakistan and in the disputed territory of Gilgit Baltistan, indigenous rights and resistance at the India-Bangladesh border, and customary laws of nomadic groups in India. The authors deploy a variety of views that point at the pros and cons of legal pluralism and also integrates its opponents. They show how constructions of identity, religion, and power have historically informed the conceptualisation of secularism which may be an ideal, sometimes able to provide for perceptions of accountable governance, but also generating dividing worldviews. This book was

published as a special issue of the Journal of Legal Pluralism and Official Law.

Culture in the Domains of Law René Provost 2017-02-02 What does it mean for courts and other legal institutions to be culturally sensitive? What are the institutional implications and consequences of such an aspiration? To what extent is legal discourse capable of accommodating multiple cultural narratives without losing its claim to normative specificity? And how are we to understand meetings of law and culture in the context of formal and informal legal processes, when demands are made to accommodate cultural difference? The encounter of law and culture is a polycentric relation, but these questions draw our attention to law and legal institutions as one site of encounter warranting further investigation, to map out the place of culture in the domains of law by relying on the insights of law, anthropology, politics, and philosophy. Culture in the Domains of Law seeks to examine and answer these questions, resulting in a richer outlook on both law and culture.

Law's Trials Richard L. Abel 2018-08-09 The US 'war on terror' has repeatedly violated fundamental rule of law values. When executive and legislature commit such egregious wrongs, courts represent the ultimate defense. Law's Trials: The Performance of Legal Institutions in the US 'War on Terror' offers the first comprehensive account of judicial performance during the 16 years of the Bush and Obama administrations. Abel examines criminal prosecutions of alleged terrorists, courts martial of military personnel accused of law of war violations, military commission trials of 'high value detainees', habeas corpus petitions by Guantanamo detainees, civil damage actions by victims of both the 'war on terror' and terrorism, and civil liberties violations by government officials and Islamophobic campaigners. Law's Trials identifies successful defenses of the rule of law through qualitative and quantitative analyses, comparing the behavior of judges within and between each category of cases and locating those actions in a comparative history of efforts to redress fundamental injustices.

The Subjects of Ottoman International Law Lâle Can 2020-10-13 The core of this edited volume originates from a special issue of the Journal of the Ottoman and Turkish Studies Association (JOTSA) that goes well beyond the special issue to incorporate the stimulating discussions and insights of two Middle East Studies Association conference roundtables and the important work of additional scholars in order to create a state-of-the-field volume on Ottoman sociolegal studies, particularly regarding Ottoman international law from the eighteenth century to the end of the empire. It makes several important contributions to Ottoman and Turkish studies, namely, by introducing these disciplines to the broader fields of trans-imperial studies, comparative international law, and legal history. Combining the best practices of diplomatic history and history from below to integrate the Ottoman Empire and its subjects into the broader debates of the nineteenth-century trans-imperial history this unique volume represents the exciting work and cutting-edge scholarship on these topics that will continue to shape the field in years to come.