

REVISED EDITION

# THE POLITICS A PROGRESSIVE CRITIQUE OF LAW



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DAVID KAIRYS

# The Politics Of Law A Progressive Critique

**Patricia Ewick**



## **The Politics Of Law A Progressive Critique:**

**The Politics of Law** David Kairys, 1982      *The Politics Of Law* David Kairys, 1998-05-09 Long considered one of the most important books on the role and operation of the law THE POLITICS OF LAW offers a provocative intelligent critique of traditional jurisprudence This third edition has been extensively updated to respond to the latest changes in judicial trends THE quintessential critique of our modern judicial system that belongs on the bookshelf of every law student judge politician and interested citizen Index      *The Law and Society Canon* Carroll Seron, 2018-02-06 This volume presents seminal monographs that continue to shape the contemporary discipline of law and society Long before the turn toward cultural analysis of social institutions socio legal scholars demonstrated the ways in which law and its activities is contingent on the context of time place and hierarchy The works selected for this volume demonstrate this foundational principle of the discipline of law and society      **Looking Back at Law's Century** Austin Sarat, Bryant G. Garth, Robert A. Kagan, 2002 This book describes a century of tremendous legal change of inspiring legal developments and profound failures The twentieth century took the United States from the Progressive Era s optimism about law and social engineering to current concerns about a hyperlegalistic society from philosophical idealism to the implementation of democracy the rule of law and the idea of human rights throughout the world At the same time law maintained its status as the key language of governance in the United States the most legal of all countries which has succeeded in making its version of the state a point of reference around the globe      *Studies in Law, Politics and Society* Austin Sarat, 2015-01-12 The articles in this volume of Studies in Law Politics and Society cover an exciting and diverse range of topics from immigration and human rights policies to same sex marriage and capital punishment debates      Law and Social Movements Michael McCann, 2017-07-05 The work of both socio legal scholars and specialists working in social movements research continues to contribute to our understanding of how law relates to and informs the politics of social movements In the 1990s an important line of new research most of it initiated by those working in the law and society tradition began to bridge the gaps between these two areas of scholarship This work includes new approaches to group legal mobilization politics analysis of the judicial impact on social reform struggles studies of individual legal mobilization in civil disputing and an almost entirely new area of research in cause lawyering It brings together the best of this research introduced by a detailed essay by the editor      **Advancing the Method and Practice of Transnational Law** Julien Chaisse, Oana Stefan, 2023-09-21 This book adopts a transnational methodology to reflect on the legalisation of international economic relations A Liber Amicorum for Professor Francis Snyder it outlines the ways in which legal scholarship has taken his legacy further in relation to the concept of transnational law the law in context method and the evolution of sustainability law The lens is both theoretical and practical delving into international investment law financial monetary law free trade agreements indigenous rights and food law and covering case studies from EU law WTO law American law Chinese law and Indonesian law The chapters explore how Snyder s ideas have

advanced legal research and determined change in regulation impacting trade relationships worldwide Part I of the book gives an overview of the actors the norms and the processes of transnational economic law discussing sites of governance legal pluralism and soft law Part II takes stock of the law in context research method looking not only at the way in which it can be refined and used by academics but also at the practical implications of such a method to improve regulatory settings and promote social and policy goals including the emerging generation of FTAs such as TPP TTIP and RCEP Part III focuses on sustainability law assessing Francis Snyder s contribution to systemic changes and reforms in China and the Asia Pacific region The book is a must have for any academic or practitioner interested in an up to date account of the recent

developments in transnational trade law research      **Law and Politics** Mauro Zamboni,2007-10-25 Politics and the political discourse occupy a central position in the modern legal theoretical discussion The goal of this book is to reconstruct and to classify according to ideal typical models the different positions taken by the major contemporary legal theories as to whether and how law relates to politics In particular attention is focused on Kelsen Hart Finnis Critical Legal Studies Law and Economics and legal realisms Though reaching different conclusions these major legal theories have some common points of departure as to the law and politics issue law and politics tend to keep the features of being two different phenomena as well as of presenting regions of interaction although with differences as to extent and intensity Finally a possible explanation is presented as to why such different legal theories though often reaching diametric results somehow must still begin from these common basic points The explanation for this is found in the specific character of law in the modern state and the welfare state in particular      Consciousness and Ideology Patricia Ewick,2017-05-15 In this volume of

essays by leading socio legal scholars the dual concepts of consciousness and ideology are examined and used to expose law s presence and power in social life Rejecting the association between ideology and concealment each essay explores the ways in which ideology and consciousness artfully produce truth creating both power and the grounds of its resistance The rich empirical studies included in this volume are crucial to our understanding of law consciousness and ideology      **Justice and the Politics of Difference** Iris Marion Young,2011-08-22 In this classic work of feminist political thought Iris Marion Young challenges the prevailing reduction of social justice to distributive justice It critically analyzes basic concepts underlying most theories of justice including impartiality formal equality and the unitary moral subjectivity The starting point for her critique is the experience and concerns of the new social movements about decision making cultural expression and division of labor that were created by marginal and excluded groups including women African Americans and American Indians as well as gays and lesbians Iris Young defines concepts of domination and oppression to cover issues eluding the distributive model Democratic theorists according to Young do not adequately address the problem of an inclusive participatory framework By assuming a homogeneous public they fail to consider institutional arrangements for including people not culturally identified with white European male norms of reason and respectability Young urges that normative theory and

public policy should undermine group based oppression by affirming rather than suppressing social group difference Basing her vision of the good society on the differentiated culturally plural network of contemporary urban life she argues for a principle of group representation in democratic publics and for group differentiated policies Danielle Allen's new foreword contextualizes Young's work and explains how debates surrounding social justice have changed since and been transformed by the original publication of *Justice and the Politics of Difference*

### **The Blackwell Companion to Law and Society**

Austin Sarat, 2008-04-15 The Blackwell Companion to Law and Society is an authoritative study of the relationship between law and social interaction Thirty two original essays by an international group of expert scholars examine a wide range of critical questions Authors represent various theoretical methodological and political commitments creating the first truly global overview of the field Examines the relationship between law and social interactions in thirty three original essay by international experts in the field Reflects the world wide significance of North American law and society scholarship Addresses classical areas and new themes in law and society research including the gap between law on the books and law in action the complexity of institutional processes the significance of new media and the intersections of law and identity Engages the exciting work now being done in England Europe Australia and New Zealand South Africa Israel as well as Third World scholarship

### **Law and Society Reconsidered**

Austin Sarat, 2007-12-05 This volume of Studies in Law Politics and Society presents a diverse array of interdisciplinary research It contains articles by scholars from political science sociology and law These articles examine the legal treatment of suspect populations the work of legal actors and the works of various legal devices Taken together the work published in this volume exemplifies the kind exciting and innovative work now being done by legal scholars from different disciplines Studies in Law Politics and Society is now available online at ScienceDirect full text online of volumes 18 onwards Elsevier book series on ScienceDirect gives multiple users throughout an institution simultaneous online access to an important compliment to primary research Digital delivery ensures users reliable 24 hour access to the latest peer reviewed content The Elsevier book series are compiled and written by the most highly regarded authors in their fields and are selected from across the globe using Elsevier's extensive researcher network For more information about the Elsevier Book Series on ScienceDirect Program please visit <http://www.info.sciencedirect.com/bookseries>

### **Special Issue**

Austin Sarat, 2012-10-02 This special issue is dedicated to the life and work of beloved legal scholar Stuart Scheingold The articles brought together in this volume articulate the inspiring contribution Scheingold has made to the field of political science The final chapter on Rights Community and Democracy is a work authored by Stuart Scheingold which has been complete

*At the Boundaries of Law* Martha Fineman, Nancy Sweet Thomadsen, 2012 Annotation Feminists have recently begun to challenge the powerful influence of the law on the social and cultural construction of women's roles identities and rights This timely work provides a series of non technical interdisciplinary explorations into the nature and effects of legal regulation on women's lives

### Limits Of Law

Peter Schuck, 2018-03-08 Law is an increasingly

pervasive force in our society At the same time however the obstacles to law s effectiveness are also growing In The limits of Law Yale law professor Peter H Schuck draws on law social science and history to explore this momentous clash between law s compelling promise of ordered liberty and the realistic limits of its capacity to deliver on this promise Schuck first discusses the constraints within which law must work law s own complexity the cultural chasms it must bridge and the social diversity it must accommodate and proceeds to consider the ways law uses regulatory legislative and adjudicatory processes to influence social behavior He shows how politics shapes regulation how regulation might incorporate individualized equity and how it can best be reformed Turning to legislation he justifies a strong role for special interest groups dissects purely symbolic statutes and defends broad delegations of legislative power to regulatory agencies Concerning adjudication Schuck analyzes the courts efforts to advance social justice by controlling federal agencies constitutionalizing politics managing mass toxic tort disputes and reforming public services and institutions His concluding chapter draws together some general lessons about law s limits and possibilities for improving democratic governance

**At the Boundaries of Law (RLE Feminist Theory)** Martha Albertson Fineman, Nancy Sweet Thomadsen, 2013-05-20 Feminists have recently begun to challenge the powerful influence of the law on the social and cultural construction of women s roles identities and rights At the Boundaries of Law is a timely and path breaking work that provides a series of non technical interdisciplinary explorations into the nature and effects of legal regulation on women s lives Together the essays examine the fertile and radically revisionary links between feminism and legal theory But At the Boundaries of Law rejects the abstract grand theorizing of traditional feminist legal theory focusing instead on the concrete and material implications of the legal injustices endured by women These essays emphasise the complex diversity of female experience collectively arguing for legal theory and practice that both recognises and accommodates the concept of difference in gender class race and sexual orientation At the Boundaries of Law also raises provocative questions about the methodology and future of feminist legal theory itself In its rich variety of issues and approaches this volume will command the interest not only of legal theorists but of those interested in women s studies philosophy politics sociology and history It is sure to set the future agenda for scholars policymakers and anyone concerned with the role of law in society

**International Relations Theory and International Law** Adriana Sinclair, 2010-10-28 International law is playing an increasingly important role in international politics However international relations theorists have thus far failed to conceptualise adequately the role that law plays in politics Instead IR theorists have tended to operate with a limited conception of law An understanding of jurisprudence and legal methodology is a crucial step towards achieving a better account of international law in IR theory But many of the flaws in IR s idea of law stem also from the theoretical foundations of constructivism the school of thought which engages most frequently with law In this book Adriana Sinclair rehabilitates IR theory s understanding of law using cases studies from American English and international law to critically examine contemporary constructivist approaches to IR and show how a gap in their

understanding of law has led to inadequate theorisation      Surveillance, Privacy, and the Law John Gilliom, 2025-10-01

Employee drug testing is an invasive and controversial new social control policy that burst into the American work place during the war on drugs of the 1980s Workers judges and politicians divided over whether it was an unnecessary and unconstitutional program of surveillance or an effective and appropriate new weapon in the anti drug arsenal When the dust had settled the new technique was widely used and had been strongly approved by the United States Supreme Court This raises the fundamental question Why was the momentum behind testing so strong and the opposition to testing so ineffective Drawing on theories of ideological hegemony and legal mobilization John Gilliom begins the search for answers with an examination of how the imagery of a national drug crisis served as the legitimating context for the introduction of testing Surveillance Privacy and the Law then moves beyond the specific history of testing and frames the new policy within a broader transformation of social control policy seen by students of political economy society and culture The book cites survey research among skilled workers and analyzes court opinions to highlight the sharply polarized opinions in the workplaces and courthouses of America Although federal court decisions show massive and impassioned disagreement among judges the new conservative Supreme Court comes down squarely behind testing Its ruling embraces surveillance technology rejects arguments against testing and undermines future opposition to policies of general surveillance Surveillance Privacy and the Law portrays the apparent triumph of testing policies as a victory for the conservative law and order movement and a stark loss for the values of privacy and autonomy As one episode in a broader move toward a surveillance society the battle over employee drug testing raises disturbing questions about future struggles over revolutionary new means of surveillance and control John Gilliom is Professor of Political Science Ohio University      *Making Law* William J. Chambliss, Marjorie S. Zatz, 1993-11-22 a distinct broad but compelling framework for examining a variety of laws and social policies Legal Studies Forum a very rich volume that has something to offer to many different tastes an excellent companion to the main textbook in a large undergraduate law and society course Contemporary Sociology No issue has captured the imagination of social scientists and legal scholars more consistently than the creation of laws The political implications of the study of law and society often create ideological diatribes with little attention to empirical detail In this book legal scholars sociologists political scientists and anthropologists join in an attempt to develop and refine a structural theory of law      **The Politics of Constructing the International Criminal Court** M. Struett, 2008-05-12 This book examines the political process that led to the establishment of the International Criminal Court in 2002 It accounts for the main features of the court including its strong independent prosecutor by analyzing the discourse surrounding the ICC negotiations and particularly highlights the role of human rights NGOs

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