

Multicultural Jurisprudence Comparative Perspectives On The Cultural Defence Onati International Series In Law And Society

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The Journal of Legal Pluralism and Unofficial

Law 58/2008 Gordon R. Woodman 2009-12-09
Jon Unruh examines the role of a disordered and dysfunctional legal pluralism in Liberia's descent into internal armed conflict. Thoko Khaime considers the concepts of children's universal rights and their relationship to the social reality of living law in an African society. Abdulmumuni Oba discusses the jurisdiction and functioning of Area Courts in the state of Ilorin in the Federal Republic of Nigeria. Sue Farran examines the land law in the Pacific state of Vanuatu.

Law and Culture Mateusz Stępień 2021-10-28
Divided into three parts, this book examines the relationship between law and culture from various perspectives, both theoretical and empirical. Part I outlines the framework for further considerations and includes new, innovative conceptualizations of two ideas that are essential to the topic of law and culture: legal culture and customary law. Both of these reappear later in the more empirically oriented chapters of Parts II and III. Part II includes

chapters on the relationships between law, customs, and culture, drawing heavily on the tradition and achievements of the anthropology of law and touching on important problems of multiculturalism, legal pluralism, and cultural defense. It focuses on the more intangible meaning of culture, while Part III addresses its more material, tangible aspects and the issue of cultural production, as well as its intersection with law.

Multicultural Jurisprudence Marie-Claire Foblets 2009-01-16
As individuals travel across borders, societies have become more and more pluralistic. The result of increased migration is the interaction among cultural communities and inevitably clashes between state law and customary law. These cultural conflicts have given rise to a new multicultural jurisprudence. In this volume scholars grapple with the immense challenges judges are currently experiencing everywhere. To what extent can and should courts accommodate litigants' requests by taking

their cultural backgrounds into account? This collection brings together powerful examples of the cultural defense in many countries in Western Europe, North America, and elsewhere. It shows the ubiquity of this defense, contrary to the mistaken impression that it has been invoked principally in the United States. This book makes the case for undertaking studies of the use of the cultural defense in jurisdictions all over the world where this has not been previously documented. Many of the chapters concentrate on criminal cases including homicide in the context of honour crimes, provocation based on 'loss of face' or witchcraft killings. Some deal with other areas of law such as asylum jurisprudence, family law and housing policy. They show in concrete cases how cultural claims have arisen and how legal systems wrestle with these arguments. It is clear that judges have had considerable difficulty handling many of the cultural claims. The authors demonstrate persuasively the need to reconsider the proper use of cultural evidence in legal

proceedings. Those interested in the ways in which expertise influences the disposition of cases will find this book compelling.

Criminal Law and Cultural Diversity Will Kymlicka 2014 What place, if any, ought cultural considerations have when we blame and punish in the criminal law? In general, to hold someone criminally responsible is to hold them blameworthy and deserving of their punishment. Background cultural factors seem to threaten this: for example, a person may be ignorant of the way things are done

New Rhetorics for Contemporary Legal Discourse Angela Condello 2020-03-18 Are the general and the particular separated in legal rhetorics? What is the function of singular events, facts, names in legal argumentation and what is their relationship to legal normativity? This collection of 11 essays takes a diachronic approach to address these questions from the perspective of contemporary legal discourse.
[Law, Legal Culture and Society](#) Alberto Febbrajo

2018-07-04 This volume addresses the pluralistic identity of the legal order. It argues that the mutual reflexivity of the different ways society perceives law and law perceives society eclipses the unique formal identity of written law. It advances a distinctive approach to the plural ways in which legal cultures work in a modern society, through the metaphor of the mirror. As a mirror of society, it distinguishes between the structure and function of legal culture within the legal system, and the external representation of law in society. This duality is further problematized in relation to the increasing transnationalisation of law. Based on a multi-level interpretation of the concept of legal culture, the work is divided into three parts: the first addresses the mutual reflections of social and legal norms that support a pluralist representation of internal legal cultures, the second concentrates on the external legal cultures that constantly enable pragmatic adjustments of the legal order to its social

environment, and the third concludes the book with a theoretical discussion of the issues presented.

Desire Timo Airaksinen 2018-02-06 Desire is a rich term meaning wish and want, willingness and relish, appetite and lust. This volume is an effort to analyse the concept of desire and its different practical contexts from a morally philosophic point of view. By analysing multiple definitions and studying underlying motivations, the authors offer a variety of explanations and interpretations. The volume consists of three main parts. The first part, "Desire and Practice," examines desire as a mental state that seeks personal satisfaction. The second part of the volume, "Desire and Moral Life," explores social, cultural, and literary facets of desire. Finally, in the third part, "Business Ethics and Other Contexts," the authors apply PR axiological principles to the business world, examining the conflict between frugality and consumerist ideology, the role of intuition in decision-making,

and the need for design education as the basis of effective planning. The contributors to this, the newest volume in Transaction's Praxeology series, seek to explore desire in PR axiological terms, with an eye toward the three E's of praxeology: ethics, effectiveness, and efficiency. In doing so, they demonstrate that desire is central for practical activity in general and work in particular.

Current Issues in Law and Religion Silvio Ferrari 2017-07-05 This volume focuses on issues that have only recently come to the forefront of the discipline such as freedom from religion, ordination of homosexuals, apostasy, security and fundamentalism, issues that are linked to the common themes of secularism and globalization. Although these subjects are not new to the academic debate, they have become prominent in law and religion circles as a result of recent and rapid changes in society. The essays in this volume present multiple points of view, facilitate scholars in understanding this evolving discipline

and act as a stimulus for further research. This collection gives the reader a sense of the key topics and current debates in law and religion and is of interest to law, politics, human rights, and religion scholars.

Accommodating Muslims under Common Law Salim Farrar 2016-07-15 The book explores the relationship between Muslims, the Common Law and Sharī'ah post-9/11. The book looks at the accommodation of Sharī'ah Law within Western Common Law legal traditions and the role of the judiciary, in particular, in drawing boundaries for secular democratic states with Muslim populations who want resolutions to conflicts that also comply with the dictates of their faith. Salim Farrar and Ghena Krayem consider the question of recognition of Sharī'ah by looking at how the flexibilities that exists in both the Common Law and Sharī'ah provide unexplored avenues for navigation and accommodation. The issue is explored in a comparative context across several jurisdictions

and case law is examined in the contexts of family law, business and crime from selected jurisdictions with significant Muslim minority populations including: Australia, Canada, England and Wales, and the United States. The book examines how Muslims and the broader community have framed their claims for recognition against a backdrop of terrorism fears, and how Common Law judiciaries have responded within their constitutional and statutory confines and also within the contemporary contexts of demands for equality, neutrality and universal human rights. Acknowledging the inherent pragmatism, flexibility and values of the Common Law, the authors argue that the controversial issue of accommodation of Shari'ah is not necessarily one that requires the establishment of a separate and parallel legal system.

Comparative Law and Multicultural Legal Classes: Challenge or Opportunity? Csaba Varga
2020-07-30 This book discusses legal education

in multicultural classes. Comparative law education is now widespread throughout the world, and there is a growing trend in developed countries toward teaching global law. Providing theoretical answers on how to describe each legal culture and tradition side-by-side, it also explores educational methodological options to address these aspects without causing offence or provoking tension within a multicultural student community. The book examines nine countries on three continents, bringing together academic views and educational insights from ten scholars in the field of comparative law.

Cultural Expertise Livia Holden 1988 Cultural expertise in the form of expert opinions formulated by social scientists appointed as experts in the legal process is not different from any other kind of expertise in court. In specialised fields of law, such as native land titles in America and in Australia, the appointment of social scientists as experts in court is a consolidated practice. This Special Issue focuses

on the contemporary evolution and variation of cultural expertise as an emergent concept providing a conceptual umbrella for a variety of evolving practices, which all include use of the specialised knowledge of social sciences for the resolution of conflicts. It surveys the application of cultural expertise in the legal process with an unprecedented span of fields ranging from criminology and ethnopsychiatry to the recognition of the rights of autochthone minorities including linguistic expertise, and modern reformulation of cultural rights. In this Special Issue, the emphasis is on the development and change of culture-related expert witnessing over recent times, culture-related adjudication, and resolution of disputes, criminal litigation, and other kinds of court and out-of-court procedures. This Special Issue offers descriptions of judicial practices involving experts in local laws and customs and surveys of the most frequent fields of expert witnessing that are related with culture; interrogates who the experts

are, their links with local communities, and also with the courts and the state power and politics; how cultural expert witnessing has been received by judges; how cultural expertise has developed across the sister disciplines of history and psychiatry; and eventually, it asks whether academic truth and legal truth are commensurable across time and space.

Justice, Legality and the Rule of Law Dawn Oliver 2009-09-03 In 2004 six Pitcairn men were convicted of numerous offences against girls and young women, but what right did the British government have to initiate these prosecutions? Was it fair given that no laws had been published on the island? Indeed, what law was there on this island? This book explores the wider issues raised by the Pitcairn case.

Human Rights Cindy Holder 2013-05-23 The United Nations General Assembly adopted the Universal Declaration of Human Rights in 1948. A burgeoning human rights movement followed, yielding many treaties and new international

institutions and shaping the constitutions and laws of many states. Yet human rights continue to be contested politically and legally and there is substantial philosophical and theoretical debate over their foundations and implications. In this volume, distinguished philosophers, political scientists, international lawyers, environmentalists and anthropologists discuss some of the most difficult questions of human rights theory and practice: what do human rights require of the global economy? Does it make sense to secure them by force? What do they require in jus post bello contexts of transitional justice? Is global climate change a human rights issue? Is there a human right to democracy? Does the human rights movement constitute moral progress? For students of political philosophy, human rights, peace studies and international relations.

Legal Theory and Interpretation in a Dynamic Society Alexander Bruns 2021-07-02 Der Band versammelt Beiträge, die anlässlich des 7. Seoul-

Freiburger Rechtswissenschaftlichen Symposiums im September 2019 in Seoul gehalten wurden. Die Zusammenarbeit und der akademische Austausch zwischen den juristischen Fakultäten der Seoul National University (SNU) und der Albert-Ludwigs-Universität Freiburg hat eine alte und wertvolle Tradition der engen Beziehungen zwischen dem koreanischen und dem deutschen Recht lebendig gehalten. Das 7. Symposium war dem Thema "Rechtstheorie und -auslegung in einer dynamischen Gesellschaft" gewidmet und deckte ein breites Spektrum an Themen ab, die in sechs Sektionen unterteilt waren: I. Rechtstheorie und -auslegung, II. Unternehmensrecht, III. Internationales Privatrecht und Zivilprozessrecht, IV. Recht der künstlichen Intelligenz, Eigentumsrecht und Strafrecht. V. Vertragsrecht, und VI. das Verhältnis von supranationalem und innerstaatlichem Verfassungsrecht. Die meisten der auf dem Symposium gehaltenen Vorträge sind in diesem Band versammelt.

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.

Cultural Essentialism in Intercultural Relations

Fred Dervin 2016-04-29 The concept of culture has long been criticized, with many scholars reformulating it or discarding it entirely. The field of intercultural communication and relations, however, still relies on culture to examine interculturality and this volume provides a comprehensive examination of the problems that the concept poses today.

Authenticity, Autonomy and Multiculturalism

Geoffrey Brahm Levey 2015-05-01 The concept of "authenticity" enters multicultural politics in three distinct but interrelated senses: as an ideal of individual and group identity that commands recognition by others; as a condition of individuals' autonomy that bestows legitimacy on their values, beliefs and preferences as being their own; and as a form of cultural pedigree that bestows legitimacy on particular beliefs and practices (commonly called "cultural

authenticity"). In each case, the authenticity idea is called on to anchor or legitimate claims to some kind of public recognition. The considerable work asked of this concept raises a number of vital questions: Should "authenticity" be accorded the importance it holds in multicultural politics? Do its pitfalls outweigh its utility? Is the notion of "authenticity" avoidable in making sense of and evaluating cultural claims? Or does it, perhaps, need to be rethought or recalibrated? Geoffrey Brahm Levey and his distinguished group of philosophers, political theorists, and anthropologists challenge conventional assumptions about "authenticity" that inform liberal responses to minority cultural claims in Western democracies today. Discussing a wide range of cases drawn from Britain and continental Europe, North America, Australia and the Middle East, they press beyond theories to consider also the practical and policy implications at stake. A helpful resource to scholars worldwide in Political and Social Theory, Political Philosophy,

Legal Anthropology, Multiculturalism, and, more generally, of cultural identity and diversity in liberal democracies today.

Legal Practice and Cultural Diversity Ralph Grillo 2016-12-05 Legal Practice and Cultural Diversity considers how contemporary cultural and religious diversity challenges legal practice, how legal practice responds to that challenge, and how practice is changing in the encounter with the cultural diversity occasioned by large-scale, post-war immigration. Locating actual practices and interpretations which occur in jurisprudence and in public discussion, this volume examines how the wider environment shapes legal processes and is in turn shaped by them. In so doing, the work foregrounds a number of themes principally relating to changing norms and practices and sensitivity to cultural and religious difference in the application of the law. Comparative in approach, this study places particular cases in their widest context, taking into account international and

transnational influences on the way in which actors, legal and other, respond.

The Limits of Liberal Multiculturalism A.

Vitikainen 2015-07-07 The Limits of Liberal Multiculturalism provides a timely analysis of some of the weaknesses, as well as the successes, of the liberal multicultural project. It also takes a step forward by developing a pluralist, individual-centred approach to allocating minority rights in practice.

Encyclopedia of Violence, Peace, and Conflict

2008-09-05 The 2nd edition of Encyclopedia of Violence, Peace and Conflict provides timely and useful information about antagonism and reconciliation in all contexts of public and personal life. Building on the highly-regarded 1st edition (1999), and publishing at a time of seemingly inexorably increasing conflict and violent behaviour the world over, the Encyclopedia is an essential reference for students and scholars working in the field of peace and conflict resolution studies, and for

those seeking to explore alternatives to violence and share visions and strategies for social justice and social change. Covering topics as diverse as Arms Control, Peace Movements, Child Abuse, Folklore, Terrorism and Political Assassinations, the Encyclopedia comprehensively addresses an extensive information area in 225 multi-disciplinary, cross-referenced and authoritatively authored articles. In his Preface to the 1st edition, Editor-in-Chief Lester Kurtz wrote: "The problem of violence poses such a monumental challenge at the end of the 20th century that it is surprising we have addressed it so inadequately. We have not made much progress in learning how to cooperate with one another more effectively or how to conduct our conflicts more peacefully. Instead, we have increased the lethality of our combat through revolutions in weapons technology and military training. The Encyclopedia of Violence, Peace, and Conflict is designed to help us to take stock of our knowledge concerning these crucial

phenomena." Ten years on, the need for an authoritative and cross-disciplinary approach to the great issues of violence and peace seems greater than ever. More than 200 authoritative multidisciplinary articles in a 3-volume set Many brand-new articles alongside revised and updated content from the First Edition Article outline and glossary of key terms at the beginning of each article Entries arranged alphabetically for easy access Articles written by more than 200 eminent contributors from around the world

Multicultural Jurisprudence Marie-Claire Foblets 2009 This title presents controversial and critical essays which question the existence of a universal approach to the theory of law.

The Journal of Legal Pluralism and Unofficial Law 61/2010 Fauzia Shariff 2011 This volume examines dynamics of legal pluralism and explores the varied ways in which constellations of legal pluralism play out in social life. It aims to bridge the social and theoretical space between

small-scale case studies and abstract generalisation. The introduction provides an overview of developments in the field of legal pluralism and offers an analytical perspective on the dynamics of the maintenance of and change in constellations of legal pluralism. Contributions examine situations in which the state is seen as remote from local settings and others in which local populations are actively engaged in widening the scope and validity of state law. By focusing on historical developments and the fault-lines of rapid political change in both post-socialist and post-authoritarian states, the volume shows that legal legacies of the past continue to have an impact. Authors look at the social significance of the various, and sometimes competing, types of law which religious and secular transnational actors introduce into local settings.

The Oxford Handbook of International Criminal Law Darryl Robinson 2020 Moving away from conventional approaches to the study of the

subject, the Oxford Handbook of International Criminal Law draws on insights from disciplines both outside of criminal law and outside of law itself to critically examine issues such as international criminal law's actors, rationales, boundaries, and narratives

Searching for Contemporary Legal Thought

Justin Desautels-Stein 2017-12-28 For more than a century, law schools have trained students to 'think like a lawyer'. In these times of legal crisis, both in legal education and in global society, what does that mean for the rest of us? In this book, thirty leading international scholars - including Louis Assier-Andrieu, Marianne Constable, Yves Dezalay, Denise Ferreira da Silva, Bryant Garth, Peter Goodrich, Duncan Kennedy, Martti Koskenniemi, Shaun McVeigh, Samuel Moyn, Annelise Riles, Charles Sabel and William Simon - examine what is distinctive about legal thought. They probe the relation between law and time, law and culture, and legal thought and legal action; the nature of current legal

thought; the geography of legal thought; and the conditions for recognition of a new 'contemporary' style of law. This work will help theorists, social scientists, historians and students understand the intellectual context of legal problems, legal doctrine, and jurisprudential trends in the current conjuncture.

Stateless Law Helge Dedek 2016-03-03 This volume offers a critical analysis and illustration of the challenges and promises of 'stateless' law thought, pedagogy and approaches to governance - that is, understanding and conceptualizing law in a post-national condition. From common, civil and international law perspectives, the collection focuses on the definition and role of law as an academic discipline, and hybridity in the practice and production of law. With contributions by a diverse and international group of scholars, the collection includes fourteen chapters written in English and three in French. Confronting the 'transnational challenge' posed to the traditional theoretical

and institutional structures that underlie the teaching and study of law in the university, the seventeen authors of *Stateless Law: Evolving Boundaries of a Discipline* bring new insight to the ongoing and crucial conversation about the future shape of legal scholarship, education and practice that is emblematic of the early twenty-first century. This collection is essential reading for academics, institutions and others involved in determining the future roles, responsibilities and education of jurists, as well as for academics interested in Law, Sociology, Political Science and Education.

Handbook of Multicultural Mental Health Ann-Marie Yamada 2013-07-19 This chapter provides an overview of the relationship between culture and psychopathology with special emphasis upon core concepts and historical forces within the study of culture and psychopathology. The chapter concludes with a discussion of future directions for inclusion of culture as essential to a full understanding of psychopathology.

The Judgment of Culture Lawrence Rosen 2017-08-09 Legal systems do not operate in isolation but in complex cultural contexts. This original and thought-provoking volume considers how cultural assumptions are built into American legal decision-making, drawing on a series of case studies to demonstrate the range of ways courts express their understanding of human nature, social relationships, and the sense of orderliness that cultural schemes purport to offer. Unpacking issues such as native heritage, male circumcision, and natural law, Rosen provides fresh insight into socio-legal studies, drawing on his extensive experience as both an anthropologist and a law professional to provide a unique perspective on the important issue of law and cultural practice. The Judgement of Culture will make informative reading for students and scholars of anthropology, law, and related subjects across the social sciences.

Cultural Expertise and Socio-Legal Studies Austin Sarat 2019-02-28 In this special issue, socio-legal

scientists with interdisciplinary backgrounds scrutinize the applicability of the notion of cultural expertise in Europe and the rest of the World. Cases include murder, female genital mutilation, earthquake claims, Islamic law, underage marriages, child custody, adoption, land rights, and asylum.

Studies in Law, Politics and Society Austin Sarat 2014-02-07 The articles in this 63rd volume of Studies in Law, Politics and Society cover cutting edge issues of major interest to policy makers, activists and interdisciplinary law scholars: family law, the way law deals with children, international human rights, and the way law deals with injury and damages claims. The Human Rights Culture Lawrence Meir Friedman 2011 Lawrence M. Friedman's newest book explores the sheer phenomenon of a near-global arc favoring the idea, and sometimes even the practice, of human rights. Not the usual legal or philosophical examination of rights, this book instead asks: Why is it--as a social and historical

matter--that rights discourse is so prevalent and compelling to the current world?"Reams of books and articles have been written about human rights, but THE HUMAN RIGHTS CULTURE is unique. It is the first comprehensive, sociological study of human rights in the contemporary period. With his characteristic erudition and graceful style, Lawrence Friedman addresses all the central topics: women's rights, minority rights, privacy, social rights, cultural rights, the role of courts, whether human rights are universal, and much more. This surprisingly compact book presents a balanced discussion of each issue, filled with fascinating details and examples. Friedman's core argument is that the recent rise of human rights discourse around the globe is the product of modernity--in particular the spread of the cultural belief that people are unique individuals entitled to respect and the opportunity to flourish. This terrific book will be informative not only to human rights experts and practitioners but also to people who wish to read

a clear and sophisticated introduction to the field." -- Brian Z. Tamanaha, Professor of Law, Washington University

Quality ebook formatting from Quid Pro Books features active Contents, linked footnotes, linked textual cross-references, and active URLs in references. Professor Friedman's latest book joins Quid Pro's Contemporary Society Series.

The Oxford Handbook of Law and Anthropology Marie-Claire Foblets 2022-04-01

The Oxford Handbook of Law and Anthropology is a ground-breaking collection of essays that provides an original and internationally framed conception of the historical, theoretical, and ethnographic interconnections of law and anthropology. Each of the chapters in the Handbook provides a survey of the current state of scholarly debate and an argument about the future direction of research in this dynamic and interdisciplinary field. The structure of the Handbook is animated by an overarching collective narrative about how law and

anthropology have and should relate to each other as intersecting domains of inquiry that address such fundamental questions as dispute resolution, normative ordering, social organization, and legal, political, and social identity. The need for such a comprehensive project has become even more pressing as lawyers and anthropologists work together in an ever-increasing number of areas, including immigration and asylum processes, international justice forums, cultural heritage certification and monitoring, and the writing of new national constitutions, among many others. The Handbook takes critical stock of these various points of intersection in order to identify and conceptualize the most promising areas of innovation and sociolegal relevance, as well as to acknowledge the points of tension, open questions, and areas for future development.

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.

Intersections of Law and Culture at the International Criminal Court Julie Fraser

2020-10-30 This pioneering book explores the intersections of law and culture at the

International Criminal Court (ICC), offering insights into how notions of culture affect the Court's legal foundations, functioning and legitimacy, both in theory and in practice.

Reframing Punishment: Reflections of Culture, Literature and Morals 2020-09-25

This interdisciplinary volume offers an attempt to question, perplex and ultimately reframe our collective understanding of punishment.

Honour-Based Violence and Forced Marriages Clara Rigoni 2022-08-12

In the last 20 years, the related phenomena of honour-based violence and forced marriages have received increasing attention at the international and European level. Punitive responses towards this type of violence have been adopted, including ad hoc criminalisation and legislation containing direct references to the concepts of honour, culture, and tradition. However, criminal law-based responses present several shortcomings and have often disregarded the specific needs that victims of such crimes might

encounter. This book examines the possibility of using alternative programmes to address cases of honour-based violence and forced marriages. After reviewing previous existing literature, it presents new empirical data. Introducing a case study from the United Kingdom, the book recalls the debate on Sharia Councils and the Muslim Arbitration Tribunal, but examines instead other community-based secular programmes. By comparison, a study from Norway on the work of the National Mediation Agency and the so-called Cross-Cultural Transformative Mediation model is investigated as part of a larger multi-agency approach. Ultimately, in an attempt to reconcile pluralism and the rule of law, the book proposes effective ways to tackle honour crimes based on cooperation and individualisation of the proceedings, and capable of improving women's access to justice and reducing secondary victimisation. The book will be essential reading for researchers and academics in Law, Criminology, Sociology, and Anthropology and for

policy-makers and practitioners working with honour-based violence cases.

Cultural Issues in Criminal Defense Linda Friedman Ramirez 2010-08-01 The one essential treatise for representing immigrant and diverse clients, up to date with *Padilla v Kentucky*, with jurisprudence and practice tips relevant to all stages of representation, from interviewing clients to handling post conviction and relief. This treatise will be of interest to public defender offices as well as private practitioners. Keeping pace with the rapidly changing face of America, *Cultural Issues in Criminal Defense* -3rd edition is the complete reference guide to one of the most challenging and topical subjects in contemporary criminal law. *Cultural Issues in Criminal Defense* is an indispensable book for the criminal defense lawyer representing people from other cultures, nationalities or ethnic backgrounds. Lawyers defending these individuals face a host of characteristic concerns that include cultural barriers to communication, the need for qualified

interpreters, unique Fourth and Fifth Amendment issues, cultural defenses, issues involving Native Americans, the immigration consequences of a conviction, and distinctive sentencing issues. Packed with practice tips and helpful precedent cases, *Cultural Issues in Criminal Defense* is the only book on the market that walks the practitioner through these issues in a clear, comprehensive and systematic way. Extensively updated and expanded for its third edition, the guide now includes chapters on stimulating new subjects such as consular assistance issues, gathering evidence abroad, language proficiency concerns and international prisoner transfers. *Law in the Time of Oxymora* Rostam J. Neuwirth 2018-05-16 What do different concepts like true lie, bad luck, honest thief, old news, spacetime, glocalization, symplexity, sustainable development, constant change, soft law, substantive due process, pure law, bureaucratic efficiency and global justice have in common? What connections do they share with

innumerable paradoxes, like the ones of happiness, time, globalization, sex, and of free will and fate? *Law in the Time of Oxymora* provides answers to these conundrums by critically comparing the apparent rise in recent years of the use of rhetorical figures called "essentially oxymoronic concepts" (i.e. oxymoron, enantiosis and paradoxes) in the areas of art, science and law. Albeit to varying degrees, these concepts share the quality of giving expression to apparent contradictions. Through this quality, they also challenge the scientific paradigm rooted in the dualistic thinking and binary logic that is traditionally used in the West, as opposed to the East, where a paradoxical mode of thinking and fuzzy logic is said to have been cultivated. Following a review of oxymora and paradoxes in art and various scientific writings, hundreds of "hard cases" featuring oxymora and a comprehensive review of the legal literature are discussed, revealing evidence suggesting that the present scientific

paradigm of dualism alone will no longer be able to tackle the challenges arising from increasing diversity and complexity coupled with an apparent acceleration of change. Law in the Time of Oxymora reaches the surprising conclusion that essentially oxymoronic concepts may inaugurate a new era of cognition, involving the ways the senses interact and how we reason, think and make decisions in law and in life.

Managing Family Justice in Diverse Societies

Mavis Maclean 2013-02-15 The aim of this book is to explore what response the law has or should have to different family practices arising from cultural and religious beliefs. The issue has become increasingly debated as western countries have become more culturally diverse. Although discussion has frequently focused on the role Islamic family law should have in these countries, this book seeks to set that discussion within a wider context that includes consideration both of theoretical issues and also of empirical data about the interaction

between specific family practices and state law in a variety of jurisdictions ranging from England and Wales to Bangladesh, Botswana, Spain, Poland, France, Israel, Iran and South Africa. The contributors to the 17 chapters approach the subject matter from a variety of perspectives, illustrating its complex and often sensitive nature. The book does not set out to propose any single definitive strategy that should be adopted, but provides material on which researchers, advocates and policy makers can draw in furthering their understanding of and seeking solutions to the problems raised by this significant social development.

The Culturalization of Human Rights Law

Federico Lenzerini 2014-02-06 The idea of multiculturalism has had a significant impact across many areas of law. This book explores how it has shaped the recent development of international human rights law. Custodians of human rights, especially international monitoring bodies, try to advance the effectiveness of human rights

standards by interpreting these standards according to a method strongly inspired by the idea of cultural 'relativism'. By using elements of cultural identity and cultural diversity as parameters for the interpretation, adjudication, and enforcement of such standards, human rights are evolving from the traditional 'universal' idea, to a 'multi-cultural' one, whereby rights are interpreted in a dynamic manner, which respond to the particular needs of the communities and individuals directly concerned. This book shows how this is epitomized by the rise of collective rights - which is intertwined with the evolution of the rights of minorities and indigenous peoples - in contrast with the traditional vision of human rights as inherently individual. It demonstrates how the process of 'culturalization' of human rights law can be shown through different methods: the most common being the recourse to the doctrine of the 'margin of appreciation' left to states in defining the content of human rights standards, extensively used by human rights

bodies, such as the European Court of Human Rights. Secondly, different meanings can be attributed to the same human rights standards by adapting them to the cultural needs of the persons and - especially - communities specifically concerned. This method is particularly used by the Inter-American Court of Human Rights and the African Commission of Human and Peoples' Rights. The book concludes that the evolution of human rights law towards multi-cultural 'relativism' is not only maximizes the effectiveness of human rights standards, but is also necessary to improve the quality of communal life, and to promote the stability of inter-cultural relationships. However, to an extent, notions of 'universalism' remain necessary to defend the very idea of human dignity.

Colonial Discourse and Gender in U.S. Criminal Courts Caroline Braunmühl 2012 The occurrence in some criminal cases of "cultural defenses" on behalf of "minority" defendants has stirred much

debate. This book is the first to illuminate how "cultural evidence" — i.e., "evidence" regarding ethnicity — is actually negotiated by attorneys, expert/lay witnesses, and defendants in criminal trials. Caroline Braunmühl demonstrates that this has occurred, overwhelmingly, in ways shaped by colonialist and patriarchal discourses common in the Western world. She argues that the controversy regarding the legitimacy of a "cultural defense" has tended to obscure this fact, and has been biased against minorities as well as all women from its inception, in the very terms in which the question for debate has been framed. This study also breaks new ground by analyzing the strategies, and the failures, in which colonialist and patriarchal constructions of

cultural evidence are resisted or — more commonly — colluded in by opposing attorneys, witnesses, and defendants themselves. The constructions at hand emerge as contradictory and unstable, belying the notion that cultural evidence is a matter of objective "information" about another culture, rather than — as Braunmühl argues — of discourses that are inevitably normatively charged. *Colonial Discourse and Gender in US Criminal Courts* moves the debate about cultural defenses onto an entirely new plane, one based upon the understanding that only in-depth empirical analyses informed by critical, rigorous theoretical reflection can do justice to the irreducibly political character of any discussion of "cultural evidence," and of its presentation in court.