

OXFORD

LAW AND INFORMAL PRACTICES

THE POST-COMMUNIST EXPERIENCE



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Law And Informal Practices

**Ralph Grillo, Roger Ballard, Alessandro
Ferrari, André J. Hoekema, Marcel
Maussen, Prakash Shah**

Law And Informal Practices:

The Legacy of H.L.A. Hart Matthew H. Kramer, 2008 This book is the product of a major British Academy Symposium held in 2007 to mark the centenary of the birth of H L A Hart the most important legal philosopher and one of the most important political philosophers of the twentieth century The book brings together contributions from eighteen of the world s foremost legal and political philosophers who explore the many subjects in which Hart produced influential work Each essay engages in an original analysis of philosophical problems that were tackled by Hart some essays including extended critical discussions of his major works The Concept of Law Punishment and Responsibility Causation in the Law and Law Liberty and Morality All the main topics of Hart s philosophical writings are featured general jurisprudence and legal positivism criminal responsibility and punishment theories of rights toleration and liberty theories of justice and causation in the law **East European Faces of Law and Society: Values and Practices** William B. Simons, 2014-10-09 This volume offers readers a multi layer analysis of issues of law and society in Central and Eastern Europe Russia and Ukraine This collection of thought provoking essays deals with a wide range of subject matter including constitutional administrative civil and criminal law as well as aspects of legal culture corruption corporate social responsibility and informal practices of judiciaries Throughout the volume readers are given not only a comparative perspective of current practices but are also offered a historical glimpse of law and philosophy in the region The conclusions and analysis offered by these authors from the East as well as from the West are supported by survey data literature legislation and court practice in the region and abroad *Limits Of Law* Peter Schuck, 2018-03-08 Law is an increasingly pervasive force in our society At the same time however the obstacles to law s effectiveness are also growing In The limits of Law Yale law professor Peter H Schuck draws on law social science and history to explore this momentous clash between law s compelling promise of ordered liberty and the realistic limits of its capacity to deliver on this promise Schuck first discusses the constraints within which law must work law s own complexity the cultural chasms it must bridge and the social diversity it must accommodate and proceeds to consider the ways law uses regulatory legislative and adjudicatory processes to influence social behavior He shows how politics shapes regulation how regulation might incorporate individualized equity and how it can best be reformed Turning to legislation he justifies a strong role for special interest groups dissects purely symbolic statutes and defends broad delegations of legislative power to regulatory agencies Concerning adjudication Schuck analyzes the courts efforts to advance social justice by controlling federal agencies constitutionalizing politics managing mass toxic tort disputes and reforming public services and institutions His concluding chapter draws together some general lessons about law s limits and possibilities for improving democratic governance **Law and Precarity** Tu Phuong Nguyen, 2023-03-09 Why do some people invoke the law or resist it as a way to solve their problems and achieve more stability in life only to end up in another challenging and uncertain situation This book offers an original understanding of the important but understudied paradoxical effects of law on the survival strategies

of Vietnamese people who are caught to live and work in precarious circumstances It demonstrates how precarity influences the way people perceive engage with or resist the law yet law at the same time creates and reinforces such a condition Understanding the mutually reinforcing relationship between law and precarity sheds a new light on the way law enables individuals to better their condition but ultimately makes matters worse rather than better This book will be of interest to researchers and students of law and society political economy anthropology and Asian studies **The Global**

Encyclopaedia of Informality, Volume 2 Alena Ledeneva, 2018-01-17 Alena Ledeneva invites you on a voyage of discovery to explore society's open secrets unwritten rules and know how practices Broadly defined as ways of getting things done these invisible yet powerful informal practices tend to escape articulation in official discourse They include emotion driven exchanges of gifts or favours and tributes for services interest driven know how from informal welfare to informal employment and entrepreneurship identity driven practices of solidarity and power driven forms of co-optation and control The paradox or not of the invisibility of these informal practices is their ubiquity Expertly practised by insiders but often hidden from outsiders informal practices are as this book shows deeply rooted all over the world yet underestimated in policy Entries from the five continents presented in this volume are samples of the truly global and ever growing collection made possible by a remarkable collaboration of over 200 scholars across disciplines and area studies By mapping the grey zones blurred boundaries types of ambivalence and contexts of complexity this book creates the first Global Map of Informality The accompanying database www.informality.com is searchable by region keyword or type of practice so do explore what works how where and why Praise for Global Encyclopaedia of Informality The Global Informality Project unveils new ways of understanding how the state functions and ways in which civil servants and citizens adapt themselves to different local contexts by highlighting the diversity of the relationships between state and society The project is of great interest to policymakers who want to imagine solutions that are beneficial for all but sufficiently pragmatic to ensure a seamless implementation particularly in the field of cross border trade in developing countries Kunio Mikuriya Secretary General of the World Customs Organisation Brussels An extremely interesting and stimulating collection of papers Ledeneva's challenging ideas first applied in the context of Russia's economy of shortage came to full blossom and are here contextualized by practices from other countries and contemporary systems Many original and relevant practices were recognized empirically in socialist countries but this book shows their generality János Kornai Allie S Freed Professor of Economics Emeritus at Harvard and Professor Emeritus at Corvinus University of Budapest Alena Ledeneva's Global Encyclopedia of Informality is a unique contribution providing a global atlas of informal practices through the contributions of over 200 scholars across the world It is far more rewarding for the reader to discover how commonalities of informal behavior become apparent through this rich texture like a complex and hidden pattern behind local colors than to presume top down universal benchmarks of good versus bad behavior This book is a plea against reductionist approaches of

mathematics in social science in general and corruption studies in particular and makes a great read as well as an indispensable guide to understand the cultural richness of the world Alina Mungiu Pippidi Professor of Democracy Studies Hertie School of Governance Berlin Transformative scholarship in method object and consequence Ledeneva and her networked expertise not only enable us to view the informal comparatively but challenge conventionally legible accounts of membership markets domination and resistance with these rich accounts from five continents This project offers nothing less than a social scientific revolution if the broader scholarly community has the imagination to follow through And by globalizing these informal knowledges typically hidden from view the volumes contributors will extend the imaginations of those business consultants movement mobilizers and peace makers who can appreciate the value of translation from other world regions in their own work Michael D Kennedy Professor of Sociology and International and Public Affairs Brown University and author of *Globalizing Knowledge* Don't mistake these weighty volumes for anything directory like or anonymous This wonderful collection of short essays penned by many of the single best experts in their fields puts the reader squarely in the kinds of conversations culled only after years of friendship trust and with the keen eye of the practiced observer Perhaps most importantly the remarkably wide range of offerings lets us de-parochialise corruption and detach it from the usual hyper-local and cultural explanations The reader in the end is the one invited to consider the many and striking commonalities Bruce Grant Professor at New York University and Chair of the US National Council for East European and Eurasian Research *Street-Level Sovereignty* Sarah Marusek, John Brigham, 2017-10-03 *Street Level Sovereignty* The Intersection of Space and Law is a collection of scholarship that considers the experience of law that is subject to social interpretation for its meaning and importance within the constitutive legal framework of race deviance property and the communal investiture in health and happiness This book examines the intersection of spatiality and law through the construction of place and how law is materially framed *Plea Bargaining in National and International Law* Regina Rauxloh, 2012-11-27 Plea bargaining is one of the most important and most discussed issues in modern criminal procedure law Based on historical and comparative legal research the author has analysed the wide spread use of plea bargaining in different criminal justice systems The book sets out in depth studies of consensual case dispositions in the UK examining how plea bargaining has developed and spread in England and Wales It also goes on to discuss in detail the problems that this practise poses for the rule of law by avoiding procedural safeguards The book draws on empirical research in its examination of the absence of informal settlements in the former GDR offering a unique insight into criminal procedure in a socialist legal system that has been little studied Drawing on her research findings the author goes on to discuss the extent to which plea bargaining should be developed in the International Criminal Court in The Hague as the question of this practise is set to be one of the seminal debates in the development of international criminal procedures in the new International Criminal Court *Plea Bargaining in National and International Law* will be of particular interest to

academics and students of international criminal law criminal procedures and comparative law **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 National Minorities in Putin's Russia Federica Prina, 2015-10-05 Using a human rights approach the book analyses the dynamics in the application of minority policies for the preservation of cultural and linguistic diversity in Russia Despite Russia's legacy of ethno cultural and linguistic pluralism the book argues that the Putin leadership's overwhelming statism and promotion of Russian patriotism are inexorably leading to a reduction of Russia's diversity Using scores of interviews with representatives of national minorities civil society public officials and academics the book highlights the reasons why Russian law and policies as well as international standards on minority rights are ill equipped to withstand the centralising drive toward ever greater uniformity While minority policies are fragmented and feeble in contemporary Russia they are also centrally conceived which is exacerbated by a growing democratic deficit under Putin Crucially in today's Russia informal practices and networks are frequently utilised rather than formal channels in the sphere of diversity management Informal practices the book argues can at times favour minorities yet they more frequently disadvantage them and create the conditions for the co-optation of leaders of minority groups A dilution of diversity the book suggests is not only resulting in the loss of Russia's rich cultural heritage but is also impairing the peaceful coexistence of the individuals and groups that make up Russian society **The Practice of Shared Responsibility in International Law** André Nollkaemper, Ilias Plakokefalos, Jessica Schechinger, Jann K. Kleffner, 2017-02-02 This book reviews the practice of shared responsibility in multiple issue areas of international law to assess its application and development A Detroit Story Claire W. Herbert, 2021-03-16 Bringing to the fore a wealth of original research A Detroit Story examines how the informal reclamation of abandoned property has been shaping Detroit for decades Claire Herbert lived in the city for almost five years to get a ground view sense of how this process molds urban areas She participated in community meetings and tax foreclosure protests interviewed various groups followed scrappers through abandoned buildings and visited squatted houses and gardens Herbert found that new residents with more privilege often have their back to the earth practices formalized by local policies whereas longtime more disempowered residents usually representing communities of color have their practices

labeled as illegal and illegitimate She teases out how these divergent treatments reproduce long standing inequalities in race class and property ownership

Guiding Principles for Stabilization and Reconstruction United States Institute of Peace, 2009 Claude Chabrol's second film follows the fortunes of two cousins Charles a hard working student who has arrived in Paris from his small hometown and Paul the dedicated hedonist who puts him up Despite their differences in temperament the two young men strike up a close friendship until an attractive woman comes between them

Postcommunism from Within Jan Kubík, Jan Kubik, Amy Linch, 2013-08-26 A joint publication of the Social Science Research Council and New York University Press

Migrants Before the Law Tobias G. Eule, Lisa Marie Borrelli, Annika Lindberg, Anna Wyss, 2018-11-19 This book traces the practices of migration control and its contestation in the European migration regime in times of intense politicization The collaboratively written work brings together the perspectives of state agents NGOs migrants with precarious legal status and their support networks collected through multi sited fieldwork in eight European states Austria Denmark Germany Italy Latvia Lithuania Sweden and Switzerland The book provides knowledge of how European migration law is implemented used and challenged by different actors and of how it lends and constrains power over migrants journeys and prospects An ethnography of law in action the book contributes to socio legal scholarship on migration control at the margins of the state This book is a major achievement A remarkable and insightful study that through close analysis of the practices of migration control in 8 European countries Austria Denmark Germany Italy Latvia Lithuania Sweden and Switzerland provides powerful new insight into the power of the state at its margins and over those that are marginalised Andrew Geddes Director Migration Policy Centre European University Institute Migrants Before the Law provides a much needed account of the dizzying legal labyrinth that migrants navigate as they seek to survive in Europe Based on multi sited ethnography in detention centres migration offices police stations and non governmental organizations as well as on interviews with key government actors advocates and migrants themselves this book explores the systems of control and forms of migrant precarity that operate along Europe's internal borders in multiple national and transnational contexts Readers will come away with a deepened understanding of the perverse workings of power the ways that the uncertainty and unpredictability of law foster both despair and hope the degree to which the immigration crisis is both manufactured and experienced as real and the ingenuity of migrants themselves in the face of Kafkaesque state practices Susan Bibler Coutin Professor of Criminology Law and Society and Anthropology University of California Irvine USA Migrants Before the Law is an excellent exposition of the dispersed sites of the law and the hinges and junctions through which this apparatus is actualized in the lives of migrants facing deportation contesting their status as illegal migrants or seeking to regularize their precarious position Written with great sensitivity and an eye to minute details this book is also an achievement in furthering the method of collaborative ethnography and new ways of staging comparisons Veena Das Krieger Eisenhower Professor of Anthropology Johns Hopkins University USA

Law in Modern Society Denis Galligan, 2006-09-14 Providing an introduction

to law in modern society D J Galligan considers how legal theory and particularly H L A Hart's The Concept of Law has developed the idea of law as a highly developed social system which has a distinctive character and structure and which shapes and influences people's behaviour The concept of law as a distinct social phenomenon is examined through reference to and analysis of the work of prominent legal and social theorists in particular M Weber E Durkheim and N Luhmann Galligan's approach is guided by two main ideas that the law is a social formation with its own character and features and that at the same time it interacts with and is affected by other aspects of society In analysing these two ideas Galligan develops a general framework for law and society within which he considers various aspects including the nature of social rules and the concept of law as a system of rules whether law has particular social functions and how legal orders run in parallel the place of coercion the characteristic form of modern law and the social conditions that support its implementation and compliance and what happens when laws are used to change society Law in Modern Society encourages legal scholars to consider the law as an expression of social relations examining the connections and tensions between the positive law of modern society and the spontaneous relations they often try to direct or change

Eugen Ehrlich's Sociology of Law Knut Papendorf, Stefan Machura, Anne Hellum, 2014 The work of Eugen Ehrlich 1862-1922 is directly relevant for an understanding of law in society and of the role of sociology of law Today it is possible to see behind the smokescreen of historical debates and to assess Ehrlich's key ideas in the light of today's problems The coexistence of state and local law still challenges lawyers and decision makers Ehrlich suggests sociology of law as an instrument to address social and legal problems that supplements standard legal methodology The articles in this book place Eugen Ehrlich in the context of his times outline the international reception of his work and show the relevance of his thoughts for contemporary issues Series Society and Law Gesellschaft und Recht Vol 8 Subject Socio Legal Studies Legal History

Effective Crime Reduction Strategies James F. Albrecht, Dilip K. Das, 2011-02-22 The International Police Executive Symposium IPES www.ipes.info coordinates annual international conferences to evaluate critical issues in policing and recommend practical solutions to law enforcement executives deployed across the globe Drawn from the 2005 proceedings hosted by the Czech Republic in Prague

Effective Crime Reduction Strategie Central Asia in the Era of Sovereignty Daniel L. Burghart, Theresa Sabonis-Helf, 2018-03-16 After twenty five years of independence there is little doubt that the five Central Asian states will persist as sovereign independent states They increasingly differ from each other and are making their way in global politics No longer connected only to Russia they are now connected in important ways to Afghanistan South Asia China Iran and each other This volume covers a wide range of issues and presents the work of emerging scholars authors well known for their expertise in the region The first part addresses social issues Covering a wide range from HIV AIDs to social media the rebirth of Islam outmigration and problematic borders this section follows two main currents political development in the region and states responses to transboundary challenges The second part addressing economics and security provides analyses of new

infrastructure informal economies from bazaars to criminal networks energy development the role of enclaves in the Ferghana Valley and the development of the states military structures This section illuminates the interactions between economic developments and security and the forces that could undermine both The final part comprised of five case studies offers a deeper dive into a specific factor that matters in the development of each Central Asian state These cases include Kazakhstan s foreign policy identity Kyrgyzstan s domestic politics Tajikistan s pursuit of hydropower foreign direct investment in Turkmenistan and the perception of everyday corruption in Uzbekistan

Three Views on Modernisation and the Rule of Law in Russia Christopher Granville, 2012

Transplanting Commercial Law Reform John Stanley Gillespie, 2006 This volume provides the first sustained analysis examining legal transplantation into East Asia In addition to developing theoretical insights the project provides a textured account of the political economic and legal discourses guiding commercial law reforms in Vietnam

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