

Introduction To Legal Pluralism Jc Bekker

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The Shade of New Leaves Manfred O. Hinz 2006 "Omudile muua ohapo; epangelo liua ohamba". Freely translated, this proverb of the Ovakwanyama of northern Namibia means: "New leaves produce a good shade; the laws of a king are always as good as new". The proverb paints a picture of wisdom to express the dialectical relationship between continuity and change in customary law. Since royal orders are supposed not to change from one king to the next, they are always as good as new, reads the explanatory note to the proverb by the anthropologist Loeb, who recorded the proverb. Traditional authority is like a tree standing on its roots, rooted in the tradition created by the ancestors of the ruler and the community. These roots remain firm, stable and unchanged, not so the concrete manifestation of authority that changes and responds to changes of the environment. This makes that new leaves are produced by the rooted tree. The new leaves are new and old. They are old, because in structure, colour and their capacity to protect by giving shade, they are more or less like the leaves of last year and the year before; they are new because they react to the challenge of seasons. *The Shade of New Leaves* emerged out of an international conference on the living reality of customary law and traditional governance held in Windhoek in 2004. The conference was organised by the Centre for Applied Social Sciences and the Human Rights and Documentation Centre, both affiliated to the Faculty of Law of the University of Namibia, in co-operation with the Law Departments of the Universities of Bremen, Germany, and the School of Oriental and African Studies, University of London. The contributions to this book are grouped into six parts: Part 1: Legal pluralism, traditional governance and the challenge of the democratic constitutional order * Part 2: Traditional administration of justice revisited * Part 3: Ascertaining customary law: prerequisite of good governance in traditional authority * Part 4: Legal philosophy, African philosophy and African jurisprudence * Part 5: Research, training and teaching of customary law * Part 6: Afterthoughts

Gender, Poverty and Access to Justice David Lawson 2020-07-10 Access to justice is a fundamental right guaranteed under a wide body of international, regional and domestic law. It is also an essential component of development policies which seek to adequately respond to the multidimensional deprivations faced by the poor in order to improve socio-economic well-being and advance the progress of the Sustainable Development Goals. Women and children make up most of Africa's poorest and most marginalized population, and as such are often prevented from enforcing rights or seeking other recourse. This book explores and analyzes the issue of

gendered access to justice, poverty and disempowerment across Sub-Saharan Africa (SSA), and provides policy discussions on the integration of gender in justice programming. Through individual country case studies, the book focuses on the challenges, obstacles and successes of developing and implementing gender focused access to justice policies and programming in the region. This multidisciplinary volume will be of interest to policy makers as well as scholars and researchers focusing on poverty and gender policy across law, economics and global development in Sub-Saharan Africa. Additionally, the volume provides policy discussion applicable in other geographical areas where access to justice is elusive for the poor and marginalized.

The Oxford Handbook of Jurisdiction in International Law Stephen Allen 2019-08-27 The Oxford Handbook of Jurisdiction in International Law provides an authoritative and comprehensive analysis of the concept of jurisdiction in international law. Jurisdiction plays a fundamental role in international law, limiting the exercise of legal authority over international legal subjects. But despite its importance, the concept has remained, until now, underdeveloped. Discussions of jurisdiction in international law regularly refer to classic heads of jurisdiction based on territoriality or nationality, or use the SS Lotus decision of the Permanent Court of International Justice as a starting point. However, traditional understandings of jurisdiction are facing new challenges. Globalization has increased the need for jurisdiction to be applied extraterritorially, non-State forms of law provide new theoretical challenges and intersections between different forms of jurisdiction have become more intricate. This Handbook provides a necessary re-examination of the concept of jurisdiction in international law through a thematic analysis of its history, its contemporary application, and how it needs to adapt to encompass future developments in international law. It examines some of the most contentious elements of jurisdiction by considering how the concept is being applied in specific substantive and institutional settings.

Human Rights from a Comparative and International Law Perspective Joan Church 2007 In terms of the South African Constitution of 1996 there is a general need for an introduction to comparative law and one that covers what is technically known as applied comparative law; more particularly applied comparative law that involves a study of the bills of rights in other countries.

Redesigning Justice for Plural Societies Katayoun Alidadi 2022-09-30 This volume examines cases of accommodation and recognition of minority practices: cultural, religious, ethnic, linguistic or otherwise, under state law. The collection presents selected situations and experiences from a variety of regions and from different legal traditions around the world in which diverse societal stakeholders and political actors have engaged in processes leading to the elaboration of creative, innovative and, to a certain extent, sustainable solutions via accommodative laws or practices. Representing multiple disciplines and methodologies and written by esteemed scholars, the work analyses the pitfalls and successes of such accommodative practices, presenting insights into how solutions could or could not be achieved. The chapters address the sustainability and transferability of such solutions in order to further the dialogue in both scholarly and policy spheres. The book will be essential reading for academics, researchers, and policy-makers in the areas of minority rights, legal anthropology, law and religion, legal philosophy, and law and migration.

Lawyers and Savages Kaius Tuori 2014-09-19 Legal primitivism was a complex phenomenon that combined the study of early European legal traditions with studies of the legal customs of indigenous peoples. *Lawyers and Savages: Ancient History and Legal Realism in the Making of Legal Anthropology* explores the rise and fall of legal primitivism, and its connection to the colonial encounter. Through examples such as blood feuds, communalism, ordeals, ritual formalism and polygamy, this book traces the intellectual revolution of legal anthropology and demonstrates how this scholarship had a clear impact in legitimating the colonial experience. Detailing how legal realism drew on anthropology in order to help counter the hypothetical constructs of legal formalism, this book also shows how, despite their explicit rejection, the central themes of primitive law continue to influence current ideas – about indigenous legal systems, but also of the place and role of law in development. Written in an engaging style and rich in examples from history and literature, this book will be invaluable to those with interests in legal realism, legal history or legal anthropology.

Promoting the Rule of Law in Post-Conflict States Laura Grenfell 2013-07-11 Laura Grenfell critically evaluates how the rule of law is contextualized and promoted in states where customary law is prevalent.

Comparative Succession Law Kenneth G. C. Reid 2020-10-08 This book is about the protection from disinheritance. Regardless of what a person's will might say, the closest relatives usually have a claim to some of the deceased's property. The book explores this issue in a sample of countries in Europe as well as in the USA, Canada, Latin America, China, South Africa, Australia, and New Zealand.

The Cambridge Companion to Comparative Law Mauro Bussani 2012-08-16 The book delves into the 'deeper structures' of the world's legal systems, where law meets culture, politics and socio-economic factors.

The Journal of Legal Pluralism and Unofficial Law 62/2010 Woodman Wiber 2011-08-18 Brauchler examines the Indonesian decentralisation process and the revival of tradition and cultural self-determination in the Moluccas. Tuori studies restatements and codifications of customary laws in Africa. Harboe Knudsen considers European Union regulation of the marketing of dairy products in Lithuania. Douglas and Hersi examine the attitudes of Muslims to the smoking of khat. Simarmata studies the contrast between Indonesian state law and local officials' practice regarding natural resources use in East Kalimantan.

Introduction to Legal Pluralism in South Africa J. C. Bekker 2010

Routledge Handbook of International Family Law Barbara Stark 2019-01-30 Globalisation, and the vast migrations of capital and labour that have accompanied it in recent decades, has transformed family law in once unimaginable ways. Families have been torn apart and new families have been created. Borders have become more porous, allowing adoptees and mail order brides to join new families and women fleeing domestic violence to escape from old ones. People of different nationalities marry, have children, and divorce, not necessarily in that order. They file suits in their respective home states or third states, demanding support, custody, and property. Otherwise law-abiding parents risk jail in desperate efforts to abduct their own children from foreign ex-spouses. The aim of this Handbook is to provide scholars, postgraduate students, judges, and

practitioners with a broad but authoritative review of current research in the area of International Family Law. The contributors reflect on a range of jurisdictions and legal traditions and their approaches vary. Each chapter has a distinct subject matter and was written by an author who was invited because of his or her expertise on that subject. This volume provides a valuable contribution to emerging understandings of the subject.

Negotiating the Power of NGOs Reem Wael 2019-04-11 This book focuses on the socio-political environment that allows for the impactful work of NGOs through their proximity to local communities. The book showcases how this space has helped South African women's rights NGOs to bring about crucial legal reforms, which are quite relevant to women's lived realities. Recognizing its limitations, the South African state encourages NGOs to work freely on the ground and with state institutions to ameliorate the conditions for women's rights. The outcome of this state-NGO dynamic can be seen in the numerous human rights gains achieved by NGOs in general, and by women's rights organizations specifically. In addition, vulnerable communities such as women living under customary law have a significantly better chance to access justice. The book then demonstrates the opposite scenario, using Egypt as a case study, where NGOs are viewed as a national threat, and consequently operate under restrictive rules.

Family and Succession Law in South Africa Jacqueline Heaton 2019-09-29 Derived from the renowned multi-volume International Encyclopaedia of Laws, this concise exposition and analysis of the essential elements of law with regard to family relations, marital property, and succession to estates in South Africa covers the legal rules and customs pertaining to the intertwined civic status of persons, the family, and property. After an informative general introduction, the book proceeds to an in-depth discussion of the sources and instruments of family and succession law, the authorities that adjudicate and administer the laws, and issues surrounding the person as a legal entity and the legal disposition of property among family members. Such matters as nationality, domicile, and residence; marriage, divorce, and cohabitation; adoption and guardianship; succession and inter vivos arrangements; and the acquisition and administration of estates are all treated to a degree of depth that will prove useful in nearly any situation likely to arise in legal practice. The book is primarily designed to assist lawyers who find themselves having to apply rules of international private law or otherwise handling cases connected with South Africa. It will also be of great value to students and practitioners as a quick guide and easy-to-use practical resource in the field, and especially to academicians and researchers engaged in comparative studies by providing the necessary, basic material of family and succession law.

Mixed Jurisdictions Worldwide Vernon Valentine Palmer 2012-06-28 The leading text in the field, this indispensable guide to understanding the mixed jurisdictions is now fully updated and expanded.

Comparative Law in a Global Context Werner F. Menski 2006-03-30 Now in its second edition, this textbook presents a critical rethinking of the study of comparative law and legal theory in a globalising world, and proposes an alternative model. It highlights the inadequacies of current Western theoretical approaches in comparative law, international law, legal theory and jurisprudence, especially for studying Asian and African laws, arguing that they are too parochial and eurocentric to meet global challenges. Menski argues for combining modern natural law theories with positivist and socio-legal traditions, building an interactive,

triangular concept of legal pluralism. Advocated as the fourth major approach to legal theory, this model is applied in analysing the historical and conceptual development of Hindu law, Muslim law, African laws and Chinese law.

Conquest, Constitutionalism and Democratic Contestations Joel M. Modiri 2020-06-30 Two decades since the enactment of South Africa's present constitution, the durability and endurance of 'past' inequalities and injustices illustrate that the 'new South Africa' – lauded as a miracle nation with the best constitution in the world – can no longer be regarded as an unqualified success. The legal and constitutional foundations of post-1994 South Africa are in a process of renegotiation that invites new and alternative perspectives and approaches. This comprehensive volume explores this process of renegotiation by engaging political and intellectual contestations circulating in South African academic and public discourse relating to continuities and discontinuities between the colonial-apartheid past and the post-1994 constitutional present. The authors analyse the moral, intellectual and political unravelling of post-1994 South African constitutionalism (as legal text and political culture) and enquire whether it has been able to respond adequately to the fundamental contradictions generated by colonisation and apartheid. They also consider how centring the historical problem of European domination and conquest in Africa – and South Africa in particular – might provide an alternative frame or lens to theorise and understand contemporary South African realities. This book marks out a complex field of contestation – involving competing histories, locations, visions and perspectives – that raises multifaceted questions regarding law, history and politics. It is the outcome of a South African Journal of Human Rights colloquium and was originally published as a special issue of the journal.

Politics of Religious Freedom Winnifred Fallers Sullivan 2015-07-22 Religious freedom has achieved broad consensus as a condition for peace. Faced with reports of a rise in religious violence and a host of other social ills, public, and private actors have responded with laws and policies designed to promote freedom of religion. But what precisely is being promoted? What are the assumptions underlying this response? The contributions to this volume unsettle the assumption that religious freedom is a singular achievement and that the problem lies in its incomplete accomplishment. Delineating the different conceptions of religious freedom predominant in the world today, as well as their histories and political contexts, the contributions make clear that the reasons for violence and discrimination are more complex than is widely acknowledged. The promotion of a single legal and cultural tool meant to address conflict across a wide variety of cultures can have the perverse effect of exacerbating the problems that plague the communities often cited as falling short. -- from back cover.

In the Shadow of Policy Paul Hebinck 2014-09-01 A detailed history of how agrarian reform has manifested in South Africa and how it will progress into the future. *In the Shadow of Policy* explores the interface between the policy of land and agrarian reform and its implementation and between the decisions of policy "experts" and actual livelihood experiences in the fields and homesteads of land reform projects. Starting with an overview of the sociohistorical context in which land and agrarian reform policy has evolved in South Africa, the volume presents empirical case studies of land reform projects in the Northern, Western, and Eastern Cape provinces. These draw on multiple voices from various sectors and provide a rich source of material and critical reflections to inform future policy and research agendas. Notions of land and agrarian reform are now well

entrenched in postapartheid South Africa. But what this reform actually means for everyday life is not clearly understood, nor the way it will impact the political economy.

Cultural Expertise and Socio-Legal Studies Austin Sarat 2019-02-28 In this special issue, socio-legal scientists with interdisciplinary backgrounds scrutinize the applicability of the notion of cultural expertise in Europe and the rest of the World. Cases include murder, female genital mutilation, earthquake claims, Islamic law, underage marriages, child custody, adoption, land rights, and asylum.

Civilising Criminal Justice David J. Cornwell 2013-08-19 Probably the best collection there is, *Civilizing Criminal Justice* is an inescapable resource for anyone interested in restorative justice: truly international and packed with experience while combining history, theory, developments and practical advice. This volume of specially commissioned contributions by widely respected commentators on crime and punishment from various countries is a break-through in bringing together some of the best arguments for long-overdue penal reform. An increasingly urgent need to change outmoded criminal processes, even in advanced democracies, demands an end to those penal excesses driven by political expediency and damaging notions of retribution, deterrence and punishment for its own sake. *Civilising* criminal justice will make it fairer, more consistent, understandable and considerate towards victims of crime, currently largely excluded from participation. Principles of reparative and restorative justice have become increasingly influential in the quest to provide justice which tackles harm, compensates victims, repairs relationships, resolves debilitating conflicts and calls offenders to account. And in any case, what real justification is there for subjecting more and more people to the expensive but hollow experience of prison, especially at a time of economic stringency. Civil justice in its various forms can be swifter, cheaper and more effective, in court or through mediated processes focusing on the harmful consequences of offences rather than inflicting punishment that may satisfy a baying media but come home to haunt the community. This brave and generous book (600 pages) illustrates the many different ways in which criminal justice can be civilised and how lessons can be learned from practical experience across the world and shared expertise. It is a volume that every politician should read, every criminal justice professional should possess, and that every student of criminology and penology will find invaluable.

Introduction to Legal Pluralism in South Africa: Customary law J. C. Bekker 2002

Les solidarités entre générations 2013-03-06 L'ampleur des enjeux humains, économiques et sociaux posés par la question des solidarités entre générations a conduit l'International society of Family Law (ISFL) à choisir ce thème pour son XVe congrès mondial. Plus de 200 intervenants, venus de 50 pays, ont abordé ces questions sous l'angle juridique, mais aussi philosophique, économique et anthropologique. Cet ouvrage présente une partie de ces communications organisées autour de deux grands thèmes : l'enfant au cœur des solidarités familiales et la prise en charge des aînés par la famille. Des phénomènes tels que l'allongement de la durée de la vie, l'urbanisation des populations, la difficulté d'entrée sur le marché du travail ou encore l'éclatement des modèles familiaux traditionnels marquent notre monde contemporain et impliquent la disparition d'anciennes solidarités et l'apparition de nouvelles solidarités redessinant les relations entre générations, posant alors le

problème du sort des personnes les plus fragiles : les enfants, les malades, les handicapés et, surtout, les personnes âgées. – Quel est alors le rôle de la famille et des collectivités dans la protection de ces personnes ? – Quels rapports entre solidarités publiques et solidarités privées ? – Quels sont les droits et libertés reconnus aux personnes que l'âge, la maladie ou le handicap, placent en situation de dépendances ? Telles sont les questions au cœur de cet ouvrage. The importance of the human, economic and social issues caused by the question of generations' solidarities led the International Society of Family Law to choose this theme for its XVIth World Congress (Lyon, July 19-23rd 2011). More than 200 speakers from 50 countries studied these questions from the legal angle, but also philosophic, economic and anthropological. This work collects a part of these papers about two great issues: the child, as the center of family solidarities; and the support for elders by family. Phenomena such as increasing life expectancy, population urbanization, labor-market entry barriers, decline of traditional family patterns, mark in depth our contemporary world and involve old solidarity disappearance and new solidarity emergence, reshaping relations between generations while bringing up the problem of the fate of the most vulnerable: children, the sick, disabled, and especially elderly people. – What then is the role of families and communities in protecting these people? – What is the relationship between public and private solidarity? – What are the rights and freedoms of people placed by age, illness or disability in a dependence situation? These are the issues addressed by the authors of this book.

Constitutional Adjudication in Africa Charles M Fombad 2017-08-31 Since the 1990 wave of constitutional reforms in Africa, the role of constitutional courts or courts exercising the power to interpret and apply constitutions have become a critical aspect to the on-going process of constitutional construction, reconstruction, and maintenance. These developments appear, at least from the texts of the revised or new constitutions, to have resulted in fundamental changes in the nature and role of courts exercising jurisdiction in constitutional matters. The chapters in this second volume of the Stellenbosch Handbooks in African Constitutional Law series are the first to undertake a critical and comparative examination of the interplay of the diverse forms of constitutional review models on the continent. Comparative analysis is particularly important given the fact that over the last two decades, constitutional courts in Africa have been asked to decide a litany of hotly-contested and often sensitive disputes of a social, political, and economic nature. As the list of areas in which these courts have intervened has grown, so too have their powers, actual or potential. By identifying and examining the different models of constitutional review adopted, these chapters consider the extent to which these courts are contributing to enhancing constitutionalism and respect for the rule of law on the continent. The chapters show how the long-standing negative image of African courts is slowly changing. The courts have in responded in different ways to the variety of constraints, incentives, and opportunities that have been provided by the constitutional reforms of the last two decades to act as the bulwark against authoritarianism, and this provides a rich field for analysis, filling an important gap in the literature of contemporary comparative constitutional adjudication.

Non-State Justice Institutions and the Law M. Kötter 2015-02-02 This book focuses on decision-making by non-state justice institutions at the interface of traditional, religious, and state laws. The authors discuss the implications of non-state justice for the rule of law, presenting case studies on traditional councils and courts in Pakistan, South Sudan, Ethiopia, Bolivia and South Africa.

INTRODUCTION TO LEGAL PLURALISM IN SOUTH AFRICA RAUTENBACH.

Introduction to Legal Pluralism in South Africa Christa Rautenbach

Enhancing Police Service Delivery James F. Albrecht 2021-02-16 Contemporary police service delivery and performance are complex phenomena. Law enforcement, particularly at the local level, must therefore face the additional challenges of globalization, cybercrime, counter-terrorism and calls for reform, at a time when extreme budgetary constraints are being implemented. Policing operations encompass multiple critical tasks and responsibilities not routinely measured and evaluated, such as response to incidents involving medical assistance, homelessness, mental illness, community engagement, and neighborhood problem-solving endeavors. This volume aims to provide government, criminal justice and policing administrators, policy makers and criminal justice scholars and researchers with comprehensive analyses of the critical issues impacting the challenges inherent in providing effectual public safety, security and service, all from a global perspective. It takes into account popular criticism, extreme budgetary constraints, and the relatively novel and overwhelming challenges of terrorism and cybercrime. The book merges study and practice to identify avenues to best serve community interests, ensure organizational success, and enhance public confidence in policing and in rule of law.

Law and Religious Diversity in Education Kyriaki Topidi 2020-08-05 Religion is a prominent legal force despite the premise constructed and promoted by Western constitutionalism that it must be separated from the State in democracies. Education constitutes an area of human life that leaves ample scope for the expression of religious identity and shapes the citizens of the future. It is also the place of origin of a considerable number of normative conflicts involving religious identity that arise today in multicultural settings. The book deals with the interplay of law and religion in education through the versatility of religious law and legal pluralism, as well as religion's possible adaptation and reconciliation with modernity, in order to consider and reflect on normative conflicts. It adopts the angle of the constitutional dimension of religion narrated in a comparative perspective and critically reflects on regulatory attempts by the State and the international community to promote new ways of living together.

The Future of African Customary Law Jeanmarie Fenrich 2011-07-18 Customary laws and traditional institutions in Africa constitute comprehensive legal systems that regulate the entire spectrum of activities from birth to death. Once the sole source of law, customary rules now exist in the context of pluralist legal systems with competing bodies of domestic constitutional law, statutory law, common law and international human rights treaties. This book promotes discussion and understanding of customary law and explores its continued relevance in sub-Saharan Africa. The volume considers the characteristics of customary law and efforts to ascertain and codify customary law, and how this body of law differs in content, form and status from legislation and common law. It also addresses a number of substantive areas of customary law including the role and power of traditional authorities; customary criminal law; customary land tenure, property rights and intestate succession; and the relationship between customary law, human rights and gender equality.

The State and the Paradox of Customary Law in Africa Olaf Zenker 2018-02-02 Customary law and traditional authorities continue to play highly complex and contested roles in contemporary African states. Reversing the common preoccupation with studying the impact of the post/colonial state on customary regimes, this volume analyses how the interactions between state and non-state normative orders have shaped the everyday practices of the state. It argues that, in their daily work, local officials are confronted with a paradox of customary law: operating under politico-legal pluralism and limited state capacity, bureaucrats must often, paradoxically, deal with custom – even though the form and logic of customary rule is not easily compatible and frequently incommensurable with the form and logic of the state – in order to do their work as a state. Given the self-contradictory nature of this endeavour, officials end up processing, rather than solving, this paradox in multiple, inconsistent and piecemeal ways. Assembling inventive case studies on state-driven land reforms in South Africa and Tanzania, the police in Mozambique, witchcraft in southern Sudan, constitutional reform in South Sudan, Guinea's long durée of changing state engagements with custom, and hybrid political orders in Somaliland, this volume offers important insights into the divergent strategies used by African officials in handling this paradox of customary law and, somehow, getting their work done.

Juvenile Justice in Global Perspective Franklin E. Zimring 2017-05 Provides a comparison of criminal justice and juvenile justice systems across the world, looking for points of comparison and policy variance that can lead to positive change in the United States. Contributors discuss important issues such as the relationship between political change and juvenile justice, the common labels used to unify juvenile systems in different regions and in different forms of government, the types of juvenile systems that exist and how they differ, and more. Furthermore, they use data on criminal versus juvenile justice in a wide variety of nations to create a new explanation of why separate juvenile and criminal courts are felt to be necessary. --From publisher description.

Introduction to Legal Pluralism in South Africa J. C. Bekker 2002

An Almanac of Contemporary and Continuum of Jurisprudential Restatements 'lai Oshitokunbo Oshisanya 2022-07-10 A Compendium of Jurisprudential Annotations of Cases with Treaties, Statutes, Rules and Commentaries

Violence Against Children in the Criminal Justice System Wendy O'Brien 2019-09-30 Children who come into conflict with the law are more likely to have experienced violence or adversity than their non-offending peers. Exacerbating the deleterious effects of this childhood trauma, children's contact with the criminal justice system poses undue risks of physical, sexual, and psychological violence. This book examines the specific forms of violence that children experience through their contact with the criminal justice system. Comprising contributions from leading scholars and practitioners in children's rights and youth justice, this book profiles evidence-based prevention strategies and case studies from around the world. It illustrates the diversity of contexts in which various forms of violence against children unfold and advances knowledge about both the nature and extent of violence against children in criminal justice settings, and the specific situational factors that contribute to, or inhibit, the successful implementation of violence prevention strategies. It demonstrates that specialised child justice systems, in which children's rights are upheld, are crucial in preventing the

violence inherent to conventional criminal justice regimes. Written in a clear and accessible style, this book will be of interest to students and researchers engaged in studies of criminology and criminal justice, youth justice, victimology, crime prevention, and children's rights.

Modern Studies in Property Law - Volume 3 Elizabeth Cooke 2005-06-29 This book comprises a collection of papers given at the fifth biennial conference of the Centre for Property Law at the University of Reading held in March 2004, and is the third in the series *Modern Studies in Property Law*. The Reading conference has become well-known as a unique opportunity for property lawyers to meet and confer both formally and informally. This volume includes a refereed and revised selection of the papers given there. The papers thus cover a broad range of topics of immediate importance including: land registration, leasehold and commonhold, prescription and law and equity. A growing and popular aspect of the series is its coverage of property law matters worldwide; this volume includes essays on property law in developing countries, in South Africa, Canada, and Eastern Europe.

Changing God's Law Nadjma Yassari 2016-06-03 This volume identifies and elaborates on the significance and functions of the various actors involved in the development of family law in the Middle East. Besides the importance of family law regulations for each individual, family law has become the battleground of political and social contestation. Divided into four parts, the collection presents a general overview and analysis of the development of family law in the region and provides insights into the broader context of family law reform, before offering examples of legal development realised by codification drawn from a selection of Gulf states, Iran, and Egypt. It then goes on to present a thorough analysis of the role of the judiciary in the process of lawmaking, before discussing ways the parties themselves may have shaped and do shape the law. Including contributions from leading authors of Middle Eastern law, this timely volume brings together many isolated aspects of legal development and offers a comprehensive picture on this topical subject. It will be of interest to scholars and academics of family law and religion.

Culture and Community Bob Wishitemi 2007 "Cultures and communities in Africa both feed and fight the European tourism image of Africa. 'The European tourist gaze' of Africa is primarily that of a pristine, pure, 'uncivilised', 'wild', 'close to nature' continent with all pictorial associations and representations that come with these words, like huts, water buckets on women's heads, far and free horizons, lions and non-urban. This is the image that sells and lures (Western) tourists to Africa. In this book scientists from Europe and Africa join hands in presenting and critically analysing cases from eastern and southern Africa that show the cultural complexities and social intricacies that lie behind the touristic representations of Africa and Africans"--Cover.

Law and Religion in Africa Pieter Coertzen 2015-05-01 In our time the study of law and religion is emerging as a wide-ranging and vital academic discipline, with increasingly urgent implications for society at large. Lying at the intersection of a variety of other disciplines ? law, theology, religious studies, political science, sociology and anthropology, to name only the most obvious ? the field of law and religion is generating a burgeoning volume of interdisciplinary and trans-disciplinary research and study. The current volume is proof of this. The discussion of the relationship between law and religion, as seen from a variety of perspectives in

Africa, underscores the critical importance of the issues involved in the everyday life of all citizens. It is accordingly vital for governments to take note of the scholarly results that are produced. We hope that this volume will contribute to this aim.

Mixed Legal Systems, East and West Vernon Valentine Palmer 2016-07-22 Advancing legal scholarship in the area of mixed legal systems, as well as comparative law more generally, this book expands the comparative study of the world's legal families to those of jurisdictions containing not only mixtures of common and civil law, but also to those mixing Islamic and/or traditional legal systems with those derived from common and/or civil law traditions. With contributions from leading experts in their fields, the book takes us far beyond the usual focus of comparative law with analysis of a broad range of countries, including relatively neglected and under-researched areas. The discussion is situated within the broader context of the ongoing development and evolution of mixed legal systems against the continuing tides of globalization on the one hand, and on the other hand the emergence of Islamic governments in some parts of the Middle East, the calls for a legal status for Islamic law in some European countries, and the increasing focus on traditional and customary norms of governance in post-colonial contexts. This book will be an invaluable source for students and researchers working in the areas of comparative law, legal pluralism, the evolution of mixed legal systems, and the impact of colonialism on contemporary legal systems. It will also be an important resource for policy-makers and analysts.