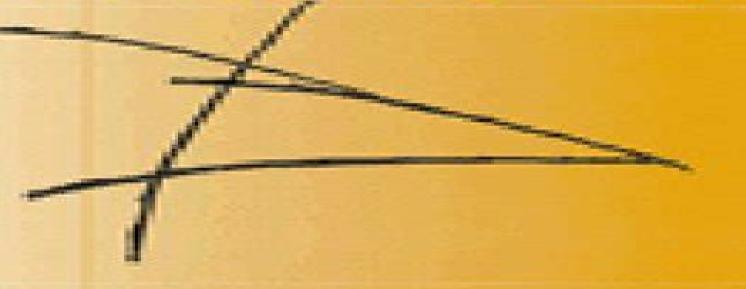
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Laws of the Postcolonial Eve Darian-Smith, Peter Fitzpatrick, 1999 Essays reveal the central part played by law in Polygamy, Policy and Postcolonialism in English Marriage constituting the West as the antithesis of various others Law Zainab Batul Nagyi, 2023-01-25 Slaves mistresses concubines the English courts have used these terms to describe polygamous wives in the past but are they still seen this way today Using a critical postcolonial feminist lens this book provides a contextualized exploration of English legal responses to polygamy Through the legacies of British imperialism the book shows how attitudes to polygamy are shaped by indifference and hostility towards its participants This goes beyond the law as shown by the stories of women shared throughout the book negotiating their identities and relationships in the UK today Through its analysis the book demonstrates how polygamy and polygamous wives are subjected to imperialist and orientalist discourses which dehumanise them for practising a relationship that has existed for millennia Transitional Justice Khanyisela Moyo, 2019-05-31 Transitional justice processes are now considered to be crucial steps in facilitating the move from conflict or repression to a secure democratic future This book contributes to a deeper understanding of transitional justice by examining the complexities of transition in postcolonial societies It focuses particularly on Zimbabwe but draws on relevant comparative material from other postcolonial polities Examples include but are not limited to African countries such as South Africa Rwanda and Mozambique European societies such as Northern Ireland as well as other nations such as Guatemala are also considered While amplifying the breadth of the subject of transitional justice the book addresses the claim that transitional justice mechanisms in postcolonial countries are necessary if the rule of law and the credibility of the country's legal institutions are to be restored Drawing on postcolonial legal theory and especially on analyses of the relationship between international law and imperialism the book challenges the assumption that a domestic rule of law deficit may be remedied with recourse to international law Taking up the paradigmatic perception that international law is neutral and has fixed rules it demonstrates how complex issues which arise during postcolonial transitions require a more critical adoption of transitional justice mechanisms **Law and Social Theory** Reza Banakar, Max Travers, 2014-07-18 There is a growing interest within law schools in the intersections between law and different areas of social theory The second edition of this popular text introduces a wide range of traditions in sociology and the humanities that offer provocative contextual views on law and legal institutions. The book is organised into six sections each with an introduction by the editors on classical sociology of law systems theory critical approaches law in action postmodernism and law in global society Each chapter is written by a specialist who reviews the literature and discusses how the approach can be used in researching different topics New chapters include authoritative reviews of actor network theory new legal realism critical race theory post colonial theories of law and the sociology of the legal profession Over half the chapters are new and the rest are revised in order to include discussion of recent literature Decolonising International

Law Sundhya Pahuja, 2011-09-29 The universal promise of contemporary international law has long inspired countries of the Global South to use it as an important field of contestation over global inequality Taking three central examples Sundhya Pahuja argues that this promise has been subsumed within a universal claim for a particular way of life by the idea of development As the horizon of the promised transformation and concomitant equality has receded ever further international law has legitimised an ever increasing sphere of intervention in the Third World The post war wave of decolonisation ended in the creation of the developmental nation state the claim to permanent sovereignty over natural resources in the 1950s and 1960s was transformed into the protection of foreign investors and the promotion of the rule of international law in the early 1990s has brought about the rise of the rule of law as a development strategy in the present day *Postcolonial Legality:* Law, Power and Politics in Zambia Jeremy Gould, 2023-03-24 This book interrogates the ideology and practices of liberal constitutionalism in the Zambian postcolony The analysis focuses on the residual political and governmental effects of an imperial form of power embodied in the person of the republican president termed here prerogativism Through systematic long term ethnographic engagement with Zambian constitutionalist activists lawyers judges and civic leaders the study examines how prerogativism has shaped the postcolonial political landscape and limited the possibilities of constitutional liberalism This is revealed in the ways that repeated efforts to reform the constitution have sidelined popular participation and thus failed to address the deep divide between a small elite stratum from which the constitutional activists are drawn and the marginalized masses of the population Along the way the study documents the intimate interpenetration of political and legal action and examines how prerogativism delimits the political engagements of elite actors Special attention is given to the reluctance of legal activists to engage with popular politics and to the conservative ethos that undermines efforts to pursue a jurisprudence of transformational constitutionalism in the findings of the Constitutional Court The work contributes to the rising interest in applying socio legal analysis to the statutory domain in postcolonial jurisdictions It offers a pioneering attempt to deconstruct the amorphous and ambivalent assemblage of ideas and practices related to constitutionalism through detailed ethnographic interrogation It will appeal to scholars students and practitioners with an interest in theorizing challenges to political liberalism in postcolonial contexts as well as in rethinking the methodological toolbox of socio legal analysis The Aims and Methods of Postcolonial International Law Chin Leng Lim, 2024-10-28 Criticism of colonial justifications has been familiar since the age of Sep lveda and Las Casas Yet today it is said that international law is and always was an instrument of colonialism It is true that the ius gentium and the Law of Nations failed to prevent colonialism and were used in fact to justify colonialism Still such failures which occurred over the successive periods of European colonization of non European peoples did not implicate the whole of international law thought That is just a modern exaggeration but rather than repair the international law that we have for example in our discussions about colonial reparation some now wish us to reject international law altogether In seeking to cast present day criticisms in a proper light

these lectures at the Hague Academy had discussed the more notable literature including in judgments and arbitral awards from the time of the classic works that are connected to the history of the subject to the present day Now presented in pocketbook form the objective is the same which is to explain the aims and methods of post colonial criticism and to reject the view that it is too late for international law Comparative Discrimination Law Laura Carlson, 2017-12-11 Human history is marked by group and individual struggles for emancipation equality and self expression. This first volume in the Brill Research Perspectives in Comparative Discrimination Law briefly explores some of the history underlying these efforts in the field of discrimination law A broad discussion of the historical development of issues of discrimination is first set out looking at certain international regional and national bases for modern discrimination legal structures Several of the theoretical frameworks invoked in a comparative discrimination law analysis are then addressed either as institutional frameworks or theories addressing specific protection grounds This first volume is dedicated to setting out an introduction to the field of comparative discrimination law to give the reader a platform from which to undertake further reading and research in the compelling topic of comparative discrimination law Law, Orientalism and Postcolonialism Piyel Haldar, 2007-12-05 Focusing on the problem of pleasure Law Orientalism and Postcolonialism uncovers the organizing principles by which the legal subject was colonized That occidental law was complicit in colonial expansion is obvious What remains to be addressed however is the manner in which law and legal discourse sought to colonize individual subjects as subjects of law It was through the permission of pleasure that modern Western subjects were refined and domesticated Legally sanctioned outlets for private and social enjoyment instilled and continue to instil within the individual tight self control over behaviour There are however states of behaviour considered to be repugnant to and in excess of modern codes of civility Drawing on a broad range of literature including classical jurisprudence eighteenth century Orientalist scholarship early travel literature and nineteenth century debates surrounding the rule of law yet concentrating on the experience of British India the argument here is that such excesses were deemed to be an Oriental phenomenon Through the encounter with the Orient and with the fantasy of its excess Piyel Haldar concludes the relationship between the subject and the law was transformed and must therefore be re assessed Minorities and the Making of Postcolonial States in International Law Mohammad Shahabuddin, 2021-06-10 The ideological function of the postcolonial national liberal and developmental state inflicts various forms of marginalisation on minorities but simultaneously justifies oppression in the name of national unity equality and non discrimination and economic development International law plays a central role in the ideological making of the postcolonial state in relation to postcolonial boundaries the liberal individualist architecture of rights and the neoliberal economic vision of development In this process international law subjugates minority interests and in turn aggravates the problem of ethno nationalism Analysing the geneses of ethno nationalism in postcolonial states Mohammad Shahabuddin substantiates these arguments with in depth case studies on the Rohingya and the hill people of the Chittagong Hill Tracts

against the historical backdrop of the minority question in Indian nationalist and constitutional discourse Shahabuddin also proposes alternative international law frameworks for minorities The Oxford Handbook of the Law of Work ,2024-07-31 At the core of all societies and economies are human beings deploying their energies and talents in productive activities that is at work The law governing human productive activity is a large part of what determines outcomes in terms of social justice material wellbeing and the sustainability of both It is hardly surprising therefore that work is heavily regulated This Handbook examines the law of work a term that includes legislation setting employment standards collective labour law workplace discrimination law the law regulating the contract of employment and international labour law It covers the regulation of relations between employer and employee as well as labour unions but also discussions on the contested boundaries and efforts to expand the scope of some laws regulating work beyond the traditional boundaries Written by a team of experts in the field of labour law the Handbook offers a comprehensive review and analysis both theoretical and critical It includes 60 chapters divided into four parts Part A establishes the fundamentals including the historical development of the law of work why it is needed the conceptual building blocks and the unsettled boundaries Part B considers the core concerns of the law of work including the contract of employment doctrines main protections in employment legislation the regulation of collective relations discrimination and human rights Part C looks at the international and transnational dimension of the law of work The final Part examines overarching themes including discussion of recent developments such as gig work online work artificial intelligence at work sustainable development Law and the Politics of Reconciliation Scott Veitch, 2016-04-15 This collection of essays by an amongst others international group of authors explores the ways in which law and legal institutions are used in countries coming to terms with traumatic pasts and in some cases traumatic presents In putting to question what is often taken for granted in uncritical calls for reconciliation it critically analyses and frequently challenges the political and legal assumptions underlying discourses of reconciliation Drawing on a broad spectrum of disciplinary and interdisciplinary insights the authors examine how competing conceptions of law time and politics are deployed in social transformations and how pressing demands for reconstruction reconciliation and justice inform and respond to legal categories and their use of time The book is genuinely interdisciplinary drawing on work in politics philosophy theology sociology and law It will appeal to a wide audience of researchers and academics working in these areas Law and Humanities Russell Sandberg, Daniel Newman, 2024-01-09 This edited collection provides the first accessible introduction to Law and Humanities Each chapter explores the nature development and possible further trajectory of a disciplinary law and field Each chapter is written by an expert in the respective field and addresses how the two disciplines of law and the other respective field operate This edited work therefore fulfils a real and pressing need to provide an accessible introductory but critical guide to law and humanities as a whole by exploring how each disciplinary law and field has developed contributes to further scrutinizing the content and role

of law and how it can contribute and be enriched by being understood within the law and humanities tradition as a whole International Law and World Order B. S. Chimni, 2017-05-25 In International Law and World Order B S Chimni articulates an integrated Marxist approach to international law IMAIL combining the insights of Marxism socialist feminism and postcolonial theory. The book uses this approach to systematically and critically examine the most influential contemporary theories of international law including new feminist realist and policy oriented approaches In doing so it discusses a range of themes relating to the history structure and process of international law The book also considers crucial world order issues and problems that the international legal process has to contend with including the welfare of weak groups and nations the ecological crisis and the role of human rights This extensively revised second edition provides an invaluable in depth and updated review of the key literature and scholarship within this field of study It will be of particular interest to students and scholars of international law international relations international politics and global studies Postcolonial Politics and Personal Laws Rina Verma Williams, 2006 Placing the contemporary discussion on personal laws in India in historical perspective this important book views the debate as a critical component of Indian democracy Balancing the imperatives of multiculturalism national integration and gender justice it affirms that there is a complex continuity between the terms of the debate in the postcolonial Indian state and its colonial counterpart Elgar Concise Encyclopedia of Law and Literature Robert Spoo, Simon Stern, 2025-01-09 The Elgar Concise Encyclopedia of Law and Literature surveys the intersection between two important fields of study Interdisciplinary in scope the volume showcases the many ways in which literary and legal methods and insights both converge and remain distinct The Oxford Handbook of Transnational Law Peer Zumbansen, 2021 The Oxford Handbook of Transnational Law offers a comprehensive compendium for the field of Transnational Law by providing a unique and unparalleled 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 the Handbook features numerous reflections on the relationship between transnational law and legal practice **International Law of Human Rights** Damian A. Gonzalez-Salzberg, Judge Antonio Augusto Cancado Trindade, 2024-02 The only textbook in the area to take a Global South perspective drawing on the expertise of the authors and bringing in perspectives from a leading judge in the field International Law of Human Rights takes students through a rigorous exploration of the theoretical foundations and principles of the subject alongside current practice and procedures Provides a unique Global South perspective offering a broad view of the subject area Focuses on the historical and philosophical foundations of human rights before exploring global and regional systems for their protection and key substantive rights Presents a clear and accurate account of current human rights law practice Deep discussion and thorough analysis supported by further reflections and critical debate sections and summaries of key cases Insightful testimonial from the distinguished Judge Can ado Trindade helps to bring a

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Table of Contents Laws Of The Postcolonial Laws Of The Postcolonial

- 1. Understanding the eBook Laws Of The Postcolonial Laws Of The Postcolonial
 - The Rise of Digital Reading Laws Of The Postcolonial Laws Of The Postcolonial
 - Advantages of eBooks Over Traditional Books
- 2. Identifying Laws Of The Postcolonial Laws Of The Postcolonial
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Laws Of The Postcolonial Laws Of The Postcolonial
 - User-Friendly Interface
- 4. Exploring eBook Recommendations from Laws Of The Postcolonial Laws Of The Postcolonial

- Personalized Recommendations
- Laws Of The Postcolonial Laws Of The Postcolonial User Reviews and Ratings
- Laws Of The Postcolonial Laws Of The Postcolonial and Bestseller Lists
- 5. Accessing Laws Of The Postcolonial Laws Of The Postcolonial Free and Paid eBooks
 - Laws Of The Postcolonial Laws Of The Postcolonial Public Domain eBooks
 - Laws Of The Postcolonial Laws Of The Postcolonial eBook Subscription Services
 - Laws Of The Postcolonial Laws Of The Postcolonial Budget-Friendly Options
- 6. Navigating Laws Of The Postcolonial Laws Of The Postcolonial eBook Formats
 - o ePub, PDF, MOBI, and More
 - Laws Of The Postcolonial Laws Of The Postcolonial Compatibility with Devices
 - Laws Of The Postcolonial Laws Of The Postcolonial Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Laws Of The Postcolonial Laws Of The Postcolonial
 - Highlighting and Note-Taking Laws Of The Postcolonial Laws Of The Postcolonial
 - Interactive Elements Laws Of The Postcolonial Laws Of The Postcolonial
- 8. Staying Engaged with Laws Of The Postcolonial Laws Of The Postcolonial
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Laws Of The Postcolonial Laws Of The Postcolonial
- 9. Balancing eBooks and Physical Books Laws Of The Postcolonial Laws Of The Postcolonial
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Laws Of The Postcolonial Laws Of The Postcolonial
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Laws Of The Postcolonial Laws Of The Postcolonial
 - Setting Reading Goals Laws Of The Postcolonial Laws Of The Postcolonial
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Laws Of The Postcolonial Laws Of The Postcolonial

- Fact-Checking eBook Content of Laws Of The Postcolonial Laws Of The Postcolonial
- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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