

# Sexual Divisions in Law (Law in Context)

O'Donovan, Katherine

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# Sexual Divisions In Law

**Anne Bottomley**



## **Sexual Divisions In Law:**

**Sexual Divisions in Law** Katherine O'Donovan, 1985 *Constitutional Courts, Gay Rights and Sexual Orientation Equality* Angioletta Sperti, 2017-05-04 In the last fifteen years constitutional issues regarding the rights of gays lesbians and same sex couples have emerged on a global scale The pace of recognition of their fundamental rights both at judicial and legislative level has dramatically increased across different jurisdictions reflecting a growing consensus toward sexual orientation equality This book considers a wide range of decisions by constitutional and international courts from the decriminalization of sexual acts to the recognition of same sex marriage and parental rights for same sex couples It discusses analogies and differences in judicial arguments and rationales in such cases focusing in particular on human dignity privacy liberty equality and non discrimination It argues that courts operate as major exporters of models and principles and that judicial cross fertilization also helps courts in increasing the acceptability of gays and lesbians rights in public opinions and politics Courts discuss changes in the social perception of marriage and family at national and international levels and at the same time confirm and reinforce them forging the legal debate over sexual orientation equality Furthermore by promoting the political reception of the achievements of foreign gay movements in their own jurisdictions courts play an essential role in breaking the political stalemate

**Sexuality in the Legal Arena** Carl Stychin, Didi Herman, 2000-01-01 The essays in this book explore a wide range of themes of current interest and controversy with a particular focus on lesbian and gay issues nationality postcoloniality sexuality and criminality and the politics of rights struggles

**What is The Family of Law?** Alan Brown, 2019-02-07 This book argues that the legal understanding of family in the UK continues to be underpinned by the idealised image of the nuclear family premised upon the traditional gendered roles of father as breadwinner and mother as homemaker This examination of the law's model of the family has been prompted by the substantial reforms that have taken place in family law in recent decades and the significant evolution in social attitudes and familial practices that has occurred in parallel Throughout the book the influence of the nuclear family is noted in several different contexts various specific legal definitions of family the legal regulation of adult conjugal relationships the attribution of legal parenthood and the construction of the role of the parent within the law Ultimately this book argues that while these reforms have resulted in additional categories of relationship coming to be situated within the nuclear family model there has not as yet been any fundamental alteration of the underpinning concept of the nuclear family itself This book concludes by considering the possibilities offered beyond the nuclear family exploring the reconceptualising of the legal understanding of family around alternative and potentially radical models of family

**Sexuality and Transsexuality Under the European Convention on Human Rights** Damian A Gonzalez Salzberg, 2019-02-07 This book undertakes a critical analysis of international human rights law through the lens of queer theory It pursues two main aims first to make use of queer theory to illustrate that the field of human rights law is underpinned by several assumptions that determine a conception of the subject that is gendered

and sexual in specific ways This gives rise to multiple legal and social consequences some of which challenge the very idea of universality of human rights Second the book proposes that human rights law can actually benefit from a better understanding of queer critiques since queer insights can help it to overcome heteronormative beliefs currently held In order to achieve these main aims the book focuses on the case law of the European Court of Human Rights the leading legal authority in the field of international human rights law The use of queer theory as the theoretical approach for these tasks serves to deconstruct several aspects of the Court's jurisprudence dealing with gender sexuality and kinship to later suggest potential paths to reconstruct such features in a queerer and more universal manner

**Men, Law and Gender** Richard Collier, 2010-04-05 This book presents the first published comprehensive overview and critical assessment of the relationship between law and masculinities It provides a general introduction to the subject whilst engaging with the difficult question of what it means to speak of the masculinity of law in the first place

**Masculinity, Law, and the Family** Richard Collier, 1995 Masculinity Law and Family examines the construction of masculinity in a variety of areas of law pertaining to the family Throughout Richard Collier integrates recent theoretical developments in legal studies with a social theory of gender the family and the social construction of masculinity After an overview of theoretical positions and a critique of traditional legal theory Richard Collier focuses on the legal regulation of homosexuality and transsexualism to show how confined is the view of masculine sexuality in legal discourse These arguments are further elaborated in a discussion of non consummation adultery and divorce as well as fatherhood and paternity Masculinity Law and Family is of central importance to our understanding of the social and political dimension of masculinity It will be invaluable to those interested in sociology gender studies and the law

**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

**Sourcebook on Feminist Jurisprudence** Hilaire Barnett, 1996-03-26 Analyzing the relationship between feminist theories and the law this work takes as its starting point a study of women and culture on an international level which demonstrates how religious and cultural influences have been fundamental in establishing contemporary legal and social mores

**Gender and the Law** Judith Bourne, Caroline Derry, 2018-04-17 Gender and the Law provides an ideal introduction to gender and feminist theory for students Beginning with an overview of traditional notions of gender the book establishes the key feminist and queer legal theories It provides a basic structure and overview upon which students can build their understanding of some of the complex and controversial topics and debates around gender Structured thematically the book explores many fascinating and controversial legal issues including issues of transgender rights equal pay and equality in the workplace societal changes and challenges within the regulation of personal relationships the law surrounding consent and sexual offences the role of gender norms in the criminal courts legal

regulation of prostitution and pornography and the ways in which the law has responded to societal changes surrounding reproduction. With thinking points and further reading suggestions within each chapter the authors encourage an engagement with critique and theory in order to understand this dynamic and challenging field. Leading Works in Law and Religion Russell Sandberg, 2018-12-07. *Leading Works in Law and Religion* brings together leading and emerging scholars in the field from the United Kingdom and Ireland. Each contributor has been invited to select and analyse a leading work which has for them shed light on the way that Law and Religion are intertwined. The chapters are both autobiographical, reflecting upon the works that have proved significant to contributors, and also critical analyses of the current state of the field, exploring in particular the interdisciplinary potential of the study of Law and Religion. The book also includes a specially written introduction and conclusion which critically comment upon the development of Law and Religion over the last 25 years and likely future developments in light of the reflections by contributors on their chosen leading works. *Criminal Law and the Man Problem* Ngaire Naffine, 2019-04-04. Men have always dominated the most basic precepts of the criminal legal world: its norms, its priorities, and its character. Men have been the regulators and the regulated, the main subjects and objects of criminal law, and by far the more dangerous sex. And yet men as men are still hardly talked about as the determining force within criminal law or in its exegesis. This book brings men into sharp focus as the pervasively powerful interest group whose wants and preoccupations have shaped the discipline. This constitutes the man problem of criminal law. This new analysis probes the unacknowledged thinking of generations of influential legal men, which includes the psychological and legal techniques that have obscured the operation of bias even to the legal experts themselves. It explains how men's interests have influenced the most cherished legal norms, especially the rules of human contact which were designed to protect men from other men while specifically securing lawful sexual access to at least one woman. The aim is to test the discipline's broadest commitments to civility and its trajectory towards the final resolution when men and women were declared to be equal and equivalent legal persons. In the process it exposes the morally and intellectually limiting consequences of male power. **Sexuality and Identity** Leslie J. Moran, 2017-11-30. Born in the late nineteenth century, sexuality is a relatively new category within the human sciences in general and law and society scholarship in particular. Despite its novelty, it is now a central category through which we understand ourselves both as individuals and as members of communities. This volume offers a collection of essays selected to reflect the ever-widening horizons and diverse methodologies of law and society scholarship on sexual and identity in law. The essays offer an insight into some of the key themes and recent developments in this body of work. Each, in different ways, offers an evaluation of the nature, meaning, and effects of sexuality, thereby providing a critical evaluation of the politics of sexual identity as it appears in and through the law. *Women and the Sexual Division of Labour in the Caribbean* Keith Hart, 1996. *Women and the Sexual Division of Labour in the Caribbean* is a report of a series of seminars held in 1987. It consists of a broad essay in evolutionary

anthropology a review of labour market theories an application of general theory to the social history of the sexual division of labour in Trinidad and Tobago and four case studies of women s work in Jamaica the country where the original presentations were made

**Rethinking Law and Religion** Russell Sandberg,2024-06-05 This incisive book delineates the development of Law and Religion as a sub discipline critically reflecting on the author s own role in constructing the field It develops a subversive social systems theory in order to take both law and religion seriously and to challenge them equally

**Family Law, Gender and the State** Alison Diduck,Felicity Kaganas,2012-02-07 The third edition of this work on family law comprising text cases and materials provides not only an explication of legal principle but also explores primarily from a feminist perspective some of the assumptions about and constructions of gender sexual orientation class and culture that underlie the law It examines the ideology of the family and in particular the role of the law in contributing to and reproducing that ideology Structured around the themes of equality welfare and family privacy the book aims to offer the benefits of a textbook while also giving students a wide ranging set of materials for classroom discussion As well as providing a firm grounding in family law the text sets the law in its social and historical context and encourages a critical approach by students to the subject It provides an ideal introduction to family law for undergraduates but will be equally helpful for postgraduate students of family law for whom it provides a challenging selection of materials set within a theoretical framework rich in ideas and arguments Review of the second edition Diduck and Kaganas examine legal developments to shed light on society principally by investigating the ways in which family law constructs and regulates family life and responsibilities There is an important and ambitious book that aims ultimately at a feminist restatement of family law The book is written and referenced in such depth that it is a useful resource for legal as well as social science researchers at all levels whether looking for theoretical inspiration or drawing up a literature review The range of diverse sources that Diduck and Kaganas draw on is impressive they seem to have included every bit of material that helps feminists make sense of family law There is a well pitched selection of further reading of such material at the end of each chapter What s more they undersell themselves by describing their book as Text Cases and Materials because they have woven by far the largest proportion of the cases and materials into the text Helen Reece Times Higher Education May 2007 Reviews of first edition A stimulating work which attempts to situate family law in its social historical and political context Its appeal should not be confined to family law students as its commitment to a critical and analytical approach offers insights and ideas with broader significance Mary Childs Child and Family Law Quarterly September 2002 The arguments are provocative the analysis is stimulating and the materials amassed strongly support the authors aim to question the axiomatic status of what is traditionally designated as the family Fiona E Raitt Infant and Child Development September 2002 It is not often that one can say of a textbook in Law that it makes interesting reading with quite the enthusiasm that can be expressed for this text This new publication offers something that few textbooks seem to offer a book you CAN open up virtually anywhere and find an

interesting piece on almost any aspect of the broad family law spectrum Penny Booth *The Law Teacher* September 2002 All the major themes in feminist and constructionist perspectives in family law are presented together with a wealth of readings and extensive references As a teaching manual it is excellent a coherent feminist perspective across the entire range of family law Marty Slaughter *Feminist Legal Studies* July 2003      **Feminist Perspectives on Criminal Law** Lois

Bibbings, Donald Nicolson, 2013-03-04 First published in 2000 Routledge is an imprint of Taylor Francis an informa company

**Sexual Divisions Revisited** Sheila Allen, Diane Leonard, 1991-05-13 A selection of papers from the volumes *Sexual Divisions* and *Society and Exploitation in Work and Marriage* produced almost a decade ago at a conference in Aberdeen

*Gender, Truth and State Power* Anette Ballinger, 2016-07-01 This book is concerned with critically analysing the importance of the status of knowledge in establishing truth about female defendants convicted of murder during the 20th Century While the abolition of the death penalty in the UK has insured that the impact of this knowledge is no longer one of life and death modern cases such as that of Sally Clark whose guilty verdict was eventually overturned nevertheless demonstrate the devastating impact that those with the power to define the truth still have on the lives of individuals who are unable to construct a dominant truth of their own during their trials Using the key themes of truth gender and power the book also focuses on agency and rationality in relation to female criminality masculinity and miscarriages of justice Challenging official discourse which historically has incorporated entrenched constructions of women who kill as mad bad or tragic victims this book argues for the creation of new subject positions and alternative discourses within which female violence can be understood      **The Gender of Constitutional Jurisprudence** Beverley Baines, Ruth Rubio-Marin, 2005 To

explain how constitutions shape and are shaped by women's lives the contributors to this volume examine constitutional cases pertaining to women in twelve countries Analyzing jurisprudence about reproductive sexual familial socio economic and democratic rights they focus constructively on women's claims to equality asking who makes these claims what constitutional rights inform them how they have evolved what arguments work in defending them and how they relate to other national issues Their findings reveal significant similarities in outcomes and in reasoning about women's constitutional rights in these twelve countries challenging the tradition of distinguishing constitutional jurisprudence depending on whether the country has a written or unwritten constitution subscribes to civil or common law is a federal or unitary state limits constitutional adjudication to the public domain accords international norms binding or subject to incorporation force or relies on a specialized or general court to adjudicate constitutional matters

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