

AUSTRALIAN FEMINIST JUDGMENTS

Righting and Rewriting Law



EDITED BY
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Australian Feminist Judgments Righting And Rewriting Law

**Heather Douglas, Francesca
Bartlett, Trish Luker, Rosemary Hunter**



Australian Feminist Judgments Righting And Rewriting Law:

Australian Feminist Judgments Heather Douglas, Francesca Bartlett, Trish Luker, Rosemary Hunter, 2014-11-20 This book brings together feminist academics and lawyers to present an impressive collection of alternative judgments in a series of Australian legal cases By re imagining original legal decisions through a feminist lens the collection explores the possibilities limits and implications of feminist approaches to legal decision making Each case is accompanied by a brief commentary that places it in legal and historical context and explains what the feminist rewriting does differently to the original case The cases not only cover topics of long standing interest to feminist scholars such as family law sexual offences and discrimination law but also areas which have had less attention including Indigenous sovereignty constitutional law immigration taxation and environmental law The collection contributes a distinctly Australian perspective to the growing international literature investigating the role of feminist legal theory in judicial decision making

Feminist Judgments: Rewritten Property Opinions Eloisa C. Rodriguez-Dod, Elena Maria Marty-Nelson, 2021-10-28 How could feminist perspectives and methods change the shape of property law This volume assembles a group of diverse scholars to explore this question by presenting fundamental property law cases rewritten from a feminist perspective The cases cover a broad range of property law topics from landlord tenant rights and obligations patents and zoning to publicity rights land titles concurrent ownership and takings These rewritten opinions and their accompanying commentaries demonstrate how incorporating feminist theories and methods could have made property law more just and equitable for women and marginalized groups The book also shows how property law is not neutral but is shaped by the society that produces it and the judges who apply it

Feminist Judgments: Rewritten Tax Opinions Bridget J. Crawford, Anthony C. Infanti, 2017-12-28 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

The Feminist Legislation Project Becky Batagol, Kate Seear, Heli Askola, Jamie Walvisch, 2024-08-26 In this book leading law academics along with lawyers activists and others demonstrate what legislation could look like if its concern was to create justice for women Each chapter contains a short piece of legislation proposed in order to address a contemporary legal

problem from a feminist perspective These range across criminal law sexual offences Indigenous women s experiences of criminal law laws in relation to forced marriage modern slavery childcare and sentencing civil law aged care and housing rights regulating the gig economy surrogacy gender equity in the construction industry and constitutional law human rights legislation reimagining parliaments where laws are made for the benefit of women The proposed laws are moreover drafted with feedback from a senior parliamentary draftsman providing guidance to contributors in a personal capacity to ensure conformity with legislative rigour as well as accompanied by an explanation of their reasons and their aims Although the legislation is Australian based the issues raised by each are recognisably global and are reflected in the legislation of most other nations This first feminist legislation project will appeal to scholars of feminist legal studies gender and the law gender studies and others studying or working in relevant legal areas

Feminist Judgments in International Law

Loveday Hodson,Troy Lavers,2019-09-05 The emergence of feminist rewriting of key judgments has been one of the most interesting recent developments in legal methodology This unique enterprise has seen scholars collaborate in the real world task of reassessing jurisprudence in light of feminist perspectives This important new volume makes a significant contribution to the endeavour exploring how key judgments in international law might have differed if feminist judges had sat on the bench This collection asks whether feminist perspectives can offer meaningful and viable alternatives to international law norms and if so whether that application results in distinguishable differences in outcomes It answers these questions with particular reference to sources of international law the public and private divide State responsibility State immunities treaty law State sovereignty human rights protection global governance and the concept of violence in international law This landmark publication offers a truly innovative reassessment of international law Winner of the 2020 ASIL Certificate of Merit for a Preeminent Contribution to Creative Scholarship

Research Handbook on Critical Legal Theory

Emilios Christodoulidis,Ruth Dukes,Marco Goldoni,2019 Critical theory characteristically linked with the politics of theoretical engagement covers the manifold of the connections between theory and praxis This thought provoking Research Handbook captures the broad range of those connections as far as legal thought is concerned and retains an emphasis both on the politics of theory and on the notion of theoretical engagement The first part examines the question of definition and tracks the origins and development of critical legal theory along its European and North American trajectories The second part looks at the thematic connections between the development of legal theory and other currents of critical thought such as Feminism Marxism Critical Race Theory varieties of post modernism as well as the various turns ethical aesthetic political of critical legal theory The third and final part explores particular fields of law addressing the question how the field has been shaped by critical legal theory or what critical approaches reveal about the field with the clear focus on opportunities for social transformation

New Directions for Law in Australia Ron Levy,Molly O'Brien,Simon Rice,Pauline Ridge,Margaret Thornton,2017-09-22 For reasons of effectiveness efficiency and equity Australian law reform should be planned carefully

Academics can and should take the lead in this process This book collects over 50 discrete law reform recommendations encapsulated in short digestible essays written by leading Australian scholars It emerges from a major conference held at The Australian National University in 2016 which featured intensive discussion among participants from government practice and the academy The book is intended to serve as a national focal point for Australian legal innovation It is divided into six main parts commercial and corporate law criminal law and evidence environmental law private law public law and legal practice and legal education In addition Indigenous perspectives on law reform are embedded throughout each part This collective work the first of its kind will be of value to policy makers media law reform agencies academics practitioners and the judiciary It provides a bird s eye view of the current state and the future of law reform in Australia

Representations and Rights of the Environment Sandy Lamalle, Peter Stoett, 2023-04-06 Attending to the Cry of the Earth requires a critical appraisal of how we conceive our relationship with the environment and a clear vision of how to apprehend it in law and governance Addressing questions of participation responsibility and justice this collective endeavour includes marginalised and critical voices featuring contributions by leading practitioners and thinkers in Indigenous law traditional knowledge wild law the rights of nature theology public policy and environmental humanities Such voices play a decisive role in comprehending and responding to current global challenges They invite us to broaden our horizon of meaning and action modes of knowing and being in the world and envision the path ahead with a new legal consciousness A valuable reference for students researchers and practitioners this book is one of a series of publications associated with the Earth System Governance Project For more publications see www.cambridge.org/earth-system-governance

The Judicial Mind Brice Dickson, Conor McCormick, 2021-11-11 This collection of essays is a tribute to Lord Kerr of Tonaghmore who died aged 72 on 1 December 2020 after having retired from the UK Supreme Court just two months earlier Brian Kerr was appointed as a judge of the High Court of Northern Ireland in 1993 He became the Lord Chief Justice of Northern Ireland in 2004 before being elevated to a peerage and appointed as the last Lord of Appeal in Ordinary in June 2009 Four months later as Lord Kerr he moved from the Appellate Committee of the House of Lords to the UK Supreme Court where after exactly 11 years he concluded his distinguished judicial career as the longest serving Justice to date During his career he established an exceptional reputation for independence of thought fairness and humanitarianism Lord Kerr s judicial mind has inspired and influenced a significant number of scholars and jurists throughout the UK and beyond In this book his unique brand of jurisprudence is examined alongside a catalogue of broader issues in which he displayed a keen interest during his lifetime The volume includes topical contributions from a range of legal experts in Britain and Ireland Lord Kerr s particular interest in public law human rights law criminal law and family law is featured prominently but so too is the importance of his dissenting judgments some influential jurisprudence of the Judicial Committee of the Privy Council where he sat on many occasions the legacy of his influence on the law and legal system of Northern Ireland and the significance of his place in the

historical development of judicial roles and responsibilities more generally

Why the Constitution Matters Justice D.Y. Chandrachud, 2025-08-31 In *Why the Constitution Matters* Justice D Y Chandrachud delves into the profound significance of the Constitution in shaping the nation's identity and governance. This insightful book offers readers a nuanced understanding of the Constitution's role in protecting fundamental rights, ensuring justice, and maintaining the rule of law. The author brings to the forefront his experience of nearly twenty-five years as a judge, making complex constitutional principles accessible to both legal professionals and common citizens. Through engaging narratives and real-life examples, he illustrates how the Constitution impacts everyday life and why it remains a cornerstone of democracy. The book covers themes such as democracy, free speech, pluralism, gender, environmental governance, dissent, and landmark judgments that have shaped modern India. *Why the Constitution Matters* is not just a book for legal scholars; it is a must-read for anyone who values democracy, justice, and the rule of law. Discover why the Constitution is more than just a document; it is the foundation of a just and equitable society.

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