

Rewriting Childrens Rights Judgments From Academic Vision To New Practice

This Commentary is a fully up-to-date, solid legal work on children's rights. It offers a contemporary legal perspective on the inherently interdisciplinary field of children's rights. It responds to the scarcity of legal commentaries in a landscape where several handbooks covering different disciplines have been published in recent years. It is succinct and seeks to capture the essence, yet offers a sophisticated analysis of children's rights law and branches out into other disciplines where relevant in light of the recent legal and social developments.

This detailed Commentary explores the boundaries of social rights at a European level through analysis of the Revised European Social Charter (RESC), the most comprehensive regional document on social rights. The Commentary considers the treaty as the counterpart of the European Convention on Human Rights, examining how it sets out fundamental rights in the social field. It focuses primarily on the rich jurisprudence developed by the Charter's monitoring body, the European Committee of Social Rights (ECSR).

This book brings together a range of theoretical perspectives to consider fundamental questions of health law and the place of the body within it. Health, and more recently health law, has long been animated by discussions of particular bodies - whether they are disordered, diseased, or disabled - but each of these classificatory regimes claim some knowledge about the body. This edited collection aims to uncover and challenge the fundamental assumptions that underpin medico-legal knowledge claims about such bodies. This exploration is achieved through a mix of perspectives, but many contributors look towards embodiment as a perspective that understands bodies to be shaped by their institutional contexts. Much of this work alerts us to the idea that medical practitioners not only respond to healthcare issues, but also create them through their own understandings of 'normality' and 'fixing'. Bodies, as a result, cannot be understood outside of, or as separate to, their medical and legal contexts. This compelling book pushes the possibility of new directions in health care and health justice.

Families in market economies have long been confronted by the demands of participating in paid work and providing care. Across Europe the social, economic and political environment within which families do so has been subject to substantial change in the post-World War II era and governments have come under increasing pressure to engage with this important area of public policy. In the UK, as elsewhere, the tensions which lie at the heart of the paid work/unpaid care conflict remain unresolved posing substantial difficulties for all of law's subjects both as carers and as the recipients of care. What seems like a relatively simple goal – to enable families to better balance care-giving and paid employment – has been subject to and shaped by shifting priorities over time leading to a variety of often conflicting policy approaches. This book critiques how working families in the UK have been subject to regulation. It has two aims: · To chart the development of the UK's law and policy framework by focusing on the post-war era and the growth and decline of the welfare state, considering a longer historical trajectory where appropriate. · To suggest an alternative policy approach based on Martha Fineman's vulnerability theory in which the vulnerable subject replaces the liberal subject as the focus of legal intervention. This reorientation enables a more inclusive and cohesive policy approach and has great potential to contribute to the reconciliation of the unresolved conflict between paid work and care-giving.

This best-selling textbook is loved by students and lecturers alike. Offering exceptional coverage of all key family law principles, this book also explores the theories, debates and ethical dilemmas which underpin the subject ensuring you have the knowledge required to critique the existing law and evaluate reform options.

Reproductive justice theory made real through re-imagining critical cases addressing pregnancy, parenting, and the law's treatment of marginalized women.

Drawing on a range of approaches from the social sciences and humanities, this handbook explores theoretical and empirical perspectives that address the articulation of law in society, and the social character of the rule of law. The vast field of socio-legal studies provides multiple lenses through which law can be considered. Rather than seeking to define the field of socio-legal studies, this book takes up the experiences of researchers within the field. First-hand accounts of socio-legal research projects allow the reader to engage with diverse theoretical and methodological approaches within this fluid interdisciplinary area. The book provides a rich resource for those interested in deepening their understanding of the variety of theories and methods available when law is studied in its broadest social context, as well as setting those within the history of the socio-legal movement. The chapters consider multiple disciplinary lenses – including feminism, anthropology and sociology – as well as a variety of methodologies, including: narrative, visual and spatial, psychological, economic and epidemiological approaches. Moreover, these are applied in a range of substantive contexts such as online hate speech, environmental law, biotechnology, research in post-conflict situations, race and LGBT+ lawyers. The handbook brings together younger contributors and some of the best-known names in the socio-legal field. It offers a fresh perspective on the past, present and future of sociolegal studies that will appeal to students and scholars with relevant interests in a range of subjects, including law, sociology and politics.

A demonstration of how European Court of Human Rights judgments might better accommodate the concerns of minorities.

An innovative collaboration between academics, practitioners, activists and artists, this timely and provocative book rewrites 16 significant Scots law cases, spanning a range of substantive topics, from a feminist perspective. Exposing power, politics and partiality, feminist judges provide alternative accounts that bring gender equity concerns to the fore, whilst remaining bound by the facts and legal authorities encountered by the original court. Paying particular attention to Scotland's distinctive national identity, fluctuating experiences of political sovereignty, and unique legal traditions and institutions, this book

contributes in a distinctive register to the emerging dialogue amongst feminist judgment projects across the globe. Its judgments address concerns not only about gender equality, but also about the interplay between gender, class, national identity and citizenship in contemporary Scotland. The book also showcases unique contributions from leading artists which, provoked by the enterprise of feminist judging, or by individual cases, offer a visceral and affective engagement with the legal. The book will be of interest to academics, practitioners and students of Scots law, policy-makers, as well as to scholars of feminist and critical theory, and law and gender, internationally.

Providing a comprehensive, critical, and case-focused introduction to family law, this title helps students to gain a firm understanding of family law principles, the developing law, and key reform debates. This book examines the idea of 'parental responsibility' in English law and what is expected of a responsible parent. The scope of 'parental responsibility', a key concept in family law, is undefined and often ambiguous. Yet, to date, more attention has been paid to how individuals acquire parental responsibility than to the question of the rights, powers, duties and responsibilities they have once they obtain it. This book redresses the balance by providing the first sustained examination of the different elements of parental responsibility, bringing together leading scholars to comment on specific aspects of its operation. The book begins by exploring the conceptual underpinnings of parental responsibility in the context of parents' and children's rights. The analysis highlights the inherent constraints and limitations of 'parental responsibility' and how its scope has deliberately been curtailed in certain contexts. The book then considers what parental responsibility allows and requires in specific areas, for example, naming a child, education, religious upbringing, medical treatment, corporal punishment, dealing with any contracts entered into or property owned by the child, representing the child in legal proceedings, consenting to a child's marriage or civil partnership and the law's response to the death of a child. In the final section, the idea of the 'responsible parent' is considered in the contexts of child support, contact, tort, and criminal law.

The Northern/Irish Feminist Judgments Project inaugurates a fresh dialogue on gender, legal judgment, judicial power and national identity in Ireland and Northern Ireland. Through a process of judicial re-imagining, the project takes account of the peculiarly Northern/Irish concerns in shaping gender through judicial practice. This collection, following on from feminist judgments projects in Canada, England and Australia takes the feminist judging methodology in challenging new directions. This book collects 26 rewritten judgments, covering a range of substantive areas. As well as opinions from appellate courts, the book includes first instance decisions and a fictional review of a Tribunal of Inquiry. Each feminist judgment is accompanied by a commentary putting the case in its social context and explaining the original decision. The book also includes introductory chapters examining the project methodology, constructions of national identity, theoretical and conceptual issues pertaining to feminist judging, and the legal context of both jurisdictions. The book, shines a light on past and future possibilities - and limitations - for judgment on the island of Ireland. 'This book provides a rich and expansive addition to the feminist judgments catalogue. The ... judgments demonstrate powerfully how Northern/Irish judges have contributed to the gendered politics of national identity, and how the narrow subject-positions they have created for women and 'others' could have been so much wider and more open.' Professor Rosemary Hunter, School of Law, Queen Mary University London. 'The Northern/Irish Feminist Judgments Project is inspirational reading for anyone interested in feminism or Irish studies ... It is a model of how to conduct feminist enquiry. Its most innovative contribution to scholarship and politics is how the rewriting of landmark legal judgments from a feminist perspective allows us to imagine (and therefore begin to construct) a more egalitarian, a more just, future.' Associate Professor Katherine O'Donnell, School of Philosophy, University College Dublin. If you let it, this book will make you think. ... It made me think – it reminded me, I suppose – that legal writing can be wonderful: rigorous, creative, deeply observant, provocative. Read it and see what it makes you think. Professor Thérèse Murphy, School of Law, Queen's University Belfast

This book aims to introduce concrete and innovative proposals for a holistic approach to supranational human rights justice through a hands-on legal exercise: the rewriting of decisions of supranational human rights monitoring bodies. The contributing scholars have thus redrafted crucial passages of landmark human rights judgments and decisions, 'as if human rights law were really one', borrowing or taking inspiration from developments and interpretations throughout the whole multi-layered human rights protection system. In addition to the rewriting exercise, the contributors have outlined the methodology and/or theoretical framework that guided their approaches and explain how human rights monitoring bodies may adopt an integrated approach to human rights law.

Texts and Materials on International Human Rights offers a carefully tailored overview of the subject that covers sources and theories, institutions and structures, and substantive rights. The fourth edition is fully updated to include all key developments in the law, in particular issues around reform in the UN and the topical application of human rights around the world. This collection of materials offers a comprehensive overview of the institutional structures relevant to international human rights law, crucial to the understanding of how law works in this challenging area. Designed to guide students through the fundamental texts for this subject, the author's commentary contextualises each extract to explain its relevance, while highlighted further reading makes links to cutting edge academic commentary to provide next steps for student research. Offering a clear text design that distinguishes between materials and author commentary, and including reflective questions throughout to aid understanding, this book is ideal for students seeking to engage with the key issues in the study of International Human Rights.

Rewriting Children's Rights Judgments From Academic Vision to New Practice Bloomsbury Publishing

Reimagines fundamental property law cases to demonstrate how a feminist lens could impact the law's development.

Free speech has positive dimensions of enablement and negative dimensions of non-restraint, both of which require protection for democracy to have substantial communicative legitimacy. In Democracy of Expression, Andrew Kenyon explores this need for sustained plural public speech linked with positive communicative freedom. Drawing on sources from media studies, human rights, political theory, free speech theory and case law, Kenyon shows how positive dimensions of free speech could be imagined and pursued.

While recognising that democratic governments face challenges of public communication and free speech that cannot be easily solved, Kenyon argues that understanding the nature of these challenges (including the value of positive free speech) at least makes possible a democracy of expression in which society has a voice, formulates judgments, and makes effective claims of government. In this groundbreaking work, Kenyon not only reframes how we conceptualize free speech, but also provides a roadmap for reform.

This new edition of Education, Law and Diversity provides extensive updated analysis, from a legal perspective, of how the education system responds to social diversity and how the relevant social and cultural rights of individuals and groups are affected. It spans wide-ranging areas of school provision, including: types of school (including faith schools), the school curriculum, choice of school, out-of-school settings, and duties towards children with special needs and disabilities. It gives extensive coverage to children's rights in the context of education and includes considerable new material on issues including relationships and sex education, exclusion from school, home education, equal access, counter-extremism and academisation. The new edition also retains and updates areas of debate in the book, such as those concerned with multiculturalism and the

position of religion in schools. It continues to focus on England but also makes reference to other jurisdictions within the UK and internationally. It is essential reading for anyone interested in the legal and related policy issues surrounding children's education today.

Presented in an accessible format, this text provides a detailed and authoritative exposition of the law, illustrated by carefully selected materials and complemented by clear and engaging commentary drawing on a range of critical and theoretical perspectives.

This book analyses the increasing impact of post-liberalism, which replaces choice with self-discovery, on general and divorce law.

This book argues that insufficient recognition of new families is a legal problem that needs fixing in light of recent evolutions in family patterns and normative conceptions of 'family'. People increasingly invest in relationships falling outside the model of the marital family, such as non-conjugal unions of friends or relatives, polyamorous relationships and various religious-based families. Despite this, Western jurisdictions retain the marital family as the relevant basis for allocating family law benefits, rights and obligations. Part I of the book illustrates recent evolutions in family patterns and norms, and explores how law can accommodate multiple family grids without legal recognition involving normalisation. Part II focuses on courtroom litigation on the basis that courts nowadays are central avenues of social change. It takes non-conjugal families as a case study and provides an analysis of the most compelling argumentative strategies that non-conjugal families can mobilise to pursue legal recognition in Canada and the United States, and within the systems of the European Convention of Human Rights and the European Union. Through its comparative, interdisciplinary and critical legal method, the book provides scholars, activists and policymakers with conceptual tools to tackle the current invisibility of new families. Further, by advancing legal arguments to enhance the protection of non-conjugal families in courtrooms, the book illuminates the different approaches jurisdictions are likely to take and the hindrances thereof to overcome and debunk stereotypes associated with proper familyhood.

It is often asserted that 'A family that prays together, stays together'. But what if a child no longer wishes to pray? This book analyses the law in relation to situations where parents force their children to manifest the parental religion. From thorough examination of international law it argues that, unlike what is generally believed, the human rights regime does not grant parents a right to impose manifestations of their religion on their children. Instead, the author proposes to regard coerced manifestations as a limitation on children's right to freedom of manifestation, based on national laws that give parents rights at the domestic level under principles such as parental responsibility. The book focuses on two aspects of States' positive obligations in this regard. First, the obligation to provide a regulatory framework that can protect children's right to freedom of manifestation, and restricts limitations to those that are proportionate or 'necessary in a democratic society'. Second, to provide access to remedies, which it is argued should consist of access to a family-friendly infrastructure for dispute resolution available to parents and children in conflict over religious manifestation. Both depend heavily on the way States balance power between parents and children at the national level. The book includes three case studies and social research of jurisdictions that offer different perspectives under the principles of parental authority (France), parental responsibility (England) and parental rights (Hong Kong).

This important edited collection is the culmination of research undertaken by the Children's Rights Judgments Project. This initiative involved academic experts revisiting existing case law, drawn from a range of legal sub-disciplines and jurisdictions, and redrafting the judgment from a children's rights perspective. The rewritten judgments shed light on the conceptual and practical challenges of securing children's rights within judicial decision-making and explore how developments in theory and practice can inform and (re-)invigorate the legal protection of children's rights. Collectively, the judgments point to five key factors that support a children's rights-based approach to judgment writing. These include: using children's rights law and principles; drawing on academic insights and evidence; endorsing child friendly procedures; adopting a children's rights focused narrative; and using child-friendly language. Each judgment is accompanied by a commentary explaining the historical and legal context of the original case and the rationale underpinning the revised judgment including the particular children's rights perspective adopted; the extent to which it addresses the children's rights deficiencies evident in the original judgment; and the potential impact the alternative version might have had on law, policy or practice. Presented thematically, with contributions from leading scholars in the field, this innovative collection offers a truly new and unique perspective on children's rights.

In this book the author argues that judicial activism in respect of the protection of human rights and dignity and the right to due process is an essential element of the democratic rule of law in a constitutional democracy as opposed to being 'judicial overreach'. Selected recent case law is explored from the US and Canadian Supreme Courts as well as the European Court of Human Rights illustrating that these Courts have, at times, engaged in judicial activism in the service of providing equal protection of the law and due process to the powerless but have, on other occasions, employed legalistic but insupportable strategies to sidestep that obligation. The book will be of interest to those with a deep concern regarding the factors that influence judicial decision-making and the judiciary's role through judgments in promoting and preserving the underpinnings of democracy. This includes legal researchers, the judiciary, practicing counsel and legal academics and law students as well as those in the area of democracy studies, in addition to scholars in the fields of sociology and philosophy of law.

The Oxford Handbook of Children and the Law presents cutting-edge scholarship on a broad range of topics covering the life course of humans from before birth to adulthood, by leading scholars in law, medicine, social work, sociology, education, and philosophy, and by practitioners in law and medicine. An international collection of authors presents and analyzes the law and science pertaining to reproduction; prenatal life (including fetal exposure to toxic substances and abortion); parentage (including biology-based rights, background checks on birth parents,

adoption, the status of gamete donors, and surrogacy); infant development and vulnerability; child maltreatment (including corporal punishment and religious defences to abuse and neglect); child protection policy and systems; foster care; child custody disputes between parents or between parents and other caregivers; schooling (including financing, resegregation, religious expression in public schools, at-risk students, special education, regulation of private schools, and homeschooling); delinquency; minimum-age laws; and child advocacy. Most chapters follow a format wherein they first describe the most debated or dynamic issues in each topical area, then explain in depth the law and/or science pertaining to the author's particular focus, and finally offer arguments and recommendations as to law and policy in that area. The normative component aims to advance discussions and debates in vital areas of contemporary child welfare law and policy. The Handbook is an essential resource for scholars and professionals interested in the intersection of children and the law.

Written by a team of highly experienced teachers of family law, this innovative new textbook is a contextual, critical, and highly engaging guide to the subject. Each expert author has crafted a superbly clear guide to their particular area of expertise, which is structured around the key debates central to that topic. These debates are explored and discussed throughout the chapter, and students are thereby introduced to an enlightening range of perspectives on the key issues. The social, economic, and political backdrop to each topic is also extensively discussed, to ensure that students' understanding is grounded in this essential context. Family Law is a fresh, modern, and unique guide to this dynamic subject.

This book is a collection of key legal decisions affecting Indigenous Australians, which have been re-imagined so as to be inclusive of Indigenous people's stories, historical experience, perspectives and worldviews. In this groundbreaking work, Indigenous and non-Indigenous scholars have collaborated to rewrite 16 key decisions. Spanning from 1889 to 2017, the judgments reflect the trajectory of Indigenous people's engagements with Australian law. The collection includes decisions that laid the foundation for the wrongful application of terra nullius and the long disavowal of native title. Contributors have also challenged narrow judicial interpretations of native title, which have denied recognition to Indigenous people who suffered the prolonged impacts of dispossession. Exciting new voices have reclaimed Australian law to deliver justice to the Stolen Generations and to families who have experienced institutional and police racism. Contributors have shown how judicial officers can use their power to challenge systemic racism and tell the stories of Indigenous people who have been dehumanised by the criminal justice system. The new judgments are characterised by intersectional perspectives which draw on postcolonial, critical race and whiteness theories. Several scholars have chosen to operate within the parameters of legal doctrine. Some have imagined new truth-telling forums, highlighting the strength and creative resistance of Indigenous people to oppression and exclusion. Others have rejected the possibility that the legal system, which has been integral to settler-colonialism, can ever deliver meaningful justice to Indigenous people.

Rev. ed. of: Family law principles, policy, and practice. 2nd ed. c1999.

In this book leading international scholars provide fascinating insights into the vital but enigmatic role of Article 5 of the Convention on the Rights of the Child.

There are a number of important (landmark) cases in the development of Family Law in England and Wales that deserve detailed examination and lend themselves particularly well to historical examination. Family law cases tend to raise highly controversial issues, often on striking facts, frequently provoking wider social debate and/or extensive publicity. Consequently, the landmark cases chosen for this collection provide considerable scope, not only for doctrinal analysis and explanation of the importance and impact of the decisions, but also for in-depth examination of the social or policy developments that influenced them. The stories behind the cases provide a fascinating insight into the complexities of family life and the drama that can be found in the family courts. In recent years, Family Law has seen enormous changes in law's engagement with the notion of 'family', with the enactment, for example, of the Civil Partnership Act 2004, the Gender Recognition Act 2004 and, more recently, the Human Fertilisation and Embryology Act 2008. As we begin to move forward into the new millennium, this is an excellent time to engage in detailed analyses and 'stock-taking' of the landmark decisions, many of which were decided in the 1970s, and which have shaped modern Family Law. This book provides a series of in-depth studies of the key leading cases, and will be of interest to students and lecturers alike.

Debates about the future of fatherhood have been central to a range of conversations about changing family forms, parenting and society. Law has served an important, yet often neglected, role in these discussions, serving as an important focal point for broader political frustrations, playing a central role in mediating disputes, and operating as a significant, symbolic, state-sanctioned account of the scope of paternal rights and responsibilities. *Fragmenting Fatherhood* provides the first sustained engagement with the way that fatherhood has been understood, constructed and regulated within English law. Drawing on a range of disparate legal provisions and material from diverse disciplines, it sketches the major contours of the figure of the father as drawn in law and social policy, tracing shifts in legal and broader understandings of what it means to be a 'father' and what rights and obligations should accrue to that status. In thematically linked chapters cutting across substantive areas of law, the book locates fatherhood as a key site of contestation within broader political debates regarding the family and gender equality. Multiple visions of fatherhood, evolving unevenly over time across diverse areas of law, emerge from this analysis. Fatherhood is revealed as an essentially fragmented status and one which is intertwined in complex ways with the legal, cultural and political contexts in which discourses of parenthood are produced. *Fragmenting Fatherhood* provides an important and unique resource, speaking to debates about fatherhood across a range of fields including law and legal theory, sociology, gender studies, social policy, marriage and the family, women's studies and gender studies.

Concepts of who and what children are and what childhood consists of have changed over time. Our historical and contemporary notions of childhood also change according to the context of the interaction between the child and the state. This book is concerned with various ideas of what childhood consists of where the child is involved with the legal system. An identification of legal concepts of childhood can offer many insights into our treatment of children, the capacities which we expect them (possibly unfairly) to possess and the extent of any protection which they deserve or can expect from those charged with the responsibility for their welfare. Each essay in this collection focuses on a particular legal discipline which centrally involves children whether as litigants, victims or perpetrators of crimes, owners of property, recipients of welfare services etc. The object of the analysis is to assess how children are regarded by lawyers in each discipline; for example, as objects of concern, requiring protection; as autonomous possessors of rights; as lacking in moral consciousness or full mental capacity; or as fully aware of and accountable for their actions. In order to make comparisons with notions of childhood in other contexts, the substantive part of the book will also include essays on the perspectives on

childhood at the core of other disciplines including sociology, psychology, philosophy and literature.

The United Nations Convention on the Rights of the Child is the most extensive and widely ratified international human rights treaty. This Commentary offers a comprehensive analysis of each of the substantive provisions in the Convention and its Optional Protocols on Children and Armed Conflict and the Sale of Children, Child Prostitution and Pornography. It offers a detailed insight into the drafting history of these instruments, the scope and nature of the rights accorded to children and the obligations imposed on states to secure the implementation of these rights. In doing so, it draws on the work of the Committee on the Rights of the Child, international, regional and domestic courts, academic and interdisciplinary scholarly analyses. It is of relevance to anyone working on matters affecting children including government officials, policy makers, judicial officers, lawyers, educators, social workers, health professionals, academics, aid and humanitarian workers, and members of civil society.

“..this most thorough commentary must be regarded as the Bible on the Charter” Peter Oliver, *Common Market Law Review* This second edition of the first commentary of the EU Charter of Fundamental Rights in English, written by experts from several EU Member States, provides an authoritative but succinct statement of how the Charter impacts upon EU, domestic and international law. Following the conventional article-by-article approach, each commentator offers an expert view of how each article is either already being interpreted in the courts, or is likely to be interpreted. Each commentary is referenced to the case law and is augmented with extensive references to further reading. This is a much-welcomed new edition of the authoritative guide to the Charter.

This book explores non-consensual adoption - an area of law which has sparked considerable debate amongst academics, practitioners and the judiciary nationally and internationally. The emphasis of this book is on the circumstances in which non-consensual adoption may be regarded as a proportionate measure and when less severe forms of intervention, such as long-term foster care or kinship care, may also meet children's needs while providing protection to children's rights under the European Convention on Human Rights. The book builds on existing literature on adoption law but takes the discussion in new directions, placing an emphasis on the need to closely scrutinise children's and parents' rights at all stages of the adoption process, not simply when parents appeal against the making of an adoption order. A unique feature of this book is its emphasis on routinely incorporating key provisions from the United Nations Convention on the Rights of the Child into analysis when determining whether an adoption order is a proportionate measure.

This book examines in detail the status of children in the EU. Drawing on a range of disciplinary perspectives, including the sociology of childhood and human rights discourse, it offers a critical analysis of the legal and policy framework underpinning EU children's rights across a range of areas, including family law, education, immigration and child protection. Traditionally children's rights at this level have been articulated primarily in the context of the free movement of persons provisions, inevitably restricting entitlement to migrant children of EU nationality. In the past decade, however, innovative interpretations of EU law by the Court of Justice, coupled with important constitutional developments, have prompted the development of a much more robust children's rights agenda. This culminated in the incorporation of a more explicit reference to children's rights in the Lisbon Treaty, followed by the Commission's launch, in February 2011, of a dedicated EU 'Agenda' to promote and safeguard the rights of the child. The analysis presented in this book therefore comes at a pivotal point in the history of EU children's rights, providing a detailed and critical overview of a range of substantive areas, and making an important contribution to international children's rights studies.

While feminist legal scholarship has thrived within universities and in some sectors of legal practice, it has yet to have much impact within the judiciary or on judicial thinking. Thus, while feminist legal scholarship has generated comprehensive critiques of existing legal doctrine, there has been little opportunity to test or apply feminist knowledge in practice, in decisions in individual cases. In this book, a group of feminist legal scholars put theory into practice in judgment form, by writing the 'missing' feminist judgments in key cases. The cases chosen are significant decisions in English law across a broad range of substantive areas. The cases originate from a variety of levels but are primarily opinions of the Court of Appeal or the House of Lords. In some instances they are written in a fictitious appeal, but in others they are written as an additional concurring or dissenting judgment in the original case, providing a powerful illustration of the way in which the case could have been decided differently, even at the time it was heard. Each case is accompanied by a commentary which renders the judgment accessible to a non-specialist audience. The commentary explains the original decision, its background and doctrinal significance, the issues it raises, and how the feminist judgment deals with them differently. The book also includes chapters examining the theoretical and conceptual issues raised by the process and practice of feminist judging, and by the judgments themselves, including the possibility of divergent feminist approaches to legal decision-making. From the foreword by Lady Hale 'Reading this book ought to be a chastening experience for any judge who believes himself or herself to be both true to their judicial oath and a neutral observer of the world... If lawyers and judges like me have so much to learn from reading this book, then surely other, more sceptical, lawyers and judges have even more to learn...other scholars, and not only feminists, must also be fascinated by the window it opens onto the process of judicial reasoning: not the straightforward, predetermined march from A to B of popular belief, but something altogether more complicated and uncertain. And anyone will find it a very good read.'

This collection examines the opportunities and challenges, rights and wrongs, and prospects and risks of Brexit from the perspectives of gender and sexuality. While much has been written about Brexit from legal, political, social and economic perspectives, there has been little analysis of the effects of Brexit on women and gender/sexual minorities who have historically been marginalised and whose voices have been less audible in political debates – both nationally and at the European level. The collection explores how Brexit

might change the equality, human rights and social justice landscape, but from the viewpoint of women and gender/sexual minorities. The contributions gathered in it demonstrate the variety of ways that Brexit will make a difference to the lives of women and individuals marginalised because of gender or sexual identity.

Reimagined court opinions that address iconic issues in family law from a feminist perspective with timely commentaries on those issues.

Could a feminist perspective change the shape of tax laws? Feminist reasoning and analysis are recognized as having tremendous potential to affect employment discrimination, sexual harassment, and reproductive rights laws - but they can likewise transform tax law (as well as other statutory or code-based areas of the law). By highlighting the importance of perspective, background, and preconceptions on reading and interpreting statutes, this volume shows what a difference feminist analysis can make to statutory interpretation. *Feminist Judgments: Rewritten Tax Opinions* brings together a group of scholars and lawyers to rewrite tax decisions in which a feminist emphasis would have changed the outcome, the court's reasoning, or the future direction of the law. Featuring cases including medical expense deductions for fertility treatment, gender confirmation surgery, tax benefits for married individuals, the tax treatment of tribal lands, and business expense deductions, this volume opens the way for a discussion of how viewpoint is a key factor in statutory interpretation.

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