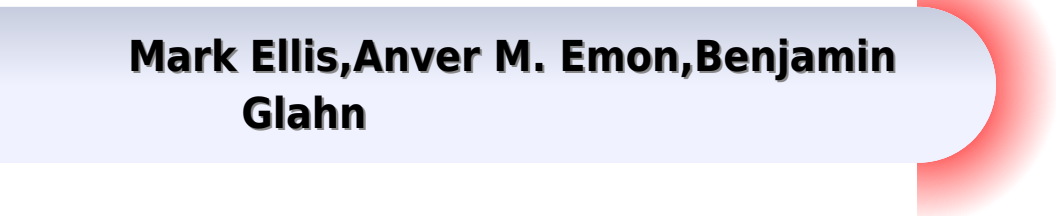




# Equality And Judicial Neutrality

**Mark Ellis, Anver M. Emon, Benjamin  
Glahn**



## **Equality And Judicial Neutrality:**

Equality and Judicial Neutrality Sheilah L. Martin, Kathleen E. Mahoney (LL. B.), 1987      The Canadian Criminal Justice System Nick Larsen, 1995 The administration of justice is an area of social policy that defies attempts to achieve a balance between order and the protection of the public and respect for individual rights The media contain daily accounts of the failure of the criminal justice system to repress crime It is within this social and legal context that this work is situated In addition to including a range of articles in the standard areas of policing courts and corrections recent articles deal with such controversial issues as aboriginal justice the recruitment of visible minorities by Canadian police forces and the role of women in the Canadian criminal justice system The collection concludes with a critical assessment of the retributive model that currently serves as the philosophical underpinnings of the Canadian criminal justice system      *The Liberal State and the Politics of Virtue* Ludvig Beckman, 2018-04-27 At the start of the new millennium there has been a growing awareness that traditional political institutions and ideologies do not correspond to the demands and aspirations held by many individuals and groups Ideals and interests previously without much impact on the political debate have gained access to the public arena These new claims include demands for recognition of homosexuals and their rights affirmation of the particularities of indigenous peoples sensitivity to the cultures and languages of immigrants respect for children and their needs solidarity with people of the developing countries and their fight for independence care for nature animals attention to the social status of women and so on As a consequence many governments now regulate and support many different conceptions of the good life and its virtues In this volume schematically divided into two parts Ludvig Beckman challenges the common view that support for the good life the politics of virtue is in conflict with liberal principles In clear analytical language he addresses the question of what a state should do Chapter 1 attempts to specify the meaning of liberalism chapter 2 discusses the meaning of tolerance and makes more specific the notion of virtue chapters 3 and 4 assess ethical and political liberalism as exemplified by the writings of Ronald Dworkin and John Rawls In part two chapter 5 discusses the clash between norms of justice and conceptions of virtue in the family chapter 6 explores the meaning of the idea of an ethically neutral state chapter 7 explores three different arguments for the neutral state as found in the work of Ronald Dworkin chapter 8 presents an analysis of the idea of the neutral state with the theory of John Rawls put under scrutiny chapter 9 explains why the attempt to justify the neutral state by referring to modified skepticism fails and proposes a distinction between being skeptical and being critical Participating in the current debate on communitarianism *The Liberal State and the Politics of Virtue* will be particularly interesting to people engaged in the public debate on ethics morality and the state It will also be of interest to teachers and researchers in the fields of politics and philosophy      **The Politics of Judicial Independence in the UK's Changing Constitution** Graham Gee, Robert Hazell, Kate Maleson, Patrick O'Brien, 2015-03-12 Judicial independence is generally understood as requiring that judges must be insulated from political

life The central claim of this work is that far from standing apart from the political realm judicial independence is a product of it It is defined and protected through interactions between judges and politicians In short judicial independence is a political achievement This is the main conclusion of a three year research project on the major changes introduced by the Constitutional Reform Act 2005 and the consequences for judicial independence and accountability The authors interviewed over 150 judges politicians civil servants and practitioners to understand the day to day processes of negotiation and interaction between politicians and judges They conclude that the greatest threat to judicial independence in future may lie not from politicians actively seeking to undermine the courts but rather from their increasing disengagement from the justice system and the judiciary

**Gender, Judging and the Courts in Africa** J. Jarpa Dawuni, 2021-11-29 Women judges are playing increasingly prominent roles in many African judiciaries yet there remains very little comparative research on the subject Drawing on extensive cross national data and theoretical and empirical analysis this book provides a timely and broad ranging assessment of gender and judging in African judiciaries Employing different theoretical approaches the book investigates how women have fared within domestic African judiciaries as both actors and litigants It explores how women negotiate multiple hierarchies to access the judiciary and how gender related issues are handled in courts The chapters in the book provide policy theoretical and practical prescriptions to the challenges identified and offer recommendations for the future directions of gender and judging in the post COVID 19 era including the role of technology artificial intelligence social media and institutional transformations that can help promote women s rights Bringing together specific cases from Kenya Uganda Ghana Nigeria Zambia Tanzania and South Africa and regional bodies such as ECOWAS and the African Commission on Human and Peoples Rights and covering a broad range of thematic reflections this book will be of interest to scholars students and practitioners of African law judicial politics judicial training and gender studies It will also be useful to bilateral and multilateral donor institutions financing gender sensitive judicial reform programs particularly in Africa The Open Access version of this book available at [www.taylorfrancis.com/books/oa/edit/10.4324/9780429327865/gender-judging-courts-africa-jarpa-dawuni](http://www.taylorfrancis.com/books/oa/edit/10.4324/9780429327865/gender-judging-courts-africa-jarpa-dawuni) has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license

*Judicial Independence: Cornerstone of Democracy* Shimon Shetreet, Hiram Chodosh, 2024-04-22 This book is an academic continuation of the previous five volumes on judicial independence edited by Shimon Shetreet with others Jules Deschenes Christopher Forsyth Wayne McCormack Hiram E Chodosh and Eric Helland all books were published by Brill Nijhoff *Judicial Independence The Contemporary Debate* 1985 *The Culture of Judicial Independence Conceptual Foundations and Practical Challenges* 2012 *The Culture of Judicial Independence Rule of Law and World Peace* 2014 *The Culture of Judicial Independence in a Globalised World* 2016 *Challenged Justice In Pursuit of Judicial Independence* 2021 This volume offers studies by distinguished scholars and judges from different jurisdictions on numerous dimensions regarding the essential role of judicial independence in democracy It includes analyses of basic constitutional principles and contemporary issues of

judicial independence and judicial process in many jurisdictions and analyses of international standards of judicial independence and judicial ethics You can find a podcast of this book here Brill Nijhoff Lawcast Human Rights in the 21st Century Kathleen E. Mahoney, Paul Mahoney, 2023-07-24 This unique and challenging volume is the result of a major international rights conference entitled Human Rights in the Twenty First Century A Global Challenge convened in Banff Alberta Canada in November 1990 The conference was supported and organized under the auspices of the Secretary General of the Council of Europe The European Court of Human Rights the European Human Rights Commission the Strasbourg Institute of Comparative Human Rights Law the Alberta Law Foundation and the International Centre at the University of Calgary Its main objectives were legal education and legal research which were met by a total of 92 speakers representing 24 different nationalities presenting their views on 24 human rights topics Women and participants from developing countries in particular brought a new vision of human rights to topics as varied as reproductive technology state violence and biotechnology The theme of this book is thus the interdependence of legal social economic and environmental problems which transcend national and international boundaries and the spirit of solidarity which is required to resolve them Written by a team of international and renowned human experts it will provide a substantial contribution to the legal literature on international human rights *Feminist Terrains in Legal Domains: Interdisciplinary Essays on Women and Law in India* Ratna Kapur, (ed.), 1996-12-01 The essays in this volume explore the relatively new field of women and law from interdisciplinary feminist perspectives and help to develop an understanding of feminist legal studies in India As a collection the book offers insights about women and law as addressed by feminists from the standpoint of both legal and non legal disciplines Individually the different essays explore the legal terrain through historical and cultural analyses of issues such as women's human rights gender discrimination feminist legal scholarship prostitution conjugality and the representation of female outlaws in cinema This varied and contextualised approach explodes the understanding of law as an objective external neutral truth Instead each writer lays open the contradictory nature of law and shows how it frequently becomes a site of political and ideological struggle **Women's Legal Strategies in Canada** Radha Jhappan, 2002-01-01 Have Canadian women gained from their pursuit of legal remedies to social political economic and cultural inequalities Is law a fruitful avenue for such struggles Using liberal feminist postmodern critical race and queer theory these essays confront the anti rights critiques of the legal Left regarding the use of law in general and the Charter in particular Several chapters explicitly examine the strategic limits and possibilities of the substantive equality rights approaches pursued by LEAF The Women's Legal Education and Action Fund Others focus on legal strategies mobilized in discreet areas of law and public policy by foreign domestic workers and racialized women lesbians women seeking reproductive freedom women in the childcare movement and anti violence advocates Recognizing the diversity of women across class citizenship race and ethnicity sexual identity culture and disability this collection evaluates the efficacy of the wide range of legal and political strategies women

have employed particularly in this post Charter era Women s Legal Strategies in Canada is the most comprehensive account of these important issues and will surely become the standard work in the field

**Identity and Diversity on the International Bench** Freya Baetens,2020-12-10 International courts and tribunals hold the power to decide on questions involving sovereignty over territory grave human rights violations international crimes or millions of euros worth of economic interests Judges and arbitrators are the faces and arguably the drivers of international adjudication Yet certain groups tend to be overrepresented on international benches while others remain underrepresented Although international courts and tribunals differ in their institutional make up and functions they all rely in essence on the judgement of a group of individuals each with their own background and experience Even if adjudicators identity is not the only and may not be the decisive influence on their decision making the relative lack of diversity has an effect on the judicial process and its outcomes which in turn entails broader implications for the legitimacy of international law This book analyses the implications of identity and diversity across numerous international adjudicatory bodies focusing on a wide range of factors Lack of diversity within the judiciary has been identified as a legitimacy concern in domestic settings and the last few years have seen increasing attention to this question at the international level as well making the book both timely and topical

**Regulating Judges** Richard Devlin,Adam Dodek,2016-12-30 Regulating Judges presents a novel approach to judicial studies It goes beyond the traditional clash of judicial independence versus judicial accountability Drawing on regulatory theory Richard Devlin and Adam Dodek argue that judicial regulation is multi faceted and requires us to consider the complex interplay of values institutional norms procedures resources and outcomes Inspired by this conceptual framework the book invites scholars from 19 jurisdictions to describe and critique the regulatory regimes for a variety of countries from around the world

**Gender and Judicial Education** Ulrike Schultz,T. Brettel Dawson,Gisela Shaw,2018-04-19 Judicial Education has greatly expanded in common law countries in the past 25 years More recently it has become a core component in judicial reform programs in developing countries with gender attentiveness as an element required by donor agencies In civil law jurisdictions judges schools have long played a role in the formation of the career judiciary with a focus on entry to the judicial profession in some countries judges get an intensive in service education at judicial academies Gender questions however tend to be neglected in the curricula These judicial education activities have generated a significant body of material and experience which it is timely to review and disseminate Questions such as the following require answers What is the current state of affairs How is judicial education implemented in developed and developing countries all around the world Who are the educators Who is being educated How is judicial education on gender regarded by judges How effective are these programs The chapters in this book deal with these questions They provide a multiplicity of perspectives Six countries are represented of these four are civil law countries Germany Argentina Japan Bosnia and Herzegovina and two are common law countries Canada Uganda This book was previously published as a special issue of International Journal of the Legal Profession

Justice Bertha Wilson Kim Brooks, 2010-07-01 Bertha Wilson's appointment as the first female justice of the Supreme Court of Canada in 1982 capped off a career of firsts. Wilson had been the first woman lawyer and partner at a prominent Toronto law firm and the first woman appointed to the Ontario Court of Appeal. Her death in 2007 provoked reflection on her contributions to the Canadian legal landscape and raised the question: what difference do women judges make? Justice Bertha Wilson examines Wilson's career through three distinct frames and a wide range of feminist perspectives. The authors evince Wilson's contributions to the legal system in *Foundations*, examine her role in high profile decisions in *Controversy*, and assess her credentials as a feminist judge and her impact on education and the profession in *Reflections*. This nuanced portrait of a complex controversial woman will appeal to lawyers, judges, policy makers, academics, and anyone interested in law and women's contributions to Canadian society. *Parliamentary Supremacy and Judicial Independence* John Hatchard, Peter Slinn, 1999 This report sets out the process followed at the Colloquium and contains a copy of what have become known as the Latimer House Guidelines. These guidelines were considered by the Commonwealth Law Ministers at their meeting in Trinidad and Tobago in May 1999. They have been referred to a committee of senior officials for further study and could become a part of Commonwealth processes for monitoring compliance with principles of the Harare Declaration. Arthur R Donahoe, Secretary General. *Challenged Justice: In Pursuit of Judicial Independence* Shimon Shetreet, Hiram Chodosh, Helland Eric, 2021-08-24 *Challenged Justice: In Pursuit of Judicial Independence* is an academic continuation of the previous volumes on judicial independence edited by Shimon Shetreet with others. Jules Deschenes, Christopher Forsyth, and Wayne McCormack. All books were published by Brill. *Nijhoff Judicial Independence: The Contemporary Debate* 1985. *The Culture of Judicial Independence: Conceptual Foundations and Practical Challenges* 2012. *The Culture of Judicial Independence: Rule of Law and World Peace* 2014. and *The Culture of Judicial Independence in a Globalised World* 2016. This book offers academic articles by distinguished jurists on judicial independence and judicial process in many jurisdictions, including indicators of justice and analysis of international standards on judicial independence and judicial ethics.

**Refugees, Asylum Seekers and the Rule of Law** Susan Kneebone, 2009-03-19 An assessment of the impact of asylum on the integrity of the rule of law in five common law jurisdictions. *Islamic Law and International Human Rights Law* Mark Ellis, Anver M. Emon, Benjamin Glahn, 2012-10-11 Deepening the discussion of the relationship between Islamic law and human rights, this volume gathers leading experts in both fields to examine how each system protects and limits fundamental freedoms. From gender equality to freedom of religion, the book explores the main flashpoints in the debate, examining the operation of the law in context. *The Culture of Judicial Independence* Shimon Shetreet, Christopher Forsyth, 2011-11-11 The creation of a culture of judicial independence is of central significance both in national domestic legal systems as well as for the international courts and tribunals. The main aim of this volume is to analyze the development of a culture of judicial independence in comparative perspectives to offer an examination of the conceptual foundations of the principle of judicial

independence and to discuss in detail the practical challenges facing judiciaries in different jurisdictions The proposed volume is based on the papers presented at the five conferences held in the framework of The International Project on Judicial independence The editors of this volume and the contributors to it are leading scholars and distinguished experts on judicial independence and judiciaries     *Judicial Independence* Shimon Shetreet, Jules Deschênes, 1985-01-01 This study discusses the many different aspects of judicial independence in Israel It begins with an historical analysis of the concept of judicial independence in a comparative perspective emphasizing the conceptual roots of the judiciary in Jewish law Recent decades have witnessed a marked increase in the role played by the judiciary in society This general trend is apparent in Israel where the highly significant social role played by the judiciary has been on the increase for some years The constitutional role of the judiciary in society is more pronounced in countries where the courts are empowered to review the constitutionality of legislative acts In Israel the power of judicial review in decisions of the Supreme Court has been applied in a number of cases in which legislation of the Israeli Parliament the Knesset has been set aside The increasingly prominent role of the judiciary in Israel is further manifested by the frequent recourse to judicial commissions of inquiry chaired by judges who are often called upon to examine some of the major public controversies     **Judicial Independence in Transition** Anja Seibert-Fohr, 2012-04-25 Strengthening the rule of law has become a key factor for the transition to democracy and the protection of human rights Though its significance has materialized in international standard setting the question of implementation is largely unexplored This book describes judicial independence as a central aspect of the rule of law in different stages of transition to democracy The collection of state specific studies explores the legal situation of judiciaries in twenty states from North America over Western Central and South Eastern Europe to post Soviet states and engages in a comparative legal analysis Through a detailed account of the current situation it takes stock considers advances in and shortcomings of judicial reform and offers advice for future strategies The book shows that the implementation of judicial independence requires continuous efforts not only in countries in transition but also in established democracies which are confronted with ever new challenges



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