

# FEMINIST PERSPECTIVES On

# LAW & THEORY

Edited by JUDITH GREENGLASS and ROBERT L. SHARPLES



# Feminist Perspectives On Law And Theory

**Susan Millns, Noel Whitty**



## **Feminist Perspectives On Law And Theory:**

Feminist Perspectives on Law and Theory Janice Richardson, Ralph Sandland, 2013-03-04 What is the link between the way in which women are viewed as an aberration within law such that pregnant women initially had to be compared with sick men to claim unfair dismissal and the view of women as monstrous within philosophy This book uses the failure of women to fit within male models of both law and theory as a way to rethink legal questions including the meaning of equality freedom justice and citizenship This includes concern about the way in which queer theory and critical race theory as well as issues of class intersect with feminist theory today It also raises issues about the relationship between political theory and practice and the productive intersection between debates within law philosophy and feminism This collection of essays on feminist legal theory therefore provides an interdisciplinary approach drawn not only from law and philosophy but also from cultural and womens studies Feminism may still be on the margins of both law and philosophy yet it has the ability to disrupt both This book moves beyond a feminist critique of existing frameworks to the constructive project of reworking theory from within It goes beyond debates of traditional jurisprudence to draw its tools from the growing body of work on feminist philosophy including the writings of Luce Irigaray Drucilla Cornell and Christine Battersby which intersect both

contemporary continental philosophy and critical legal theory **Feminist Perspectives on Law and Theory** Janice Richardson, Ralph Sandland, 2013-03-04 This collection of essays on feminist legal theory therefore provides an interdisciplinary approach drawn not only from law and philosophy but also from cultural and womens studies **Canadian**

**Feminist Perspectives on Law** Elizabeth A. Sheehy, Susan B. Boyd, 1989 **Feminist Perspectives on Evidence** Mary Childs, Louise Ellison, 2000-12-19 Questions of evidence and proof are fundamental to the operation of substantive law and to our understanding of law as a social practice The study of evidence involves issues of central concern to feminist scholars including matters of epistemology psychology allocation of risk and responsibility Debates about evidence like debates about feminism involve questioning ideas of rationality and truth as well as claims to knowledge both by and about men and women Social constructions of gender are reflected both explicitly and implicitly in evidential rules and in the way in which evidence is received and understood by judges jurors and magistrates Feminist evidence scholarship is a relatively new but rapidly developing field This collection brings together previously unpublished work by feminist legal scholars from different jurisdictions In these essays they explore the contributions of feminist theory and methodology to the understanding of the law of evidence **Feminist Perspectives on Law** Susan B. Boyd, 1986 Feminist Perspectives on Contemporary

International Law Sari Kouvo, Zoe Pearson, 2014-10-01 The essays in this volume analyse feminism s positioning vis vis international law and the current paradigms of international law The authors argue that willingly or unwillingly feminist perspectives on international law have come to be situated between resistance and compliance That is feminist scholarship aims at deconstructing international law to show why and how women have been marginalised at the same time feminists

have been largely unwilling to challenge the core of international law and its institutions remaining hopeful of international law's potential for women The analysis is clustered around three themes the first part theory and method looks at how feminist perspectives on international law have developed and seeks to introduce new theoretical and methodological tools especially through a focus on psychoanalysis and geography The second part national and international security focuses on how feminists have situated themselves in relation to the current discourses of crisis the post 9 11 NGO industry and the changing discourses of violence against women The third part global and local justice addresses some of the emerging trends in international law focusing especially on transitional justice state building trafficking and economic globalisation

**Feminist Perspectives on Evidence** Mary Childs, Louise Ellison, 2000-12-19 This text offers a collection of essays examining various aspects of the law of evidence Each chapter provides a feminist critique of some aspect of evidence scholarship and evidence law Much has been written about evidence and about feminist legal theory this text explores their intersection

**Routledge Library Editions: Feminist Theory** Various, 2021-04-28 Routledge Library Editions Feminist Theory brings together as one set or individual volumes a series of previously out of print classics from a variety of academic imprints With titles ranging from *The Liberation of Women* to *Feminists and State Welfare* from *Married to the Job* to *Julia Kristeva* this set provides in one place a wealth of important reference sources from the diverse field of gender studies

**Feminist Perspectives on Employment Law** Anne Morris, Thérèse O'Donnell, 2013-03-04 Whilst equal pay maternity rights and sex discrimination have received attention from feminist scholars there is an increasing awareness that the whole working environment needs to be examined This text presents a discussion of traditional and less obvious aspects of employment

**Feminist Perspectives on The Foundational Subjects of Law** Anne Bottomley, 1996-03-13 The essays in this volume fall within a chapter on one of the foundational law subjects on the degree syllabus and aim to provide an account of feminist approaches to each of the following areas contracts torts land law equity and trusts criminal law public law and European law

**Research Handbook on Property, Law and Theory** Chris Bevan, 2024-08-06 This comprehensive Research Handbook interrogates and offers historical as well as contemporary understandings of property property law and property theory Chapters locate the role of property in key theoretical debates and examine property's place in significant social contexts covering topics such as Indigenous property artificial intelligence cryptoassets property and the art world environmentalism and climate change

**Feminist Legal Theory** Katherine Bartlett, Rosanne Kennedy, 2018-02-19 This book offers powerful analyses of the relationship between law and gender and new understandings of the limits of and opportunities for legal reform drawn from the experiences of women and from critical perspectives developed within other disciplines

**Feminist Perspectives on Public Law** Susan Millns, Noel Whitty, 2013-03-04 Feminist scholarship can provide public lawyers with the critical tools and insights to respond to these new challenges This collection begins a dialogue between public law and feminism by offering a range of perspectives on contemporary public law themes and topics

Feminist Theory and International Law Emily Jones, 2023-01-31 Feminist approaches to international law have been mischaracterised by the mainstream of the discipline as being a niche field that pertains only to women's lived experiences and their participation in decision making processes Exemplifying how feminist approaches can be used to analyse all areas of international law this book applies posthuman feminist theory to examine the regulation of new and emerging military technologies international environmental law and the conceptualisation of the sovereign state and other modes of legal personality in international law Noting that most posthuman scholarship to date is primarily theoretical this book also contributes to the field of posthumanism through its application of posthuman feminism to international law working to bridge the theory and practice divide by using posthuman feminism to design and call for legal change This interdisciplinary book draws on an array of fields including philosophy queer and feminist theories postcolonial and critical race theories computer science critical disability studies science and technology studies marine biology cultural and media studies Indigenous onto epistemologies critical legal theory political science and beyond to provide a holistic analysis of international law and its inclusions and exclusions This interdisciplinary book will appeal to students and scholars with interests in legal feminist and posthuman theory as well as those concerned with the contemporary challenges faced by international law

*Research Handbook on Critical Legal Theory* Emilios Christodoulidis, Ruth Dukes, Marco Goldoni, 2019 Critical theory characteristically linked with the politics of theoretical engagement covers the manifold of the connections between theory and praxis This thought provoking Research Handbook captures the broad range of those connections as far as legal thought is concerned and retains an emphasis both on the politics of theory and on the notion of theoretical engagement The first part examines the question of definition and tracks the origins and development of critical legal theory along its European and North American trajectories The second part looks at the thematic connections between the development of legal theory and other currents of critical thought such as Feminism Marxism Critical Race Theory varieties of post modernism as well as the various turns ethical aesthetic political of critical legal theory The third and final part explores particular fields of law addressing the question how the field has been shaped by critical legal theory or what critical approaches reveal about the field with the clear focus on opportunities for social transformation

*Criminological Theory* J. Robert Lilly, Francis T. Cullen, Richard A. Ball, 2007 The Fourth Edition of this highly acclaimed book expands on previous editions with coverage of newly emerged theories and empirical updates supported by a significant amount of new references Criminological Theory provides coverage of the latest theories in the field without diminishing the presentation of classic analysis Major theoretical perspectives that have developed from both recent critical work and traditional schools together with practical applications compel the reader to apply theories to the contemporary social milieu

*The Ashgate Research Companion to Feminist Legal Theory* Vanessa E. Munro, 2016-04-01 As a distinct scholarly contribution to law feminist legal theory is now well over three decades old Those three decades have seen consolidation and renewal of its central concerns as well as remarkable

growth dynamism and change This Companion celebrates the strength of feminist legal thought which is manifested in this dynamic combination of stability and change as well as in the diversity of perspectives and methodologies and the extensive range of subject matters which are now included within its ambit Bringing together contributors from across a range of jurisdictions and legal traditions the book provides a concise but critical review of existing theory in relation to the core issues or concepts that have animated and continue to animate feminism It provides an authoritative and scholarly review of contemporary feminist legal thought and seeks to contribute to the ongoing development of some of its new approaches perspectives and subject matters The Companion is divided into three parts dealing with Theory Concepts and Issues The first part addresses theoretical questions which are of significance to law but which also connect to feminist theory at the broadest and most interdisciplinary level The second part also draws on general feminist theory but with a more specific focus on debates about equality and difference race culture religion and sexuality The Issues section considers in detail more specific areas of substantive legal controversy

*Feminist Legal Theory (Vol. 1)* Frances Olsen, 1995-10 A collection of previously published articles

**Prenuptial Agreements and the Presumption of Free Choice** Sharon

Thompson, 2015-08-27 This book provides an alternative perspective on an issue fraught with difficulty the enforcement of prenuptial agreements Such agreements are enforced because the law acknowledges the rights of spouses to make autonomous decisions about the division of their property on divorce Yet this book demonstrates that in the attempt to promote autonomy other issues such as imbalance of power between the parties become obscured This book offers an academic and practical analysis of the real impact of prenuptial agreements on the relationships of those involved Using a feminist and contractual theoretical framework it attempts to produce a more nuanced understanding of the autonomy exercised by parties entering into prenuptial agreements This book also draws on an empirical study of the experiences and views of practitioners skilled in the formation and litigation of prenuptial agreements in New York Lastly it explores how the court might address concerns regarding power and autonomy during the drafting and enforcement processes of prenuptial agreements which in turn may enhance the role that prenups can play in the judicial allocation of spousal property on the breakdown of marriage

**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

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