


THE
FRACTURED
SCALES



THE SEARCH FOR A
UNIFORM PERSONAL CODE

EAUSTINA PEREIRA

Fractured Scales The Search For A Uniform Personal Code

Wenbin Ji



Fractured Scales The Search For A Uniform Personal Code:

The Fractured Scales Faustina Pereira,2002 With reference to South Asia **The Politics of Personal Law in South Asia** Partha S. Ghosh,2012-05-23 It is a political study of the controversy surrounding the issue of the uniform civil code vis vis personal laws from a South Asian perspective At the centre of the debate is whether there should be a centralized view of the legal system in a given society or a decentralized view both horizontally and vertically This issue is entangled within the threads of identity politics minority rights women s rights national integration global Islamic politics and universal human rights Champions of each category view it through their own prisms making the debate extremely complex especially in politically and socially plural South Asia So this book attempts to harmonize the threads of the debate to provide a holistic political analysis **Minority Accommodation through Territorial and Non-Territorial Autonomy** Tove H.

Malloy,Francesco Palermo,2015-10-08 Minority Accommodation through Territorial and Non Territorial Autonomy explores the relationship between minority territory and autonomy and how it informs our understanding of non territorial autonomy NTA as a strategy for accommodating ethno cultural diversity in modern societies While territorial autonomy TA is defined by a claim to a certain territory NTA does not assume that it is derived from any particular right to territory allocated to groups that are dispersed among the majority while belonging to a certain self identified notion of group identity In seeking to understand the value of NTA as a public policy tool for social cohesion this volume critically dissects the autonomy arrangements of both NTA and TA and through a conceptual analysis and case study examination of the two models rethinks the viability of autonomy arrangements as institutions of diversity management This is the second volume in a five part series exploring the protection and representation of minorities through non territorial means examining this paradox within law and international relations with specific attention to non territorial autonomy NTA **Gender, Culture and Human**

Rights Siobhán Mullally,2006-05-26 In recent years feminist theory has increasingly defined itself in opposition to universalism and to discourses of human rights Rejecting the troubled legacies of Enlightenment thinking feminists have questioned the very premises upon which the international human rights movement is based Rather than abandoning human rights discourse however this book argues that feminism should reclaim the universal and reconstruct the theory and practice of human rights Discourse ethics and its post metaphysical defence of universalism is offered as a key to this process of reconstruction The implications of discourse ethics and the possibility of reclaiming universalism are explored in the context of the reservations debate in international human rights law and further examined in debates on women s human rights arising in Ireland India and Pakistan Each of these states shares a common constitutional heritage and in each religious cultural claims intertwined with processes of nation building have constrained the pursuit of gender equality Ultimately this book argues in favour of a dual track approach to cultural conflicts combining legal regulation with an ongoing moral political dialogue on the scope and content of human rights **Revisiting Personal Laws in Bangladesh**

Faustina Pereira,Shahnaz Huda,Sara Hossain,2019-03-19 The People s Republic of Bangladesh is centrally located in South Asia and is one of the eight countries that constitute the South Asian Association of Regional Cooperation SAARC In 2010 the South Asian Institute of Legal and Human Rights Studies in Dhaka SAILS initiated the Combating Gender Injustice research study to investigate how the Christian Hindu and Muslim communities in the country are affected by the laws and customs governing their personal lives The aim was to engage in a dialogue with the stakeholders the results of which would provide a basis to formulate recommendations for law policy and procedural reform These reports have been reproduced in this volume in updated and revised form Moreover in order to offer a more complete overview of the ethnic and religious minorities concerned a chapter has been added on the personal laws of the Buddhist community the third largest religious community in Bangladesh Finally the volume offers much needed information on the laws and customs of the indigenous peoples of the Chittagong Hill Tracts communities following traditional rules and customs in the remote and hilly region of the country The gender insensitive personal laws prevalent in South Asian societies will continue to be debated for generations to come This unique volume gives a voice to the different religious and ethnic communities affected by the current laws and practices in force in Bangladesh The reader will find an overview and gain understanding of the legal issues that need to be addressed in each case

Women and Genocide Elissa Bemporad,Joyce W. Warren,2021-12-22 Essays that use gender as a critical lens for staging intersectional multidisciplinary investigations of genocide in the 20th and 21st centuries Reading Religion The genocides of modern history Rwanda Armenia Guatemala the Holocaust and countless others and their effects have been well documented but how do the experiences of female victims and perpetrators differ from those of men In Women and Genocide human rights advocates and scholars come together to argue that the memory of trauma is gendered and that women s voices and perspectives are key to our understanding of the dynamics that emerge in the context of genocidal violence The contributors of this volume examine how women consistently are targets for the sexualized violence that serves as an instrument of ethnic cleansing how female perpetrators take advantage of the new power structures and how women are involved in the struggle for justice in post genocidal contexts By placing women at center stage Women and Genocide helps us to better understand the nexus existing between misogyny and violence in societies where genocide erupts It elegantly bridges the historical divide between the study of political violence and the study of gendered violence in the so called domestic sphere Women and Genocide is an immense scholarly accomplishment that has the potential to fund creative advances in each of the scholarly disciplines it engages as well as human rights peace and anti violence programs of advocacy Reading Religion

Feminism, Postfeminism and Legal Theory Dorota Gozdecka,Anne Macduff,2018-12-19 There is much debate about postfeminism what it is and its role in feminist politics Whilst postfeminism has become increasingly influential in the study of literature popular culture and philosophy it has so far received comparatively little attention in law This book aims to remedy this situation The book brings together feminist legal scholars working in different contexts to

examine the idea of postfeminism and assess its contemporary relevance It explores a range of questions including the following Does postfeminism describe an age that follows modernism an age where identity politics has realised its goals and feminism is no longer needed Or does postfeminism describe the feminism of a postmodernist age where identity can mean anything at all Or differently again does the term capture a new feminism that discredits feminism and attempts to reshape its political consciousness And what might the answers to these questions mean for law and legal theory and a feminist politics of law reform

Gender Justice, Citizenship & Development , Printbegr nsninger Der kan printes kapiteltvis

European Zoroastrian Attitudes to Their Purity Laws Gillian Towler Mehta,2011-02 The thesis has one main focus the purity laws of a religious group in Europe an original piece of research never done before in the UK The thesis uses diasporic theories of identity theories of women and the body theories of women their bodies and patriarchal religion and theories of women purity and pollution in religion to explain why European Zoroastrian women continue to support six of the purity laws of Zoroastrianism in the year 2003 Purity and pollution are at the heart of the Zoroastrian religion and the research demonstrated that Zoroastrians belief in and knowledge of the six purity laws was strong in 2003 Zoroastrians are a diasporic religious group whose modern origins are in Iran and the sub continent of India They have been visiting and settling from the sub continent in Europe and especially in London in small numbers since the middle of the nineteenth century There have been three quantitative surveys of the Zoroastrian community in Europe in 1976 1985 and 2003 with each survey building on the last one Thus the analytical quantitative research leading up to the thesis covers a period of nearly 30 years In the 2003 survey new questions never posed before in academic research were asked about six of the Zoroastrian purity laws which yielded data for the main focus of the thesis The women support the six purity laws more than the men and the majority of both women and men affirmed four of the purity laws and rejected two of them The conclusion of the thesis is that the six Zoroastrian purity laws examined in this research are used in the creation of a hybrid immanent and liminal religious identity and in some cases ethnic identity by the women of the European Zoroastrian community purity laws are known about and matter to these women in Europe in 2003

Affirmative Action and the Law Erica Howard,Elvira Redondo,Narciso Baez,2020-09-24 Affirmative Action and the Law analyses the practical application of affirmative action measures and their efficacy in achieving substantive equality through the lenses of the United Nations human rights machinery and the legal regime and policies implemented in China India Central and South America South Africa and the United Kingdom The product of a joint research project involving academics from the Brazil Chile Mexico India Spain and the United Kingdom the findings identify and reflect on trends emerging from State practice across the world in eradicating structural inequality through special measures for certain designated groups The book seeks to provide a coherent and systematic approach to the analysis of special measures in the targeted countries It also comprises two case studies with in depth insights on gender diversity on the boards of public listed companies in the UK and the European Union and the access

of persons with disabilities to higher education in Brazil The book will be a valuable resource for students and academics in the field of human rights law sociology and politics It will also provide a source of good practice for states and policy makers in the framing of responses to increased inequality at national and international level and for civil society actors seeking to explore meaningful interaction with a highly controversial topic in society *Feminist Activism, Women's Rights, and Legal Reform* Mulki Al Sharmani,2013-12-12 This ground breaking collection investigates the relationship between feminist activism and legal reform as a pathway to gender justice and social change Since the advent of feminist movements legal reform has been a popular and yet contentious vehicle for seeking women s rights and empowerment This important book looks at comparative insights drawn from field based research on the processes the challenges and the outcomes of legal reform and feminist activism *Feminist Activism Women s Rights and Legal Reform* brings together cases from Middle East Latin America and Asia of the successes and failures of reform efforts concerning the promulgation and implementation of new family laws and domestic violence codes *Gender, Violence and the State in Asia* Amy Barrow,Joy L. Chia,2016-07-01 While gender based violence occurs in all societies irrespective of the level of development or cultural setting whether in conflict or peacetime the challenges for legal responses to gender based violence are particularly acute in Asia This book addresses the lack of academic discourse on gender based violence in Asia beyond domestic violence by demonstrating that gendered violence exists within many different contexts and is perpetuated by multiple actors Bringing together scholars legal practitioners and human rights advocates the book examines the intersections between gender violence and the state in Asian contexts It considers the role of state institutions in perpetuating and preventing violence based on gender and identity and thus contributes to growing scholarship around due diligence standards under international law Analyzing both physical and structural gender based violence it scrutinizes how such violence exists within a landscape shaped by distinct cultural norms laws and policies and grapples with how to practically translate international human rights standards about state responsibility into these complex domestic environments Contributors from diverse backgrounds draw on case studies and empirical research to ground this academic scholarship in lived experiences of individuals and their communities in Asia By bridging the divide between policy laws and practice to offer a unique insight into both theoretical and practical responses to how gender based violence is understood within communities and state institutions in Asian countries this book will appeal to students and scholars of Asian studies Gender Studies and Law [International Law and Indigenous Peoples](#) Joshua Castellino,Niamh Walsh,2005-03-01 This volume a collection of essays by a variety of scholars in the field of indigenous rights originates from the Irish Centre for Human Rights at the National University of Ireland in Galway It highlights those instances in the work of international organizations where advances have been made concerning indigenous rights It also devotes attention to the Permanent Forum on Indigenous Issues to the Committee on the Elimination of Racial Discrimination and to a number of thematic issues in the field The human rights situations facing indigenous peoples in Australia

Bangladesh Canada India Kenya Mexico Nicaragua Nigeria and South Africa are dealt with in separate chapters These surveys show a range of reactions to the multiple problems of discrimination or lack of proper responses as far as domestic legislation national implementation of the laws and national compliance with the applicable international standards are concerned **'Honour'** Lynn Welchman, Sara Hossain, 2013-07-04 This volume brings together the practical insights and experiences of individuals and organisations working in diverse regions and contexts to combat crimes of honour Authors examine strategies of response to such manifestations of violence against women focusing largely on honour killings and interference with the right to choice in marriage and the related use and legal treatment of the defence of honour and provocation in different countries of Europe the Middle East Latin America and South Asia This timely volume is distinctive in approach and content highlighting activist and practice orientated academic perspectives from both the South and the North The authors give voice to the struggle to locate crimes of honour firmly within the international framework of violence against women and human rights rather than positioning these abuses as specific to particular cultures or communities The first of its kind this book serves as a resource in addressing honour crimes and more broadly violence against women and will be of interest to a multi disciplinary academic audience as well as to lawyers policy makers and activists

Nationbuilding, Gender and War Crimes in South Asia Bina D'Costa, 2012-07-26 This book gives a detailed political analysis of nationbuilding processes and how these are closely linked to statebuilding and to issues of war crime gender and sexuality and marginalization of minority groups With a focus on the Indian subcontinent the author demonstrates how the state itself is involved in the construction of a gendered identity and how control of women and their sexuality is central to the nationbuilding project She applies a critical feminist approach to two major conflicts in the Indian subcontinent the Partition of India in 1947 and the Liberation War of Bangladesh in 1971 and offers suggestions for addressing historical injustices and war crimes in the context of modern Bangladesh Addressing how the social and political elites were able to construct and legitimize a history of the state that ignored these issues the author suggests a critical re examination of the national narrative of the creation of Bangladesh which takes into account the rise of Islamic rights and their alleged involvement in war crimes Looking at the impact that notions of nation state and nationalism have on women from a critical feminist perspective the book will be an important addition to the literature on gender studies international relations and South Asian politics Of the Nation Born Hameeda Hossain, Amena Mohsin, 2016-05-30 The Sexual Violence and Impunity in South Asia research project coordinated by Zubaan and supported by the International Development Research Centre brings together for the first time in the South Asian region a vast body of research on this important and yet silenced subject Six country volumes one each on Bangladesh Nepal Pakistan Sri Lanka and two on India as well as two standalone volumes comprising over 50 research papers and two book length studies detail the histories of sexual violence and look at the systemic institutional societal individual and community structures that work together to ensure that impunity for

perpetrators is more or less inbuilt As many of the authors argue the very nature and conditions of sexual violence in the South Asian region lend themselves to a silencing process or at a minimum a reluctance to address it head on something that may at least partially explain why accountability for sexual violence remains such a distant horizon This volume focuses on Bangladesh a nation born in 1971 in a birth that was as marked by bloodshed as it was by sexual violence The history of widespread sexual violence and incidents of sexual slavery as well as the absence of accountability for the perpetrators is by now well known The essays here address the structural dynamics of impunity at the individual and societal levels looking not only at the conditions that go into its creation but also the elements that fuel it They ask what helps it to become so embedded and point to its human global and national costs Together they explore the ways in which the women s movement and feminist practice have worked to demand accountability and recognition for the victims and survivors of sexual violence challenging the impunities embedded in the patriarchal structures of Bangladeshi society In doing so they bear witness to the continuing efforts of women s groups in Bangladesh to give this crucial issue the attention that it deserves for without that justice for victims and survivors will remain elusive

Soft Borders J. Mostov,2008-05-26 While sovereignty is increasingly contested within academic circles most recent military conflicts have been over issues of sovereignty in some form Focusing on Yugoslavia in the 1990s this book explores the issues surrounding sovereignty and calls for a radical rethinking of the notion and the institutions and practices that it grounds

Southern Postcolonialisms Sumanyu Satpathy,2020-11-29 Southern Postcolonialisms is an anthology of critical essays on new literary representations from the Global South that seeks to re invent reorient the ideological disciplinary aesthetic and pedagogical thrust of Postcolonial Studies in accordance with the new and shifting politico economic realities transactions between the North and the South as well as within the Global South in an era of globalization Since the emergence of Postcolonial Theory in the 1980s the shape of the world has changed dramatically Old Cold War boundaries have shifted in the wake of the collapse of communism Globalization on an unprecedented scale has dramatically changed the meaning of time and space The rise of the US as a new imperial power has profound implications for the world order In the South new emerging markets have challenged the older division of industrial first world and non industrial third world In most parts of the world the academy is struggling to keep up with these developments One result has been a major transnational turn in the humanities and social sciences Terms like world history globalization glocalization and transnationalism now dominate academic agendas worldwide These changing circumstances raise far reaching questions What does the new emerging world order mean for established models of postcolonial theory Is postcolonialism as a field of study being overtaken by models of globalization and transnationalism What implications do the new configurations in the South have for postcolonial theory This volume drawn from a major literary conference at Delhi University provides a set of perspectives on these questions With a majority of contributions by scholars from the South these research articles have a dual focus they revisit older debates on postcolonial theory while

suggesting new perspectives and directions Boundaries and Motherhood Deepra Dandekar, The Sexual Violence and Impunity in South Asia research project coordinated by Zubaan and supported by the International Development Research Centre brings together for the first time in the South Asian region a vast body of research on this important and yet silenced subject Six country volumes one each on Bangladesh Nepal Pakistan Sri Lanka and two on India as well as two standalone volumes comprising over 50 research papers and two book length studies detail the histories of sexual violence and look at the systemic institutional societal individual and community structures that work together to ensure that impunity for perpetrators is more or less inbuilt As many of the authors argue the very nature and conditions of sexual violence in the South Asian region lend themselves to a silencing process or at a minimum a reluctance to address it head on something that may at least partially explain why accountability for sexual violence remains such a distant horizon This volume focuses on Bangladesh a nation born in 1971 in a birth that was as marked by bloodshed as it was by sexual violence The history of widespread sexual violence and incidents of sexual slavery as well as the absence of accountability for the perpetrators is by now well known The essays here address the structural dynamics of impunity at the individual and societal levels looking not only at the conditions that go into its creation but also the elements that fuel it They ask what helps it to become so embedded and point to its human global and national costs Together they explore the ways in which the women s movement and feminist practice have worked to demand accountability and recognition for the victims and survivors of sexual violence challenging the impunities embedded in the patriarchal structures of Bangladeshi society In doing so they bear witness to the continuing efforts of women s groups in Bangladesh to give this crucial issue the attention that it deserves for without that justice for victims and survivors will remain elusive *Village Ties* Nayma Qayum,2021-11-12 *Village Ties* argues that grassroots women s mobilization programs can empower poor women to challenge oppressive informal institutions the rules of the game that govern relationships between actors in the rural global South By exploring the activities of women who belong to Polli Shomaj an initiative of the development organization BRAC *Village Ties* challenges stereotypes of poor Muslim women as backward subservient oppressed and in need of saving

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