

Declarations Of Interdependence A Legal Pluralist Approach To Indigenous Rights Cultural Diversity And Law

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The Rahui - Tamatoa Bambridge
2016-03-22

This collection deals with an ancient institution in Eastern Polynesia called the rahui, a form of restricting access to resources and/or territories. While tapu had been extensively discussed in the scientific literature on Oceanian anthropology, the rahui is quite absent from secondary modern literature. This situation is all the more problematic because individual actors, societies, and states in the Pacific are readapting such concepts to their current needs, such as environment regulation or cultural legitimacy. This book assembles a comprehensive collection of current works on the rahui from a legal pluralism

perspective. This study as a whole underlines the new assertion of identity that has flowed from the cultural dimension of the rahui. Today, rahui have become a means for indigenous communities to be fully recognised on a political level. Some indigenous communities choose to restore the rahui in order to preserve political control of their territory or, in some cases, to get it back. For the state, better control of the rahui represents a way of asserting its legitimacy and its sovereignty, in the face of this reassertion by indigenous communities. [The Foundations of Australian Public Law](#) - Anthony J. Connolly 2017-05-10
Introduction : what is Australian public law?
-- Constitution I : the history of the

Australian state -- Constitution II : the structure of the Australian state --
Legitimation : justifying state power --
Legislation : making valid law --
Administration : governing lawfully --
Adjudication : determining and applying law --
Validation : reviewing state action --
Protection : human rights and Australian public law --
Direction : future trends in Australian public law

Understanding the Rights of Nature -

Mihnea Tanasescu 2022-01-31

Rivers, landscapes, whole territories: these are the latest entities environmental activists have fought hard to include in the relentless expansion of rights in our world. But what does it mean for a landscape to have rights? Why would anyone want to create such rights, and to what end? Is it a good idea, and does it come with risks? This book presents the logic behind giving nature rights and discusses the most important

cases in which this has happened, ranging from constitutional rights of nature in Ecuador to rights for rivers in New Zealand, Colombia, and India. Mihnea Tanasescu offers clear answers to the thorny questions that the intrusion of nature into law is sure to raise.

Conceptualising Property Law - Yaëll Emerich 2018-11-30

Conceptualising Property Law offers a transsystemic and integrated approach to common law and civil law property. Property law has traditionally been excluded from comparative law analysis, common law and civil law property being deemed irreconcilable. With this book, Ya'Il Emerich aims to dispel the myth that comparison between these two systems of property is impossible. By establishing a dialogue between common law and civil law property, it becomes clear that the two legal traditions share common ground in the way

that they address legal, cultural, and social issues related to property and wealth.

Indigenous Courts, Self-Determination and Criminal Justice - Valmaine Toki

2018-04-09

In New Zealand, as well as in Australia, Canada and other comparable jurisdictions, Indigenous peoples comprise a significantly disproportionate percentage of the prison population. For example, Maori, who comprise 15% of New Zealand's population, make up 50% of its prisoners. For Maori women, the figure is 60%. These statistics have, moreover, remained more or less the same for at least the past thirty years. With New Zealand as its focus, this book explores how the fact that Indigenous peoples are more likely than any other ethnic group to be apprehended, arrested, prosecuted, convicted and incarcerated, might be alleviated. Taking seriously the rights to culture and to self-determination contained

in the Treaty of Waitangi, in many comparable jurisdictions (including Australia, Canada, the United States of America), and also in the United Nations Declaration on the Rights of Indigenous Peoples, the book make the case for an Indigenous court founded on Indigenous conceptions of proper conduct, punishment, and behavior. More specifically, the book draws on contemporary notions of 'therapeutic jurisprudence' and 'restorative justice' in order to argue that such a court would offer an effective way to ameliorate the disproportionate incarceration of Indigenous peoples.

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 socio-legal studies that will appeal to students and scholars with relevant interests in a range of subjects, including law, sociology and politics.

Legal Pluralism in the Holy City - Ido Shahar 2016-03-09

This book provides an unprecedented portrayal of a lively shari'a court in contemporary West Jerusalem, which belongs to the Israeli legal system but serves Palestinian residents of the eastern part of the city. It draws a rich picture of an

intriguing institution, operating in an environment marked by legal pluralism and by exceptional political and cultural tensions. The book suggests an organizational-institutional approach to legal pluralism, which examines not only the relations between bodies of law but also the relations between courts of law serving the same population. Based on participant observations in the studied court as well as on textual and legal analyses of court cases and rulings, the study combines history and ethnography, diachronic and synchronic perspectives, and examines broad, macro-political processes as well as micro-level interactions. The book offers fresh perspectives on the phenomenon of legal pluralism, on shari'a law in practice and on Palestinian-Israeli relations in the divided city of Jerusalem. The work is a valuable resource for academics and researchers working in the areas of Legal Pluralism,

Islamic Law, and socio-legal history of the Middle East.

1975 Annual Supplement - George W. Johnson 1976-01-05

Transnational Legal Orders - Terence C. Halliday 2015-01-19

"This book offers an empirically grounded theory that reframes the study of law and society from a predominantly national context, which dichotomizes the study of international law and national compliance into a dynamic perspective that places national, international, and transnational lawmaking and practice within a coherent single frame. By presenting and elaborating on a new concept, transnational legal orders it offers an original approach to the emergence of legal orders beyond nation-states. It shows how they originate, where they compete and cooperate, and how they settle on institutions that legally order

fundamental economic and social behaviors that transcend national borders. This original theory is applied and developed by distinguished scholars from North America and Europe in business law, regulatory law and human rights"--

Indigenous Legal Traditions - Law

Commission of Canada 2011-11-01

The essays in this book present important perspectives on the role of Indigenous legal traditions in reclaiming and preserving the autonomy of Aboriginal communities and in reconciling the relationship between these communities and Canadian governments. Although Indigenous peoples had their own systems of law based on their social, political, and spiritual traditions, under colonialism their legal systems have often been ignored or overruled by non-Indigenous laws. Today, however, these legal traditions are being reinvigorated and recognized as vital for the preservation of

the political autonomy of Aboriginal nations and the development of healthy communities.

The Plimpton Papers--law and Diplomacy - Francis Taylor Pearsons
Plimpton 1985

Truth and Conviction - L. Jane McMillan
2018-11-01

The name "Donald Marshall Jr." is synonymous with "wrongful conviction" and the fight for Indigenous rights in Canada. In Truth and Conviction, Jane McMillan - Marshall's former partner, an acclaimed anthropologist, and an original defendant in the Supreme Court's Marshall decision - tells the story of how Marshall's life-long battle against injustice permeated Canadian legal consciousness and revitalized Indigenous law. Marshall died in 2009, but his legacy lives on. Mi'kmaq continue to assert their rights and build justice

programs grounded in customary laws and practices, key steps in the path to self-determination and reconciliation.

The UNESCO Universal Declaration on Bioethics and Human Rights - H. ten

Have 2009-01-01

In October 2005, UNESCO Member States adopted by acclamation the Universal Declaration on Bioethics and Human Rights. For the first time in the history of bioethics, some 190 countries committed themselves and the international community to respect and apply fundamental ethical principles related to medicine, the life sciences and associated technologies. This publication provides a new impetus to the dissemination of the Declaration, and is part of the organisation's continuous effort to contribute to the understanding of its principles worldwide. The authors, who were almost all involved in the elaboration of the text of the Declaration, were asked to

respond on each article: Why was it included? What does it mean? How can it be applied? Their responses shed light on the historical background of the text and its evolution throughout the drafting process. They also provide a reflection on its relevance to previous declarations and bioethical literature, and its potential interpretation and application in challenging and complex bioethical debates.

[The Universal Declaration of Human Rights in the 21st Century](#) - Gordon Brown
2016-04-18

The Global Citizenship Commission was convened, under the leadership of former British Prime Minister Gordon Brown and the auspices of NYU's Global Institute for Advanced Study, to re-examine the spirit and stirring words of The Universal Declaration of Human Rights. The result - this volume - offers a 21st-century commentary on the original document,

furthering the work of human rights and illuminating the ideal of global citizenship. What does it mean for each of us to be members of a global community? Since 1948, the Declaration has stood as a beacon and a standard for a better world. Yet the work of making its ideals real is far from over. Hideous and systemic human rights abuses continue to be perpetrated at an alarming rate around the world. Too many people, particularly those in power, are hostile to human rights or indifferent to their claims. Meanwhile, our global interdependence deepens. Bringing together world leaders and thinkers in the fields of politics, ethics, and philosophy, the Commission set out to develop a common understanding of the meaning of global citizenship – one that arises from basic human rights and empowers every individual in the world. This landmark report affirms the Universal Declaration of Human

Rights and seeks to renew the 1948 enterprise, and the very ideal of the human family, for our day and generation.

Liberia and the Dialectic of Law - Shane Chalmers 2018-05-16

It is the condition of modernity that an institution cannot depend on a god, tradition, or any other transcendental source to secure its foundations, which thereby come to rest upon – or rather in, and through – its subjects. Never wholly separated from its subjects, and yet never identical with them: this contradictory condition provides a way of seeing how modern law gives form to life, and how law takes form, enlivened by its subjects. By driving Theodor Adorno's dialectical philosophy into the concept of law, the book shows how this contradictory condition enables law to become instituted in ways that are hostile to its subjects, but also how law remains open to its subjects, and thus

disposed towards transformation. To flesh out an understanding of this contradiction, the book examines the making and remaking of “Liberia”, from its conception as an idea of liberty at the beginning of the nineteenth century to its reconstruction at the beginning of the twenty-first with the assistance of an international intervention to “establish a state based on the rule of law”. In so doing, the book shows how law is at the epicentre of a colonising power in Liberia that renders subjects as mere objects; but at the same time, the book exposes the instability of this power, by showing how law is also enlivened by its subjects as it takes form in and through their lives and interactions. It is this fundamentally contradictory condition of law that ultimately denies power any absolute hold, leaving law open to the self-expression of its subjects.

Principles of Property Law - Alison Clarke

2020-05-31

Principles of Property Law offers a critical and contextual analysis of fundamental property law, providing students with the tools to enable them to make sense of English land law rules in the context of real-world applications. This new book adopts a contextual approach, placing the core elements of a qualifying law degree property and land law course in the context of general principles and practices as they have developed in the UK, and other jurisdictions in response to a changing societal relationship with a variety of factors. Also drawing on concepts of property developed by political theorists, economists and environmentalists, Principles of Property Law gives students a clear understanding of how property law works, why it matters, and how the theory connects with the real world. Suitable for undergraduates studying property and land

law in England, Wales and Northern Ireland, as well as postgraduate students seeking an accessible analysis.

Regime Interaction in International Law

- Margaret A. Young 2012-01-12

This major extension of existing scholarship on the fragmentation of international law utilises the concept of 'regimes' from international law and international relations literature to define functional areas such as human rights or trade law. Responding to existing approaches, which focus on the resolution of conflicting norms between regimes, it contains a variety of critical, sociological and doctrinal perspectives on regime interaction. Leading international law scholars and practitioners reflect on how, in situations of diversity and concurrent activity, such interaction shapes and controls knowledge and norms in often hegemonic ways. The contributors draw on topical examples of interacting regimes,

including climate, trade and investment regimes, to argue for new methods of regime interaction. Together, the essays combine approaches from international, transnational and comparative constitutional law to provide important insights into an issue that continues to challenge international legal theory and practice.

Monetary Stability as a Common Concern in International Law

- Lucía Satragno 2022

"The international monetary system to which we aspire is one that preserves the gains of the past sixty-five years, without succumbing to its own instability. It is a system that maintains freedom of trade and current payments and that allows sharing more widely the benefits of financial globalization, appropriately regulated. It is a system where all countries recognize their stake in global stability and accept that

near-term national objectives may, if needed, be constrained by the global interest. International cooperation is, in the long run, a necessary ingredient in the search for national prosperity. This should lead every country to look with a renewed sense of responsibility and discipline to the system as a whole. The G20 or a "G" of similar limited size, under the proposed renovated architecture, would be in a powerful position to promote the global common good, and to make it prevail, including, at times, against a narrow, short-term interpretation of national interests. The opportunity for the emergence of a fully fledged international monetary order is here at stake"--

Contract Law and Social Morality - Peter M. Gerhart 2021-02-18

When people in a relationship disagree about their obligations to each other, they need to rely on a method of reasoning that

allows the relationship to flourish while advancing each person's private projects. This book presents a method of reasoning that reflects how people reason through disagreements and how courts create doctrine by reasoning about the obligations arising from the relationship. Built on the ideal of the other-regarding person, *Contract Law and Social Morality* displays a method of reasoning that allows one person to integrate their personal interests with the interests of another, determining how divergent interests can be balanced against each other. Called values-balancing reasoning, this methodology makes transparent the values at stake in a disagreement, and provides a neutral and objective way to identify and evaluate the trade-offs that are required if the relationship is to be sustained or terminated justly.

From Environmental to Ecological Law -

Kirsten Anker 2020-12-30

This book increases the visibility, clarity and understanding of ecological law. Ecological law is emerging as a field of law founded on systems thinking and the need to integrate ecological limits, such as planetary boundaries, into law. Presenting new thinking in the field, this book focuses on problem areas of contemporary law including environmental law, property law, trusts, legal theory and First Nations law and explains how ecological law provides solutions. Written by ecological law experts, it does this by 1) providing an overview of shortcomings of environmental law and other areas of contemporary law, 2) presenting specific examples of these shortcomings, 3) explaining what ecological law is and how it provides solutions to the shortcomings of contemporary law, and 4) showing how society can overcome some key challenges in the transition to ecological

law. Drawing on a diverse range of case study examples including Indigenous law, ecological restoration and mining, this volume will be of great interest to students, scholars and policymakers of environmental and ecological law and governance, political science, environmental ethics and ecological and degrowth economics.

Law Books, 1876-1981 - R.R. Bowker
Company 1981

Law Unlimited - Margaret Davies
2017-01-20

This book engages with a traditional yet persistent question of legal theory – what is law? However, instead of attempting to define and limit law, the aim of the book is to unlimit law, to take the idea of law beyond its conventionally accepted boundaries into the material and plural domains of an interconnected human and nonhuman world. Against the backdrop of

analytical jurisprudence, the book draws theoretical connections and continuities between different experiences, spheres, and modalities of law. Taking up the many forms of critical and socio-legal thought, it presents a broad challenge to legal essentialism and abstraction, as well as an important contribution to more general normative theory. Reading, crystallising, and extending themes that have emerged in legal thought over the past century, this book is the culmination of the author's 25 years of engagement with legal theory. Its bold attempt to forge a thoroughly contemporary approach to law will be of enormous value to those with interests in legal and socio-legal theory.

The Oxford Handbook of Transnational Law - Peer Zumbansen 2021

A comprehensive compendium for the field of transnational law by providing a treatment and presentation in an area that

has become one of the most intriguing and innovative developments in legal doctrine, scholarship, theory, as well as practice today. With a considerable contribution from and engagement with social sciences, it features numerous reflections on the relationship between transnational law and legal practice.

Law, Cultural Diversity, and Criminal Defense - Craig L. Carr 2018-07-27

American legal scholars have debated for some time the need for a cultural defense in criminal proceedings where minority cultural information seems pertinent to a finding of criminal responsibility in situations where a minority cultural defendant has violated a valid criminal statute. This work presents a systematic analysis of this issue. Drawing from sociological, anthropological, and philosophical materials, as well as traditional legal discussions, the authors develop a scheme that indicates when

cultural factors can be used as the basis for such a defense and when they are irrelevant to a finding of criminal responsibility. The argument moves from general concerns of social justice that apply under conditions of social and cultural pluralism to practical policy recommendations for the operation of American criminal justice. It thus connects more theoretical materials with the practical concerns of jurisprudence. The justification for legal recognition of a cultural defense in American criminal law is anchored firmly in American constitutional law.

The Process of International Legal

Reproduction - Rose Parfitt 2019-01-17

Radical international legal history of the expansionary project of statehood and its role in generating profound distributional inequalities

Though All Things Differ - Eva Wollenberg
2005-01-01

Pluralism is a political belief that

acknowledges individuals' rights to pursue their interests, but requires society to resolve differences where they infringe upon each other. This guide shows how pluralism helps people to value social differences and provides clear principles and rules about how to coordinate those differences. The guide reviews pluralism's origins, key elements and strengths and weaknesses. It examines how people think about differences, including the psychological obstacles that cause us to exclude or ignore others. Practices are examined with examples drawn from forest-related contexts: legal pluralism, multistakeholder processes and diversity in work teams. Questions are provided to help the reader assess and practice pluralism in their own settings. The guide concludes that understanding the political assumptions and principles of pluralism can enrich our understanding of current practices to

develop fundamentally new approaches to forest decision-making.

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"--

Relevance and Application of Heritage in Contemporary Society - Pei-Lin Yu

2018-07-06

In the contemporary world, unprecedented global events are challenging our ability to protect and enhance cultural heritage for future generations. *Relevance and Application of Heritage in Contemporary Society* examines innovative and flexible approaches to cultural heritage protection. Bringing together cultural heritage scholars and activists from across the world, the volume showcases a spectrum of exciting new approaches to heritage protection,

community involvement, and strategic utilization of expertise. The contributions deal with a range of highly topical issues, including armed conflict and non-state actors, as well as broad questions of public heritage, museum roles in society, heritage tourism, disputed ownership, and indigenous and local approaches. In so doing, the volume builds upon, and introduces readers to, a new cultural heritage declaration codified during a 2016 workshop at the Royal Ontario Museum, Canada. Offering a clarion call for an enduring spirit of innovation, collaboration, education, and outreach, *Relevance and Application of Heritage in Contemporary Society* will be important reading for scholars, students, cultural heritage managers, and local community stakeholders.

Recovering Canada - John Borrows
2017-06-22

Canada is covered by a system of law and governance that largely obscures and ignores the presence of pre-existing Indigenous regimes. Indigenous law, however, has continuing relevance for both Aboriginal peoples and the Canadian state. In his in-depth examination of the continued existence and application of Indigenous legal values, John Borrows suggests how First Nations laws could be applied by Canadian courts, and tempers this by pointing out the many difficulties that would occur if the courts attempted to follow such an approach. By contrasting and comparing Aboriginal stories and Canadian case law, and interweaving political commentary, Borrows argues that there is a better way to constitute Aboriginal / Crown relations in Canada. He suggests that the application of Indigenous legal perspectives to a broad spectrum of issues that confront us as humans will help Canada recover from its

colonial past, and help Indigenous people recover their country. Borrows concludes by demonstrating how Indigenous peoples' law could be more fully and consciously integrated with Canadian law to produce a society where two world views can co-exist and a different vision of the Canadian constitution and citizenship can be created.

Research Methods for International Human Rights Law - Damian Gonzalez-Salzberg 2019-06-13

The study and teaching of international human rights law is dominated by the doctrinal method. A wealth of alternative approaches exists, but they tend to be discussed in isolation from one another. This collection focuses on cross-theoretical discussion that brings together an array of different analytical methods and theoretical lenses that can be used for conducting research within the field. As such, it provides a coherent, accessible and diverse

account of key theories and methods. A distinctive feature of this collection is that it adopts a grounded approach to international human rights law, through demonstrating the application of specific research methods to individual case studies. By applying the approach under discussion to a concrete case it is possible to better appreciate the multiple understandings of international human rights law that are missed when the field is only comprehended through the doctrinal method. Furthermore, since every contribution follows the same uniform structure, this allows for fruitful comparison between different approaches to the study of our discipline.

Declarations of Interdependence -

Kirsten Anker 2016-05-13

This book takes up the postcolonial challenge for law and explains how the problems of legal recognition for Indigenous peoples are tied to an orthodox theory of

law. Constructing a theory of legal pluralism that is both critical of law's epistemological and ontological presuppositions, as well as discursive in engaging a dialogue between legal traditions, Anker focusses on prominent aspects of legal discourse and process such as sovereignty, proof, cultural translation and negotiation. With case studies and examples principally drawn from Australia and Canada, the book seeks to set state law in front of its own reflection in the mirror of Indigenous rights, drawing on a broad base of scholarship in addition to legal theory, from philosophy, literary studies, anthropology, social theory, Indigenous studies and art. As a contribution to legal theory, the study advances legal pluralist approaches not just by imagining a way to 'make space for' Indigenous legal traditions, but by actually working with their insights in building theory. The book will be of value to students and researchers

interested in Indigenous rights as well as those working in the areas of socio-legal studies, legal pluralism and law and cultural diversity.

Culture in the Domains of Law - René Provost 2017-02-02

This book examines whether law, as a cultural practice, can apply across cultural boundaries to bind people with vastly different beliefs and practices.

The Challenge of Legal Pluralism - Marc Simon Thomas 2016-09-13

Within the Latin American context, legal pluralism is often depicted as a dichotomy between customary law and national law. In addition, the use of customary law alongside national law is frequently portrayed as a vehicle of resistance. This book argues that, because ordinary Indians are not positively biased in favor of customary law per se, a heterogeneity of legal practices can be observed on a daily basis, which

consequently undermines the commonly held view of customary law as a "counter-hegemonic strategy", even if, on other socio-geographical levels, this thinking in terms of resistance holds true. Based on qualitative research, the work analyzes how internal conflicts among indigenous inhabitants of the Ecuadorian highlands are being settled in a situation of formal legal pluralism, and what can be learned from this in terms of Indian-state relationships. It is shown that, on a local level, the phenomenological dimension of legal pluralism can be termed "interlegality." On a macro level, ontological assumptions underscore that legal pluralism is still seen as a dichotomy between customary and national law. Multidisciplinary in nature, the book will be of interest to academics and researchers working in the areas of Legal Pluralism, Cultural Anthropology and Latin American Studies.

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Entangled Legalities Beyond the State - Nico Krisch 2021-11-11

Shows that law it is often better understood as an entangled web rather than as a coherent, orderly system.

Anthropology and Law - Mark Goodale 2017-05-02

An introduction to the anthropology of law that explores the connections between law, politics, and technology From legal responsibility for genocide to rectifying past injuries to indigenous people, the

anthropology of law addresses some of the crucial ethical issues of our day. Over the past twenty-five years, anthropologists have studied how new forms of law have reshaped important questions of citizenship, biotechnology, and rights movements, among many others. Meanwhile, the rise of international law and transitional justice has posed new ethical and intellectual challenges to anthropologists. Anthropology and Law provides a comprehensive overview of the anthropology of law in the post-Cold War era. Mark Goodale introduces the central problems of the field and builds on the legacy of its intellectual history, while a foreword by Sally Engle Merry highlights the challenges of using the law to seek justice on an international scale. The book's chapters cover a range of intersecting areas including language and law, history, regulation, indigenous rights, and gender. For a complete understanding of the

consequential ways in which anthropologists have studied, interacted with, and critiqued, the ways and means of law, Anthropology and Law is required reading.

Applied Legal Pluralism - Ghislain Otis
2022-07-15

This book offers a comparative study of the management of legal pluralism. The authors describe and analyse the way state and non-state legal systems acknowledge legal pluralism – defined as the coexistence of a state and non-state legal systems in the same space in respect of the same subject matter for the same population - and determine its consequences for their own purposes. The book sheds light on the management processes deployed by legal systems in Africa, Canada, Central Europe and the South Pacific, the multitudinous factors circumscribing the action of systems and individuals with respect to legal pluralism, and the effects of management

strategies and processes on systems as well as on individuals. The book offers fresh practical and analytical insight on applied legal pluralism, a fast-growing field of scholarship and professional practice. Drawing from a wealth of original empirical data collected in several countries by a multilingual and multidisciplinary team, it provides a thorough account of the intricate patterns of state and non-state practices with respect to legal pluralism. As the book's non-prescriptive approach helps to uncover and evaluate several biases or assumptions on the part of policy makers, scholars and development agencies regarding the nature and the consequences of legal pluralism, it will appeal to a wide range of scholars and practitioners in law, development studies, political science and social sciences.

In Pursuit of Pluralist Jurisprudence - Nicole Roughan 2017-09-14

This book presents and evaluates theoretical approaches to 'pluralist jurisprudence' and assesses the viability of theorising law extending beyond the state. *In Pursuit of Pluralist Jurisprudence* - Nicole Roughan 2017-09-14

The pluralist turn in jurisprudence has led to a search for new ways of thinking about law. The relationships between state law and other legal orders such as international, customary, transnational or indigenous law are particularly significant in this development. Collecting together new work by leading scholars in the field, this volume considers the basic questions about what would be an appropriate theoretical response to this shift: how precisely is it to be undertaken? Is it called for by developments in legal practice or are these adequately addressed by current legal theory? What normative challenges are raised, and what fresh promises might the

pluralist turn hold? What distinctive insights can it offer for theorising about law? This book presents a rich variety of resources drawn from a number of theoretical approaches and demonstrates how they might be brought together to generate an increasingly important pluralist jurisprudence.

The Inherent Rights of Indigenous Peoples in International Law - Antonietta Di Blase 2020-02-24

This book highlights the cogency and urgency of the protection of indigenous peoples and discusses crucial aspects of the international legal theory and practice relating to their rights. These rights are not established by states; rather, they are inherent to indigenous peoples because of their human dignity, historical continuity, cultural distinctiveness, and connection to the lands where they have lived from time immemorial. In the past decades, a new

awareness of the importance of indigenous rights has emerged at the international level. UN organs have adopted specific international law instruments that protect indigenous peoples. Nonetheless, concerns persist because of continued widespread breaches of such rights. Stemming from a number of seminars organised at the Law Department of the University of Roma Tre, the volume includes contributions by distinguished scholars and practitioners. It is divided into three parts. Part I introduces the main themes and challenges to be addressed, considering the debate on self-determination of indigenous peoples and the theoretical origins of 'indigenous sovereignty'. Parts II and III explore the protection of indigenous peoples afforded under the international law rules on human rights and investments respectively. Not only do the contributors to this book critically assess the current international

legal framework, but they also suggest ways and methods to utilize such legal instruments towards the protection,

promotion and fulfillment of indigenous peoples' rights, to contribute to the maintenance of peace and the pursuit of justice in international relations.