

CULTURAL DIVERSITY AND LAW



Legal Practice and Cultural Diversity



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Legal Practice And Cultural Diversity Cultural Diversity And Law

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Legal Practice And Cultural Diversity Cultural Diversity And Law:

Legal Practice and Cultural Diversity, 2009 This collection considers how contemporary cultural and religious diversity challenges legal practice Comparative in analysis this study places particular cases in their widest context taking into account international and transnational influences **Legal Practice and Cultural Diversity** Ralph Grillo, Roger Ballard, Alessandro Ferrari, André J. Hoekema, Marcel Maussen, Prakash Shah, 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 Family, Religion and Law Prakash Shah, Marie-Claire Foblets, 2016-04-15 This collection discusses how official legal systems do and should respond to the reality of a plurality of family types and origins within their jurisdictions It further examines the challenges that arise for practitioners including lawyers and judges when faced with such plurality Focussing on empirical research the volume presents legal and sociological data of unprecedented comparative depth It also includes a discussion of how members of minority families respond to the need to organise their legal relationships and to resolve their disputes in the shadow of official legal systems which differ from those of their familial and communal traditions The work invites reflection and demonstrates the urgency and complexity of the questions regarding the search for justice in the field of family life in Europe today **A Test of Faith?** Marie-Claire Foblets, Katayoun Alidadi, 2016-03-16 Issues of religious diversity in the workplace have become very topical and have been raised before domestic courts and the European Court of Human Rights Examining the controversial and constantly evolving position of religion in the workplace this collection brings together chapters by legal and social science scholars and provides a wealth of information on legal responses across Europe Turkey and the United States to conflicts between professional and religious obligations involving employees and employers The contributors examine how case law from the European Court of Human Rights domestic experiences and comparative analyses can indicate trends and reveal established and innovative approaches This multi perspective volume will be relevant for legal practitioners researchers academics and policy makers interested in human rights law discrimination law labour law and the intersection of law and religion *Regulation of Speech in Multicultural Societies* Marcel Maussen, Ralph Grillo, 2017-10-02 This book focuses on the way in which public debate and legal practice intersect when it comes to the value of free speech and the need to regulate offensive blasphemous or hate speech especially though not exclusively where

such speech is thought to be offensive to members of ethnic and religious minorities The themes addressed are of great significance for contemporary societies in many parts of the world including Europe and North America and although the volume focuses principally on the European context it also addresses the theme on an international level Contributions look at the transnational intertextuality of the debate as well as comparing approaches to regulation in different countries notably between the European Court of Human Rights and the United States Supreme Court This book was originally published as a special issue of the Journal of Ethnic and Migration Studies

Managing Family Justice in Diverse Societies Mavis

Maclean, John Eekelaar, 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

Cultural Expertise and Litigation Livia

Holden, 2011-05-30 Cultural Expertise and Litigation addresses the role of social scientists as a source of expert evidence and is a product of their experiences and observations of cases involving litigants of South Asian origin What is meant in court by culture custom and law How are these concepts understood by witnesses advocates judges and litigants How far are cross cultural understandings facilitated or obscured in the process What strategies are adopted And which ones turn out to be successful in court How is cultural understanding and misunderstanding produced in these circumstances And how moreover do the decisions in these cases not only reflect but impact upon the law and the legal procedure Cultural Expertise and Litigation addresses these questions as it elicits the patterns conflicts and narratives that characterize the legal role of social scientists in a variety of de facto plural settings including immigration and asylum law family law citizenship law and criminal law

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

Frontiers of Human Centricity in the Artificial Intelligence-Driven Society 5.0 Sameh Reyad, 2024-12-07 According to Serpa in MDPI encyclopedia 3 Society 5.0 can be realized as a concept and a guide for social development with a profound impact on current societal structures in multiple levels Society 5.0 achieves advanced convergence between cyberspace and physical space enabling AI based on big data and robots to perform or support as an agent the work and adjustments that humans have done up to now Deguchi et al 4 define Society 5.0 as a highly intelligent society based on generation processing exchange of data and more specifically knowledge through the connection of the physical environment with the cyberspace Achieving Society 5.0 with these attributes would enable the world to realize economic development while solving key social problems It would additionally contribute to achieving the SDGs established by the United Nations Despite the differences in formulation of the names of these periods and societies it is obvious that each of them became a basis for step like growth in developed society at specific time periods scale character and depth of these changes are different in different countries Consequently to address the aims of the book it seeks exploratory empirical interpretive and theoretical research built on either primary or secondary data The approaches suggested are not exhaustive and can be extended upon by the researchers In addition the book will contribute towards the UN's sustainable development goals In support of UN's efforts towards a more digital economy this book aims to debate and discuss the history genesis future opportunities and challenges of transitioning to Society 5.0 and provides a holistic perspective on a variety of topics special topics which contribute towards the optimal attainment of the SDGs particularly in terms of social dimensions Finally this book provides a platform for researchers academics and professionals to the transition and technological enablers of industrial revolutions through empirical or exploratory studies that use a variety of innovative approaches The target audience of the book includes researchers and scholars who will find in its comprehensive knowledge about industry 4 industry 5 society 5 and its contribution to economic growth and sustainable development goals SDGs Furthermore the book's secondary target audience are teachers managers strategists professionals governments and policymakers

Religion, Equality and Employment in Europe Katayoun Alidadi, 2017-06-15 The management of religious and ideological diversity remains a key challenge of our time deeply entangled with debates about the nature of liberal democracy equality social cohesion minorities and nationalism security and foreign policy This book explores this challenge at the level of the workplace in Europe People do not surrender their religion of belief at the gates of their workplace nor should they be required to do so But what are the limits of accommodating religious belief in the workplace particularly when it clashes with other fundamental rights and freedoms Using a comparative and socio legal approach that emphasises the practical role of human rights anti discrimination law and employment protection this book argues for an enforceable right to reasonable accommodation on the grounds of religion and belief in the workplace in Europe In so doing it draws on the case law of Europe's two supranational

courts three country studies Belgium the Netherlands and the UK as well as developments in the US and Canada By offering the first book length treatment of the issue it will be of significance to academics students policy makers business leaders and anyone interested in a deeper understanding of the potentials and limits of European and Western inclusion freedom and equality in a multicultural context Awarded an honourable mention from the International Academy of Comparative Law for the 2018 Canada Prize

Muslim Marriage in Western Courts Pascale Fournier, 2016-04-29 This book describes and analyses the notion of Mahr the Muslim custom whereby the groom has to give a gift to the bride in consideration of the marriage It explores how Western courts specifically in Canada the United States France and Germany have approached and interpreted Mahr Although the outcomes of the cases provide an illustrative framework for the book the focus is broader than simply the adjudicative endeavours The work explores the concept of liberalism which purportedly champions individuals and individual choice concurrently with freedom and equality Tensions between and among these concepts however inevitably arise The acknowledgment and exploration of these intertwined tensions forms an important underpinning for the book Through the analysis of case law from these four countries this study suggests that transplanting Mahr from Islamic law into a Western courtroom cannot be undone it immediately becomes rooted in the countries legal historical political and social backgrounds and flourishes or fails in diverse and unexpected ways Rather than being the concept described by classical Islamic jurists Mahr is interpreted according to wildly varied legal constructs and concepts such as multiculturalism fairness public policy and gender equality Moreover Islamic law travels with a multiplicity of voices and it is this complex hybridity a fragmented and disjointed Mahr which will be mediated through Western law Returning to the overarching concept of liberalism the book proposes that distributive consequences rather than recognition occupy central place in the evaluation of the legal options available to Muslim women upon divorce

Criminal Law and Cultural Diversity Will Kymlicka, Claes Lernerstedt, Matt Matravers, 2014 What place if any ought cultural considerations have when we blame and punish in the criminal law Bringing together political and legal theorists Criminal Law and Cultural Diversity offers original and diverse discussions that go to the heart of both legal and political debates about multiculturalism human agency and responsibility

Public Commissions on Cultural and Religious Diversity Katayoun Alidadi, Marie-Claire Foblets, 2018-06-13 In several Western countries expert commissions composed of academics public figures politicians and community organisers have been established by governments or civil society to reflect on the changes and challenges of an increasingly plural society Commission recommendations on how to manage diversities successfully have shaped national narratives and affected law and public policies yet research on the workings of such commissions remains rare This book focuses on the experiences of expert commissions in the UK France Quebec and Belgium Furthering the debate on commissions potential and limitations it draws on the first hand experiences and introspection of former commission members and close observers along with outside perspectives and critique from independent scholars Building on its companion volume Public

Commissions on Cultural and Religious Diversity Analysis Reception and Challenges this book engages with core concepts of identity nationality citizenship freedom equality and accommodation It will appeal to researchers and students of public policy sociology anthropology law religion politics history and migration studies as well as policymakers and anyone with a general interest in current debates on ethnic cultural and religious diversity *Belief, Law and Politics* Marie-Claire Foblets, Katayoun Alidadi, Zeynep Yanasmayan, 2016-04-15 This edited collection gathers together the principal findings of the three year RELIGARE project which dealt with the question of religious and philosophical diversity in European law Specifically it covers four spheres of public policy and legislation where the pressure to accommodate religious diversity has been most strongly felt in Europe employment family life use of public space and state support mechanisms Embracing a forward looking approach the final RELIGARE report provides recommendations to governance units at the local national and European levels regarding issues of religious pluralism and secularism This volume adds context and critique to those recommendations and more generally opens an intellectual discussion on the topic of religion in the European Union The book consists of two main parts the first includes the principal findings of the RELIGARE research project while the second is a compilation of 28 short contributions from influential scholars legal practitioners policy makers and activists who respond to the report and offer their views on the sensitive issue of religious diversity and the law in Europe

Polygamy, Policy and Postcolonialism in English Marriage Law Zainab Batul Naqvi, 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 Law and Society Steven Vago, Steven E. Barkan, 2021-04-25 This new edition of the landmark text *Law and Society* exposes readers to the dominant theoretical perspectives and sociological methods that are used to explain the interplay between law and society This twelfth edition continues to preserve Professor Vago's voice while Steven E Barkan's use of chapter outlines and summaries learning objectives key terms and additional readings maintains the text's accessibility for today's readers The book's foundational approach is brought fully up to date with current events and new studies throughout that illustrate how legal forces shape and influence society and vice versa These additions include Updated data on trial and conviction data in federal district courts Updated data on sexual harassment of attorneys and new data on representation of women and people of color among law school faculty New discussions of legal issues arising from the Covid 19 pandemic The twelfth edition of *Law and Society* is a cornerstone companion for one semester undergraduate

courses in Law and Society Sociology of Law and Introduction to Law offered within departments of Sociology Criminal Justice and Political Science Key Concepts in Practice Paul R. Katz, Stefania Travagnin, 2019-05-20 In recent years the study of modern Chinese religions has developed into a highly innovative yet challenging field One of the main reasons for this involves an ongoing and largely unresolved debate regarding what methods and theories are appropriate for analyzing the wide range of beliefs and practices we encounter This series of three volumes is based on the conviction that in this critical period of research on modern Chinese religions it is time for scholars to review the development of our field reconsider its present state of theories and analytical models and open a new chapter in the understanding of methodologies we employ Our research is grounded on the need to re evaluate concepts and practices that inform both the religious sphere and contemporary scholarship including endogenous Chinese concepts and exogenous ideas from the West and Japan that have been foundational in shaping our knowledge of the Chinese religious landscape In this third volume of our series we examine a variety of key concepts through their praxis in modern Chinese lived religions *Shari'a Councils and Muslim Women in Britain* Tanya Walker, 2016-10-11 The public debate on Shari'a councils in Britain has been heavily influenced by the assumption that the councils exist as religious authorities and that those who use them exercise their right to religious freedom In *Shari'a Councils and Muslim Women in Britain* Tanya Walker draws on extensive fieldwork from over 100 cases to argue for a radically different understanding of the setting and dynamics of the Shari'a councils The analysis highlights the pragmatic manoeuvrings of Muslim women in pursuit of defined objectives within limited space holding in tension both the constraints of particular frameworks of power and the realities of women's agency Despite this needed nuance in a polarised debate however important questions about the rights of Muslim women remain Culture and Order in World Politics Andrew Phillips, Christian Reus-Smit, 2020-01-09 Provides a new framework for reconceptualizing the historical and contemporary relationship between cultural diversity political authority and international order Muslim Family Law in Western Courts Elisa Giunchi, 2014-03-26 This book focuses on Islamic family law as interpreted and applied by judges in Europe Australia and North America It uses court transcriptions and observations to discuss how the most contentious marriage related issues consent and age of spouses dower polygamy and divorce are adjudicated The solutions proposed by different legal systems are reviewed and some broader questions are addressed how Islamic principles are harmonized with norms based on gender equality how parties bargain strategically in and out of court and how Muslim diasporas align their Islamic worldview with a Western normative narrative

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