

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

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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.

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*.

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.

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.

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.

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.

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. *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.

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.

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.

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.

Criminal Defense in China Sida Liu 2016-11-14

This book studies the struggles for basic legal freedoms in the work and political mobilization of defense lawyers in China's criminal justice system.

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.

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.

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.

Indigenous Water Rights in Law and Regulation Elizabeth Jane Macpherson 2019-08-08 A detailed study of the engagement of state law with indigenous rights to water in comparative legal and policy contexts.

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.

Towards Gender Equity in Development Siwan Anderson 2018 As a result of widespread mistreatment and overt discrimination, women in the developing world often lack autonomy. This book explores key sources of female empowerment and discusses the current challenges and opportunities for the future.

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"--

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.

Legal Mobilization Under Authoritarianism

Waikeung 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.

Rights for Others Barbara Oomen 2013-11-28

This is a valuable study of how rights consciousness and human rights consciousness fails to emerge, even in countries that strongly advocate human rights in their external policies, such as the Netherlands. It focuses on this important and widespread paradox about the difficulties of bringing human rights home. A valuable contribution to the global literature on human rights and socio-legal studies.

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?

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, exposés 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'.
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 Government of Social Life in Colonial India Rachel Sturman 2012-06-29 Analyses religious law in colonial India, exploring how it encouraged gender equality and a rethinking of the relationship between state and society.
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.
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 asses 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.

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.

Governing Islam Julia Stephens 2018-06-30

Stephens argues that encounters between Islam and British colonial rule in South Asia were

fundamental to the evolution of modern secularism.

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.

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.

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.

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. "This book's greatest strength is the diversity of its scope, both geographically and thematically, without reducing Muslim women to particular roles and/or identities." — Bahar

Davary, author of *Women and the Qur'an: A Study in Islamic Hermeneutics*

China and Islam Matthew S. Erie 2016-09 This book is the first ethnographic study of Muslim minorities' practice of Islamic law in contemporary China.

Routledge Readings on Law, Development and Legal Pluralism Kalpana Kannabiran 2022-07-11 Routledge Readings on Law, Development and Legal Pluralism presents some of the finest essays on social justice, environment, rights and governance. With a lucid new Introduction, it covers a vast range of issues and offers a compelling guide to understanding the harm and risk relating to biodiversity, agro-ecology, disaster, and forest rights. The book covers critical themes such as ecology, families and governance and establishes the trajectory of contemporary ecology and law in South Asia. The thirteen chapters in the volume, divided into three sections, trace violence and marginality in the plurality of families and their laws in India,

as well as discuss community-based just practices. With debates on development, governance and families, the book highlights the politics and practices of law making, law reform and law application. This multi-disciplinary volume foregrounds the politics and plural lives of/in law by including perspectives from major authors who have contributed to the academic and/or policy discourse of the subject. This book will be useful to students, scholars, policymakers, practitioners and the general reader interested in a nuanced understanding of law, especially those studying law, marginality, kinship and indigeneity studies. It will serve as essential reading for those in law, socio-legal studies, environment studies and ecology, social exclusion studies, development studies, South Asian studies, human rights, jurisprudence and constitutional studies, gender studies, history, politics, conflict and peace studies, sociology and social anthropology. It will also appeal to legal historians and practitioners of law,

environmentalists, and those in public administration.

Women, Matrimonial Litigation and Alternative Dispute Resolution (ADR) Neelam Tyagi

2021-04-05 This book examines the practice of Alternative Dispute Resolution (ADR) as it stands today in the context of matrimonial disputes and for providing gender justice for women undergoing matrimonial litigation. ADR is a fairly recent but increasingly prevalent phenomenon that has significantly evolved due to the failure of the adversarial process of litigation to provide timely resolution of disputes. The book explores the merit and demerit of traditional litigation process and emergence, socio-legal framework, work environment and success rate of various ADR processes in general and for resolving matrimonial disputes in particular. It comprehensively discusses the role of various institutions and attitudes and perceptions of ADR practitioners. It analyzes the influence of

patriarchal cultural assumptions of appropriate feminine behaviour and its effect on ADR practitioners like mediators and counsellors that leads to the marginalization of aggrieved woman's issues. With a brief analysis of the experience and challenges faced with the way the ADR process is conducted, the focus is on probing the vulnerability of aggrieved women. The book critiques the practice of ADR as it is today and offers constructive ways forward by providing suggestions, insights, and analysis that could bring about a transformation in the way justice is delivered to women. This in-depth study is an attempt to guide decision making by bringing forth and legitimizing the battered women's voice which often goes unrepresented, in the debate about the efficacy of ADR mechanism in resolving matrimonial disputes. The book is of interest to those working for justice for women, particularly in the context of matrimonial disputes -- legal professionals, mediators, counsellors, judges, academicians,

women rights activists, researchers in the field of gender and women studies, social work and law, ADR educators, policymakers and general readers who are inclined and interested in bringing a gender perspective to their area of

work.

Iraq and the Crimes of Aggressive War John Hagan 2015-06-09 This accessible account of the war in Iraq argues that US military actions constituted a criminal war of aggression.