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MEANING,
AND
VIOLENCE

The Possibility *of* Popular Justice

*A Case Study of
Community Mediation
in the United States*

*Edited by
Sally Engle Merry & Neal Milner*

MICHIGAN

Possibility Of Popular Justice A Case Study Of Community Mediation In The United States

Declan Roche



Possibility Of Popular Justice A Case Study Of Community Mediation In The United States:

The Possibility of Popular Justice Sally Engle Merry, Neal A. Milner, Neil Milner, 1995-05-18 DIV Can popular justice ever be a real alternative to the violence and coercion of state law div The Fugitive Identity of Mediation Debbie De Girolamo, 2013-07-18 Despite much having been written about what mediation is direct observations of commercial mediations are limited This book grants an opportunity to observe mediation in action and also provides external commentary about the actions observed The book approaches Mediation ethnographically as a social process that is informed by structures rules and norms that colour the environment within which it operates Through the ethnographic method a process leading to negotiated order is examined baring its elements identifying its influences and studying the movement to order The result is the reconceptualization of mediation The mediator is invited into the negotiation as third party intervener He creates the process of mediation defining the process by his actions which ultimately merges mediator with process This book provides a window to the lived experience of participants to mediation it explores their understandings of and interactions within a process they have experienced together and demonstrates how mediation is a process inextricably linked to negotiation The Fugitive Identity of Mediation will be of interest to scholars mediators parties who participate in the process and to those active in public policy discourse Conflict Resolution Susan Stewart, 1998 A book that deals with the resolution of conflict across the legal social and political spectrum by means of alternative methods to confrontation and conflict and adversarial approaches **Justice Fragmented** George C. Pavlich, 2002-09-11 Suppose you have a dispute with your neighbour and wish to secure redress for losses incurred How might the issue be resolved Is it worth the cost and time delay to take the issue to court Or is there some other approach Over the past few decades a range of alternative dispute resolution programmes have emerged to settle conflicts informally outside the courtroom Drawing on real life experiences of community mediation practices in British Columbia Canada the author explores informal justice as an event rendered possible by the fragmentation of justice under postmodern conditions He develops some of Foucault's ideas on governmentality to erect an analytical framework that does not view community mediation as necessarily empowering or an inevitable expansion of state control The analysis identifies how one might engage with current versions of community justice and yet avoid the political apathy that too often accompanies such criticism Restorative Community Justice Gordon Bazemore, Mara Schiff, 2015-05-20 An anthology of original essays this book presents debates over practice theory and implementation of restorative justice Attention is focused on the movement's direction toward a more holistic community oriented approach to criminal justice intervention *Culture in the Domains of Law* René Provost, 2017-02-02 What does it mean for courts and other legal institutions to be culturally sensitive What are the institutional implications and consequences of such an aspiration To what extent is legal discourse capable of accommodating multiple cultural narratives without losing its claim to normative specificity And how are we to understand meetings of law and culture in the context of

formal and informal legal processes when demands are made to accommodate cultural difference The encounter of law and culture is a polycentric relation but these questions draw our attention to law and legal institutions as one site of encounter warranting further investigation to map out the place of culture in the domains of law by relying on the insights of law anthropology politics and philosophy Culture in the Domains of Law seeks to examine and answer these questions resulting in a richer outlook on both law and culture

The Oxford Handbook of Empirical Legal Research Peter Cane, Herbert Kritzer, 2012-05-17 The empirical study of law legal systems and legal institutions is widely viewed as one of the most exciting and important intellectual developments in the modern history of legal research Motivated by a conviction that legal phenomena can and should be understood not only in normative terms but also as social practices of political economic and ethical significance empirical legal researchers have used quantitative and qualitative methods to illuminate many aspects of law s meaning operation and impact In the 43 chapters of The Oxford Handbook of Empirical Legal Research leading scholars provide accessible and original discussions of the history aims and methods of empirical research about law as well as its achievements and potential The Handbook has three parts The first deals with the development and institutional context of empirical legal research The second and largest part consists of critical accounts of empirical research on many aspects of the legal world on criminal law civil law public law regulatory law and international law on lawyers judicial institutions legal procedures and evidence and on legal pluralism and the public understanding of law The third part introduces readers to the methods of empirical research and its place in the law school curriculum

The Juridification of Business Ethics Bart Jansen, 2023-08-25 This book provides a theory of the juridification of business ethics Ethical codes pop up everywhere in the business world and increasingly resemble the code of law A focus on compliance rather than reflection becomes the norm Legal perspectives replace ethical perspectives turning ethicists into lawyers without a law degree This juridification of business ethics conceals a diminishing trust in ethics as legal reasoning substitutes philosophical thinking By appealing to the critical study of law Bart Jansen advocates for a renewed focus on the ethical side of business This book shows the importance of a good balance between law and ethics in business and is of great interest to both academics and professionals

Transitional Justice Alexander Laban Hinton, 2011 The origins of this project date back to a 2007 symposium Local justice global mechanisms and local meanings in the aftermath of mass atrocity held at Rutgers University Newark N J Several participants later presented papers in a session at the July 2007 meeting of the International Association of Genocide Scholars which was held in Bosnia and Herzegovina Acknowledgments

Peace Skills Ronald S. Kraybill, 2001-03-02 Part of the Peace Skills Set this Manual is designed as a take home resource to support workshop participants as they return to their communities and both apply their mediation skills and share their insights with others It covers conflict analysis the role of mediation the stages of mediation communication skills and working with group conflicts and in cross cultural settings

From Suffering to Solidarity Andrew P Klager, 2016-04-28 As experiences of suffering

continue to influence the responses of identity groups in the midst of violent conflict a way to harness their narratives stories memories and myths in transformative and non violent ways is needed From Suffering to Solidarity explores the historical seeds of Mennonite peacebuilding approaches and their application in violent conflicts around the world The authors in this book first draw out the experiences of Anabaptists and Mennonites from the sixteenth century originsthrough to the present that have shaped their approaches to conflict transformation and inspired new generations of Mennonites to engage in relief development and peacebuilding to alleviate the suffering of others whose experiences today reflect those of their ancestors Authors then explore the various peacebuilding approaches methods and initiatives that have emerged from this Mennonite narrative and its preservation and dissemination in subsequent generations Finally the book examines how this combined historical sensitivity and resulting peacebuilding theory and practice have been applied in violent conflicts around the world noting both successes and challenges Ultimately From Suffering to Solidarity attempts to answer a question How can a robust historical infrastructure be used to inspire empathetic solidarity with the Other and shape nonviolent ways of transforming conflict to thrust a stick in the spokes of the cycle of violence

Traditional Cures for Modern Conflicts I. William Zartman,2000 This text identifies contributions of traditional mechanisms for conflict management in Africa and elsewhere With African conflicts eluding efforts to be controlled this work is guided by the question can traditional methods yield insights and approaches that might help end the violence

Domesticating Democracy Susan Helen Ellison,2018-04-19 In Domesticating Democracy Susan Helen Ellison examines foreign funded alternate dispute resolution ADR organizations that provide legal aid and conflict resolution to vulnerable citizens in El Alto Bolivia Advocates argue that these programs help residents cope with their interpersonal disputes and economic troubles while avoiding an overburdened legal system and cumbersome state bureaucracies Ellison shows that ADR programs do more than that they aim to change the ways Bolivians interact with the state and with global capitalism making them into self reliant citizens ADR programs frequently encourage Bolivians to renounce confrontational expressions of discontent turning away from courtrooms physical violence and street protest and coming to the negotiation table Nevertheless residents of El Alto find creative ways to take advantage of these micro level resources while still seeking justice and a democratic system capable of redressing the structural violence and vulnerability that ADR fails to treat

Governing Paradoxes of Restorative Justice George Pavlich,2013-01-11 Restorative justice is the policy of eschewing traditional punishments in favour of group counselling involving both victims and perpetrators Until now there has been no critical analysis of governmental rationales that legitimize restorative practices over traditional approaches but Governing Practices of Restorative Justice fills this gap and addresses the mentalities of governance most prominent in restorative justice The author provides comprehensible commentary on the central images of this discursive arena in a style accessible to participants and observers alike of restorative justice

Informal Criminal Justice Dermot Feenan,2018-02-06 This title was first published in 2002 This volume explores conceptual debates and

provides contemporary research in the field of informal criminal justice including chapters on paramilitary punishment and post cease fire restorative justice schemes in Northern Ireland post apartheid vigilantism in South Africa and informal crime management in England

Postmodernist and Post-Structuralist Theories of Crime Dragan Milovanovic, 2017-07-05 This volume presents the rich and provocative historical theoretical methodological and applied developments within affirmative postmodern and post structural criminology This includes the evolution of thought that embraces the linguistic turn in crime law justice and social change Previously published articles authored by key thinkers are included throughout the book s five substantive sections Collectively they represent important reflections on the current criminological landscape in which symbolic linguistic material and cultural realms of analyses are featured

Alternative Dispute Resolution in Civil Justice Systems Roger E. Hartley, 2002 Hartley examines the introduction of alternative dispute resolution e g mediation in a court system in Georgia Attorneys supported the introduction of mediation to consolidate control of the legal process and to add it to their practices They also used mediation to settle some cases more quickly Mediation gave judges flexibility to weed out minor cases and process others more quickly However these changes were not so great as to put a dent in settlement or trial rates and Hartley concludes that while changes in court procedures have effects researchers need to examine the behavior of actors in depth in order to discover these effects

Regulating Dispute Resolution Felix Steffek, Hannes Unberath, Hazel Genn, Reinhard Greger, Carrie Menkel-Meadow, 2014-07-04 This book proposes a principled approach to the regulation of dispute resolution It covers dispute resolution mechanisms in all their varieties including negotiation mediation conciliation expert opinion mini trial ombud procedures arbitration and court adjudication The authors present a transnational Guide for Regulating Dispute Resolution GRDR The regulatory principles contained in this Guide are based on a functional taxonomy of dispute resolution mechanisms an open normative framework and a modular structure of regulatory topics The Guide for Regulating Dispute Resolution is formulated and commented upon in a concise manner to assist legislators policy makers professional associations practitioners and academics in thinking about which solutions best suit local and regional circumstances The aim of this book is to contribute to the understanding and development of the legal framework governing national and international dispute resolution Theory empirical research and regulatory models have been taken from the wealth of experience in 12 jurisdictions Austria Belgium Denmark England and Wales France Germany Italy Japan the Netherlands Norway Switzerland and the United States of America Experts with a background in academia practice and law making describe and analyse the regulatory framework and social reality of dispute resolution in these countries On this basis the authors draw conclusions about policy choices regulatory strategies and the practice of conflict resolution This title is included in Bloomsbury Professional s International Arbitration online service

Formalisation and Flexibilisation in Dispute Resolution Joachim Zekoll, Moritz Bälz, Iwo Amelung, 2014-09-25 Formal law versus informal justice these are two frequently invoked labels to highlight the distinction between court based and alternative dispute resolution

ADR Indeed it appears to be all but a truism to assume that ADR has developed as a more flexible and creative alternative to rigid and formalised judicial proceedings In Formalisation and Flexibilisation in Dispute Resolution scholars from four continents examine both historical and recent developments that cast doubt on the validity of these widespread assumptions They not only explore trends towards an increased formalisation of ADR procedures but also address the tendencies of state civil justice systems to adopt flexible and informal tools for the resolution of disputes in the courts Editors Joachim Zekoll Moritz B lz and Iwo Amelung have divided the book into three Parts Part One seeks to develop the general theme of formalisation from several angles including a socio legal perspective the public private divide the regulatory challenges and potential tensions with the rule of law The emphasis of Part Two is on the historical emergence of formal and informal dispute resolution instruments in several legal and cultural contexts Historical roots be they genuine or construed also play a role in the other two parts of the book but in this part they take centre stage Finally Part Three features chapters which address and elaborate on specific applications such as ADR as means of consumer dispute resolution and arbitration in transnational investment disputes While the contributions to the first two parts of this volume already raise normative questions in some respects this final part evaluates and passes judgement on the potential merits and deficits of ADR in a variety of specific settings

Justice in Transition Anna Eriksson, 2013-05-13 This book provides a unique account of the high profile community based restorative justice projects in the Republican and Loyalist communities that have emerged with the ending of the conflict in Northern Ireland Unprecedented new partnerships between Republican communities and the Police Service of Northern Ireland have developed and former IRA and UVF combatants and political ex prisoners have been amongst those involved Community restorative justice projects have been central to these groundbreaking changes acting as both facilitator and transformer Based on an extensive range of interviews with key players in this process many of them former combatants and unique access to the different community projects this books tells a fascinating story At the same time this book explores the wider implications for restorative justice internationally highlighting the important lessons for partnerships between police and community in other jurisdictions particularly in the high crime alienated neighbourhoods which exist in most western societies as well as transitional ones It also offers a critical analysis of the roles of both community and state and the tensions around the ownership of justice and a critical unromanticized assessment of the role of restorative justice in the community

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