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# HOW DOES LAW MATTER?



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# How Does Law Matter

**Carsten Gerner-Beuerle, Michael  
Anderson Schillig**



## **How Does Law Matter:**

**How Does Law Matter?** Bryant G. Garth, Austin Sarat, 1998 The question of how law matters has long been fundamental to the law and society field Social science scholarship has repeatedly demonstrated that law matters less or differently than those who study only legal doctrine would have us believe Yet research in this field depends on a belief in the relevance of law no matter how often gaps are identified The essays in this collection show how law is relevant in both an instrumental and a constitutive sense as a tool to accomplish particular purposes and as an important force in shaping the everyday worlds in which we live Essays examine these issues by focusing on legal consciousness the body discrimination and colonialism as well as on more traditional legal concerns such as juries and criminal justice

**Trying to Make Law Matter** Kathryn Hendley, 1996 Provides unique insight into the possibility of creating the rule of law in Russia

**Making Law Matter** Lesley K. McAllister, 2008-05-30 Although many developing countries have environmental statutes regulations and resolutions on the books these laws are rarely enforced and often ignored Making Law Matter presents the first book length treatment of an innovative prosecutorial institution the Brazilian Ministrio Publico which refashioned itself in the 1980s into a powerful defender of citizen rights in environmental protection as well as in other areas of public interest such as disability rights consumer protection and anticorruption In Brazil the offices of prosecutors and courts have become an important forum for resolving environmental conflicts making environmental law more effective than in the past Court involvement communicates the end of impunity for violators It increases the accountability of governmental agencies and provides legal access for citizen complaints In short it enhances environmental rule of law As developing countries continue to seek to reform their legal systems to strengthen democracy and the rule of law the Brazilian Ministrio Publico must be recognized as a very promising model

The Human Rights Act and the Assault on Liberty Parnesh Sharma, 2011-10-01 Demonstrating that the state of civil liberties and human rights in the United Kingdom are quite perilous this case study looks at the role of rights vis vis social change and culture Empirically examining the Human Rights Act HRA with asylum serving as the main case study the book focuses on law in action based on extensive fieldwork and framed against current events It also discusses the role of Section 55 a law enacted at the same time as the HRA that was an antithesis of what the HRA promised and which forced thousands of asylum seekers into destitution Though Section 55 was eventually defeated asylum seekers in the UK are still powerless and marginalized The book argues that the HRA has proven to be ineffective against illiberal policies and that the development of a culture of rights as far as asylum is concerned has stalled This thoughtful analysis of the use of rights laws to advance social causes presents both potential and pitfalls making it useful for sociologists activists and nongovernmental organizations

Regulatory Encounters Lee Axelrad, Robert A. Kagan, 2000-10-02 This is a pathbreaking contribution to a much neglected area of academic study Bridget M Hutter London School of Economics Regulatory Encounters is an extremely impressive book that contains rich varied and convincing case studies on an important topic

American adversarial legalism R Shep Melnick Boston College  
**Contemporary Challenges in the Jury System** Nicola Monaghan, 2024-07-05 This collection explores a variety of issues facing contemporary juries bringing together innovative research from different disciplines and jurisdictions The debate stems from a real concern that criticism of the jury may lead to a loss of public confidence in the institution and that this may renew government efforts to further restrict the role of the jury in criminal proceedings in England and Wales This work offers an interdisciplinary approach presenting insights from legal psychological and criminological perspectives thus bypassing traditional borders and presenting a cohesive view Issues discussed reflect the rapid advances in technology changing dynamics and behaviours in society and challenges that have been aggravated by the Covid 19 pandemic Whilst the focus is primarily on juries in England Wales Scotland and across Ireland in terms of challenges and opportunities the collection also invites a comparative perspective drawing on experiences and related research in other jurisdictions The book will be of interest to academics researchers and policy makers working in the areas of criminal law and procedure criminal justice criminology and psychology Exploring the 'Legal' in Socio-Legal Studies David Cowan, Daniel Wincott, 2019-03-01 Socio legal studies have had an ambivalent relationship with the legal one of its defining aspects but at the same time one that the discipline has sought to transcend or even leave behind While socio legal studies benefit hugely from the insights methods and theories of other social science and humanity disciplines the contributions to Exploring the Legal in Socio Legal Studies illustrate the value of a focus on the legal The chapters in this book combine traditional legal materials and analyses with other ways of engaging empirically with the legal They illustrate the rich potential of the legal as a site both for theoretical and methodological reflection and for case study analysis Taken as a whole this volume demonstrates that methodological discussion is most helpful when rooted in empirical cases and that the best case studies also help us to develop our methodologies Bringing methodology and empirical analysis together offers an opportunity to reflect on socio legal studies and develop the discipline in productive new directions

*Family and Gender in Renaissance Italy, 1300-1600* Thomas Kuehn, 2017-03-24 This book studies family life and gender within Italy through the lens of law and legal disputes **An Everyday Life of the English Working Class** Carolyn Steedman, 2013-12-05 Unique and fascinating account of English working class life at the turn of the nineteenth century by celebrated historian Carolyn Steedman **Handbook of Employment Discrimination Research** Laura Beth Nielsen, Robert L. Nelson, 2008-06-06 This volume contains a collection of original papers by leading legal scholars and social scientists that develop new perspectives on anti discrimination law with an emphasis on employment discrimination The articles were written for a conference held at Stanford Law School in Spring 2003 that was sponsored by the American Bar Foundation and Stanford Law School The purpose of that conference this volume and ongoing work by the Discrimination Research Group based at the American Bar Foundation and the Center for Advanced Study in the Behavioral Sciences is to advance the social scientific understanding of employment discrimination and the operation of employment discrimination law as a

social system and to consider the legal and policy implications of this emerging body of social science Now is a pivotal moment for an attempt at a deeper understanding of discrimination and law After three decades of theoretical development and empirical research on employment discrimination and its treatment in law it is crucial that lawyers social scientists and policymakers assess what we know and do not know about employment discrimination and its treatment by law To date there are several streams of active research that only occasionally engage with each other Economists and sociologists continue to debate the extent to which women minorities and other traditionally disadvantaged groups faced discrimination in labor markets and organizations Organization scholars and legal scholars have begun to map the effect of anti discrimination law on organizational structures and processes and to raise questions about the extent to which the legalization of organizational employment systems represents symbolic or substantive changes in employment practices

*Protecting Human Rights and Building Peace in Post-Violence Societies* Nasia

Hadjigeorgiou, 2020-02-20 This book critically examines the relationship between protecting human rights and building peace in post violence societies It explores the conditions that must be present and strategies that should be adopted for the former to contribute to the latter The author argues that human rights can aid peacebuilding efforts by helping victims of past violence to articulate their grievance and by encouraging the state to respond to and provide them with a meaningful remedy This usually happens either through a process of adjudication whereby human rights can offer guidance to the judiciary as to the best way to address such grievances or through the passing and implementation of human rights laws and policies that seek to promote peace However this positive relationship between human rights and peace is both qualified and context specific Through an interdisciplinary and comparative analysis of four case studies the book identifies the conditions that can support the effective use of human rights as peacebuilding tools Developing these the book recommends a series of strategies that peacebuilders should adopt and rely on Winner of the Constantinos Emilianides Award in Law for 2020 joint conferment

**Rights and Courts in Pursuit of Social Change** Dia Anagnostou, 2014-12-01 Over the past few decades European countries have witnessed a proliferation of legal norms concerning marginalised individuals and minorities who increasingly invoke them in front of courts to assert their rights and claim protection The present volume explores the relationship between law rights and social mobilisation in Europe It specifically enquires into the extent and ways in which legal processes and entitlements are mobilised by less privileged social actors to advance their rights claims and pursue social change Most distinctly it explores such processes in the context of the multi level European system characterised by the existence of multiple legal and judicial arenas at the national subnational and supranational transnational level In such a complex system of law and governance in Europe concepts like legal opportunity structures as well as the factors shaping them need to be reconceptualised How does the multi level European context distinctly shape the nature and salience of rights as well as their mobilisation by individuals and minority actors

**Courtrooms and Classrooms** Scott M.

Gelber, 2016-02-29 A stunningly original history of higher education law Conventional wisdom holds that American courts historically deferred to institutions of higher learning in most matters involving student conduct and access Historian Scott M Gelber upends this theory arguing that colleges and universities never really enjoyed an overriding judicial privilege Focusing on admissions expulsion and tuition litigation Courtrooms and Classrooms reveals that judicial scrutiny of college access was especially robust during the nineteenth century when colleges struggled to differentiate themselves from common schools that were expected to educate virtually all students During the early twentieth century judges deferred more consistently to academia as college enrollment surged faculty engaged more closely with the state and legal scholars promoted widespread respect for administrative expertise Beginning in the 1930s civil rights activism encouraged courts to examine college access policies with renewed vigor Gelber explores how external phenomena especially institutional status and political movements influenced the shifting jurisprudence of higher education over time He also chronicles the impact of litigation on college access policies including the rise of selectivity and institutional differentiation the decline of de jure segregation the spread of contractual understandings of enrollment and the triumph of vocational emphases

**Property and Community** Gregory S. Alexander, Eduardo M. Penalver, 2010-01-21 Property and Community fills a major gap in the legal literature on property and its relationship to community The essays included differ from past discussions including those provided by law and economics by providing richer accounts of community By and large prior discussions by property theorists treat communities as agglomerations of individuals and eschew substantive accounts of justice favoring what Charles Taylor has called procedural conceptions These perspectives on ownership obscure the possibility that the community might have a moral status that differs from neighboring owners or from non owning individuals This book examines a variety of social practices that implicate community in its relationship to property These practices range from more obvious property based communities like Israeli kibbutzim to surprising examples such as queues Aspects of law and community in relationship to legal and social institutions both inside and outside of the United States are discussed Alexander and Penalver seek to mediate the distance between abstract theory and mundane features of daily life to provide a rich textured treatment of the relationship between law and community Instead of defining community in abstractly theoretical terms they approach the subject through the lens of concrete institutions and social practices In doing so they not only enrich our empirical understanding of the relationship between property and community but also provide important insights into the concept of community itself

**Fat Rights** Anna Kirkland, 2008-03-01 Author Interview on The Brian Lehrer Show America is a weight obsessed nation Over the last decade there's been an explosion of concern in the U S about people getting fatter Plaintiffs are now filing lawsuits arguing that discrimination against fat people should be illegal Fat Rights asks the first provocative questions that need to be raised about adding weight to lists of currently protected traits like race gender and disability Is body fat an indicator of a character flaw or of incompetence on the job Does it pose risks or costs to

employers they should be allowed to evade Or is it simply a stigmatized difference that does not bear on the ability to perform most jobs Could we imagine fatness as part of workplace diversity Considering fat discrimination prompts us to rethink these basic questions that lawyers judges and ordinary citizens ask before a new trait begins to look suitable for antidiscrimination coverage Fat Rights draws on little known legal cases brought by fat citizens as well as significant lawsuits over other forms of bodily difference such as transgenderism asking why the boundaries of our antidiscrimination laws rest where they do Fatness argues Kirkland is both similar to and provocatively different from other protected traits raising long standing dilemmas in antidiscrimination law into stark relief Though options for defending difference may be scarce Kirkland evaluates the available strategies and proposes new ways of navigating this new legal question Fat Rights enters the fray of the obesity debate from a new perspective our inherited civil rights tradition The scope is broad covering much more than just weight discrimination and drawing the reader into the larger context of antidiscrimination protections and how they can be justified for a new group

**The Cambridge Handbook of Compliance** Benjamin van Rooij,D. Daniel Sokol,2021-05-20 Compliance has become key to our contemporary markets societies and modes of governance across a variety of public and private domains While this has stimulated a rich body of empirical and practical expertise on compliance thus far there has been no comprehensive understanding of what compliance is or how it influences various fields and sectors The academic knowledge of compliance has remained siloed along different disciplinary domains regulatory and legal spheres and mechanisms and interventions This handbook bridges these divides to provide the first one stop overview of what compliance is how we can best study it and the core mechanisms that shape it Written by leading experts chapters offer perspectives from across law regulatory studies management science criminology economics sociology and psychology This volume is the definitive and comprehensive account of compliance

*Legal Consciousness* Jakob v. H. Holtermann,Mario Krešić,Marko Novak,2025-04-29 This book is based on presentations and discussions at the special workshop The concept of Legal Consciousness held on July 7 2022 in Bucharest Romania as part of thirtieth biennial World Congress of the International Association for the Philosophy of Law and Social Philosophy IVR The workshop was focused on the importance of this concept for legal theory legal sociology and legal psychology psychology and law The book consists of fourteen contributions divided into four thematic parts elaborating the following topics concept of law methodology of legal sciences role of legal consciousness in legal theory and legal sociology adjudication constitutionalization modification of the legal system and the deliberate normative change

**The Judicialization of Politics in Latin America** Rachel Sieder,L. Schjolden,A. Angell,2016-04-30 During the last two decades the judiciary has come to play an increasingly important political role in Latin America Constitutional courts and supreme courts are more active in counterbalancing executive and legislative power than ever before At the same time the lack of effective citizenship rights has prompted ordinary people to press their claims and secure their rights through the courts This collection of essays analyzes the diverse manifestations of the judicialization of

politics in contemporary Latin America assessing their positive and negative consequences for state society relations the rule of law and democratic governance in the region With individual chapters exploring Argentina Brazil Chile Colombia Costa Rica Mexico Peru and Venezuela it advances a comparative framework for thinking about the nature of the judicialization of politics within contemporary Latin American democracies      *Comparative Company Law* Carsten Gerner-Beuerle, Michael Anderson Schillig, 2019-05-06 *Comparative Company Law* provides a systematic and coherent exposition of company law across jurisdictions augmented by extracts taken from key judgments legislation and scholarly works It provides an overview of the legal framework of company law in the US the UK Germany and France as well as the legislative measures adopted by the EU and the relevant case law of the Court of Justice The comparative analysis of legal frameworks is firmly grounded in legal history and legal and economic theory and bolstered by numerous extracts including extracts in translation that offer the reader an invaluable insight into how the law operates in context The book is an essential guide to how company law cuts across borders and how different jurisdictions shape the corporate lifespan from its formation by way of incorporation to its demise corporate insolvency and eventual dissolution In addition it offers an introduction to the nature of the corporation the framework of EU company law incorporation and corporate representation agency problems in the firm rights of stakeholders and shareholders neutrality and defensive measures in corporate control transactions legal capital piercing the corporate veil and corporate insolvency and restructuring law      *The China Questions* Jennifer Rudolph, Michael Szonyi, 2018-01-15 Many books offer information about the world's most populous country but few make sense of what is truly at stake Thirty six of the world's leading China experts affiliates of Harvard's renowned Fairbank Center for Chinese Studies answer key questions about where this new superpower is headed and what makes its people and their leaders tick



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