

EMBLEMS OF PLURALISM

Cultural Differences and the State

Carol Westbrod



Emblems Of Pluralism Cultural Differences And The State The Cultural Lives Of Law

**David C. Leege, Kenneth D. Wald, Brian
S. Krueger, Paul D. Mueller**



Emblems Of Pluralism Cultural Differences And The State The Cultural Lives Of Law:

Emblems of Pluralism Carol Weisbrod, 2009-02-09 From outlawing polygamy and mandating public education to protecting the rights of minorities the framing of group life by the state has been a subject of considerable interest and controversy throughout the history of the United States The subject continues to be important in many countries This book deals with state responses to cultural difference through the examination of a number of encounters between individuals groups and the state in the United States and elsewhere The book opens the concepts of groups and the state arguing for the complexity of their relations and interpenetrations Carol Weisbrod draws on richly diverse historical and cultural material to explore various structures that have been seen as appropriate for adjusting relations between states and internal groups She considers the experience of the Mormons the Amish and Native Americans in the United States the Mennonites in Germany and the Jews in Russia to illustrate arrangements and accommodations in different times and places The Minorities Treaties of the League of Nations political federalism religious exemptions nonstate schools and rules about adoption are among the mechanisms discussed that sustain cultural difference and create frameworks for group life and finally individual life At bottom Emblems of Pluralism concerns not only relations between the state and groups public and private but also issues of identity and relations between the self and others

License to Harass Laura Beth Nielsen, 2009-01-10 Offensive street speech racist and sexist remarks that can make its targets feel both psychologically and physically threatened is surprisingly common in our society Many argue that this speech is so detestable that it should be banned under law But is this an area covered by the First Amendment right to free speech Or should it be banned In this elegantly written book Laura Beth Nielsen pursues the answers by probing the legal consciousness of ordinary citizens Using a combination of field observations and in depth semistructured interviews she surveys one hundred men and women some of whom are routine targets of offensive speech about how such speech affects their lives Drawing on these interviews as well as an interdisciplinary body of scholarship Nielsen argues that racist and sexist speech creates reproduces and reinforces existing systems of hierarchy in public places The law works to normalize and justify offensive public interactions she concludes offering in essence a license to harass Nielsen relates the results of her interviews to statistical surveys that measure the impact of offensive speech on the public Rather than arguing whether law is the appropriate remedy for offensive speech she allows that the benefits to democracy to community and to society of allowing such speech may very well outweigh the burdens imposed Nonetheless these burdens and the stories of the people who bear them should not remain invisible and outside the debate

America, History and Life, 2005 Article abstracts and citations of reviews and dissertations covering the United States and Canada

Laws and Societies in Global Contexts Eve Darian-Smith, 2013-01-31 This text promotes a more global sociolegal perspective that engages with multiple laws and societies and diverse sociolegal systems based on very different historical and cultural traditions interacting on multiple local national and global levels The approach

to global legal pluralism seeks to provide a framework for envisioning new global governance regimes that move beyond state based solutions to deal with trenchant transnational challenges *Law and Religious Cultural Heritage in Europe* Theodosios Tsivolas, 2014-07-22 This book examines in detail both historical and current legal concepts of religious cultural heritage within the context of the European continent The latter group is primarily based on the variety of sacred cultural elements emanating from the different religious traditions of the peoples of Europe which are deemed worthy of protection and preservation due to their outstanding value in terms of their social cultural and religious significance In view of this the study provides evidence of the European States active involvement with their sacred cultural treasures on the basis of the political and legal foundations of neutrality and pluralism Furthermore the book analyzes all relevant international legislative instruments i e the plethora of EU EC and UNESCO norms as well as all major European legislative patterns in light of their significance for the aforementioned aspects of pluralism and neutrality The interdisciplinary references listed at the end of each chapter provide an additional incentive for further reading on the subject matter The most important finding to emerge from the study is that there is a shared legal ethos in Europe that imposes a duty of appropriate care concerning the vast variety of sacred cultural goods and the religious cultural heritage in general as an invaluable repository of European cultural capital It also considers the sui generis nature of this capital like any other type of asset it may deteriorate or fade over time necessitating investment in its preservation or refurbishment nevertheless like no other this particular capital maintains a distinct cultural value as it contains an additional characteristic of sacredness expressed in the form of its religious character the latter being analyzed as a triptych of religious memory religious aesthetics and religious beliefs

Culture in Law and Development Lan Cao, 2016-05-02 Culture in Law and Development presents a provocative new solution to the seemingly intractable problem of combining international norms with local cultural traditions by changing culture through law and development In this book Lan Cao demonstrates how the gradual expansion of customary international law CIL provides a model for changing culture in ways that protect and advance local populations The book adopts a holistic view of development and argues that cultural norms that impede the human capabilities of the poor women and other marginal groups should be changed The book reveals how a more conscious coordinated effort on such change can succeed while non violative local traditions are otherwise honored and preserved Cao proposes that cultural change does not have to constitute cultural disrespect and that local societies only benefit by a careful combination of externally wrought change and internally fostered tradition *Proceedings of the International Conference on Cultural Policy and Sustainable Development (ICPSD 2024)* Abdul Kadir Jaelani, Irwansyah Irwansyah, Fokke Fernhout, Adolfo Antonio Paolini, Mohd Rizal Palil, Hilaire Tegnan, Okid Parama Astirin, Sutarno Sutarno, Patricia Covarrubia, Bobur Sobirov, Robbi Rahim, 2024-12-23 This is an open access book Cultural policy plays a crucial role in shaping societies influencing cultural expressions and advancing sustainable development Laws and regulations related to culture both at the national and international levels play a key role

in regulating and protecting cultural heritage and supporting a healthy cultural ecosystem The First International Conference on Cultural Policy and Sustainable Development ICPSD aims to explore the impact of cultural policies in democratic and nondemocratic regimes This conference will serve as a platform for scholars policymakers and practitioners to exchange ideas share experiences and discuss strategies to promote cultural diversity creativity and sustainability in different political contexts Internationally various agreements such as the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions underscore the importance of cultural policies in supporting sustainable development and promoting cultural diversity UNESCO Convention 2005 n d At the national level laws such as the Cultural Law in Indonesia establish a framework for the protection and development of culture as well as provide a legal basis for inclusive and sustainable cultural policy making Law Number 5 of 2017 concerning the Advancement of Culture n d In democratic regimes cultural policies are often developed through participatory processes reflecting the values and aspirations of diverse communities These policies aim to support cultural expression protect cultural heritage and promote cultural rights thereby contributing to social cohesion and inclusive development However challenges such as funding limitations cultural commodification and the impact of digital technology require ongoing dialogue and innovation in policy approaches On the other hand cultural policies in nondemocratic regimes are often used as tools for political control censorship and the promotion of state ideology Nevertheless cultural practitioners and activists in these contexts demonstrate resilience and creativity in navigating restrictive environments often using digital technology to amplify their voices and preserve cultural identity In various countries existing legislation greatly influences the implementation of cultural policies and sustainable development In Indonesia for example Law Number 5 of 2017 concerning Culture serves as the main foundation for the development of sustainable cultural policies This law promotes the protection preservation development utilization and fostering of culture as an integral part of national development Law Number 5 of 2017 concerning the Advancement of Culture n d Cultural Policy and Sustainable Development are interrelated concepts and are the main focus of this conference where appropriate cultural policies can strengthen sustainable development reinforce cultural identity and improve the quality of life for communities In the context of the conference theme Cultural Policies in Democratic and Nondemocratic Regimes it is important to consider the differences in cultural policy approaches between these two types of regimes This forum aims to facilitate communication among Law Faculty Academics worldwide with the agenda of the 1st International Conference on Cultural Policy and Sustainable Development ICPSD Cultural Policies in Democratic and Nondemocratic Regimes

Cultural Rights in International Law Elsa Stamatopoulou, 2007 Drawing from a comprehensive review of legal instruments practice jurisprudence and literature and using a multidisciplinary approach this unique book brings forth the full spectrum of cultural rights as individual and collective human rights and offers a compelling vision for public policy

Community and Collective Rights Dwight Newman, 2011-07-13 This book

presents an argument for the existence of moral rights held by groups and a resulting account of how to reconcile group rights with individual rights and with the rights of other groups Throughout the author shows applications to actual legal and political controversies thus tying the normative theory to actual legal practice The author presents collective moral rights as an underlying normative explanation for various legal norms protecting group rights in domestic and international legal contexts Examples at issue include rights held by indigenous peoples by trade unions and by religious and cultural minority groups The account also bears on contemporary discussions of multiculturalism and recognition on debates about reasonable accommodation of minority communities and on claims for third generation human rights The book will thus be relevant both to theorists and to legal and human rights practitioners interested in related areas **A Secular Europe** Lorenzo

Zucca,2012-10-11 The accommodation of diverse religious practices and laws within a secular framework is one of the most pressing and controversial problems facing contemporary European public order In this provocative contribution to the subject Lorenzo Zucca develops a new picture of what secularism means and how Europe can reconcile its religious diversity

Intangible Cultural Heritage in International Law Lucas Lixinski,2013-06-13 This book offers a comprehensive analysis of the legal issues around intangible cultural heritage also known as traditional cultural expressions or folklore It explores both institutional and substantive responses the law offers to the safeguarding of intangible heritage relying heavily on critiques internal and external to the law These external critiques primarily come from the disciplines of anthropology and heritage studies Intangible cultural heritage is safeguarded on three different levels international regional and national At the international level the foremost instrument is the specific UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage 2003 At the regional level initiatives are undertaken both in schemes of political and economic integration a common thread being that intangible cultural heritage helps promote a common identity for the region becoming thus a desirable aspect of the integration process Domestically responses range from strong constitutional forms of protection to rather weak policy initiatives aimed primarily at attracting foreign aid Intangible heritage can also be safeguarded via substantive law and in this respect the book looks at the potential and pitfalls of human rights law intellectual property tools and contractual approaches It investigates how the law works and ought to work towards protecting communities defined as those from where intangible cultural heritage stems and to whom benefits of its exploitation must return The book takes the critiques from anthropological and heritage studies into account in order to posit a re shaped law offering tools that can be valuable to both scholars and practitioners when understanding how to safeguard intangible heritage **Religious Rules,**

State Law, and Normative Pluralism - A Comparative Overview Rossella Bottoni,Rinaldo Cristofori,Silvio

Ferrari,2016-07-07 This book is devoted to the study of the interplay between religious rules and State law It explores how State recognition of religious rules can affect the degree of legal diversity that is available to citizens and why such recognition sometime results in more individual and collective freedom and sometime in a threat to equality of citizens before

the law The first part of the book contains a few contributions that place this discussion within the wider debate on legal pluralism While State law and religious rules are two normative systems among many others the specific characteristics of the latter are at the heart of tensions that emerge with increasing frequency in many countries The second part is devoted to the analysis of about twenty national cases that provide an overview of the different tools and strategies that are employed to manage the relationship between State law and religious rules all over the world Engaging Cultural Differences Richard A. Shweder, Martha Minow, Hazel Rose Markus, 2002-06-27 Liberal democracies are based on principles of inclusion and tolerance But how does the principle of tolerance work in practice in countries such as Germany France India South Africa and the United States where an increasingly wide range of cultural groups holds often contradictory beliefs about appropriate social and family life practices As these democracies expand to include peoples of vastly different cultural backgrounds the limits of tolerance are being tested as never before Engaging Cultural Differences explores how liberal democracies respond socially and legally to differences in the cultural and religious practices of their minority groups Building on such examples the contributors examine the role of tolerance in practical encounters between state officials and immigrants and between members of longstanding majority groups and increasing numbers of minority groups The volume also considers the theoretical implications of expanding the realm of tolerance Some contributors are reluctant to broaden the scope of tolerance while others insist that the notion of tolerance is itself potentially confining and demeaning and that modern nations should aspire to celebrate cultural differences Coming to terms with ethnic diversity and cultural differences has become a major public policy concern in contemporary liberal democracies as they struggle to adjust to burgeoning immigrant populations Engaging Cultural Differences provides a compelling examination of the challenges of multiculturalism and reveals a deep understanding of the challenges democracies face as they seek to accommodate their citizens diverse beliefs and practices **Law's Religion** Benjamin L. Berger, 2016-01-28 Prevailing stories about law and religion place great faith in the capacity of legal multiculturalism rights based toleration and conceptions of the secular to manage issues raised by religious difference Yet the relationship between law and religion consistently proves more fraught than such accounts suggest In Law's Religion Benjamin L. Berger knocks law from its perch above culture arguing that liberal constitutionalism is an aspect of not an answer to the challenges of cultural pluralism Berger urges an approach to the study of law and religion that focuses on the experience of law as a potent cultural force Based on a close reading of Canadian jurisprudence but relevant to all liberal legal orders this book explores the nature and limits of legal tolerance and shows how constitutional law's understanding of religion shapes religious freedom Rather than calling for legal reform Law's Religion invites us to rethink the ethics virtues and practices of adjudication in matters of religious difference Regime Interaction in International Law Margaret A. Young, 2012-01-12 Leading scholars advance the discussion of international law's fragmentation in new and provocative ways **Yale Journal of Law & the Humanities**, 2005 *Library of Congress*

Subject Headings Library of Congress,2013

The Globalization of International Law Paul Schiff Berman,2017-07-05

International law is no longer a sufficient rubric to describe the complexities of law in an era of globalization Accordingly this collection situates cross border norm development at the intersection of interdisciplinary scholarship on comparative law conflict of laws civil procedure cyberlaw legal pluralism and the cultural analysis of law as well as traditional international law It provides a broad range of seminal articles on transnational law making governmental and non governmental networks judicial influence and cooperation across borders the dialectical relationships among national international and non state legal norms and the possibilities of bottom up and plural law making processes The introduction situates these articles within the framework of law and globalization and suggests four important ways in which such a framework enlarges the traditional focus of international law This book therefore provides a crucial reference for scholars and practitioners seeking to understand the varied processes of norm development in the emerging global legal order

The Cultural Life of Intellectual Properties Rosemary J. Coombe,1998-10-13 An ethnography of intellectual property discussing the uses made of items of intellectual property by various cultural groups for purposes of identity solidarity resistance and so forth

The Politics of Cultural Differences David C. Leege,Kenneth D. Wald,Brian S. Krueger,Paul D. Mueller,2009-01-10 How did Republicans manage to hold the White House through much of the past half century even as the Democratic Party held the hearts of most American voters The authors of this groundbreaking study argue that they did so by doing what Democrats have also excelled at triggering psychological mechanisms that deepen cultural divisions in the other party's coalition thereby leading many of its voters either to choose the opposing ticket or to stay home The Politics of Cultural Differences is the first book to develop and carefully test a general theory of cultural politics in the United States one that offers a compelling new perspective on America's changing political order and political conflict in the post New Deal period 1960-1996 David Leege Kenneth Wald Brian Krueger and Paul Mueller move beyond existing scholarship by formulating a theory of campaign strategies that emphasizes cultural conflict regarding patriotism race gender and religion Drawing on National Election Studies data they find that Republican politicians deployed powerful symbols e.g. tax and spend liberals to channel targeted voters toward the minority party And as partisanship approached parity in the 1990s Democratic leaders proved as adept at deploying their own symbols such as a woman's right to choose to disassemble the Republican coalition A blend of sophisticated theory and advanced empirical tools this book lays bare the cultural dimensions of American political life

Unveiling the Energy of Verbal Artistry: An Emotional Sojourn through **Emblems Of Pluralism Cultural Differences And The State The Cultural Lives Of Law**

In some sort of inundated with monitors and the cacophony of instantaneous connection, the profound power and emotional resonance of verbal artistry often disappear into obscurity, eclipsed by the continuous assault of noise and distractions. However, located within the musical pages of **Emblems Of Pluralism Cultural Differences And The State The Cultural Lives Of Law**, a charming perform of fictional elegance that impulses with organic emotions, lies an memorable trip waiting to be embarked upon. Composed with a virtuoso wordsmith, that magical opus guides readers on a psychological odyssey, softly revealing the latent possible and profound influence stuck within the elaborate internet of language. Within the heart-wrenching expanse with this evocative analysis, we shall embark upon an introspective exploration of the book is key subjects, dissect its charming writing fashion, and immerse ourselves in the indelible impact it leaves upon the depths of readers souls.

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