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# Juridification and Social Citizenship in the Welfare State

# Juridification And Social Citizenship In The Welfare State

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## **Juridification And Social Citizenship In The Welfare State:**

**Juridification and Social Citizenship in the Welfare State** Henriette Sinding Aasen, Siri Gloppen, Anne-Mette Magnussen, Even Nilssen, 2014-09-26 The concept of juridification refers to a diverse set of processes involving shifts towards more detailed legal regulation regulations of new areas and conflicts and problems increasingly being framed in legal and rights oriented terms This timely

**Social Rights in the Welfare State** Toomas Kotkas, Kenneth Veitch, 2016-12-08 At a time when the future of the welfare state is the object of heated debate in many European countries this edited collection explores the relationship between this institution and social rights Structured around the themes of the politics of social rights questions of equality and social exclusion inclusion and the increasing impact of market imperatives on social policy the book explores the effect of transformations in the welfare state upon social rights and their underlying rationalities and logics Written by a group of international scholars many of the essays discuss a number of urgent and topical issues within social policy including the social rights of asylum seekers the increasing marketization and consumerization of public welfare services the care of the elderly and the obligation to work as a condition of access to welfare benefits International in its scope and interdisciplinary in its approach this collection of essays will appeal to scholars and students working in the fields of law and socio legal studies sociology social policy and politics It will also be of interest to policy makers and all those engaged in the debate over the future of the welfare state and social rights

New Contractualism in European Welfare State Policies Rune Ervik, Nanna Kildal, 2016-03-09 The Golden Age of the welfare state in Europe was characterised by a strengthening of social rights as citizens became increasingly protected through the collective provision of income security and social services The oil crisis inflation and high unemployment of the 1970s largely saw the end of welfare expansion with critical voices claiming the welfare state had created an unbalanced focus on the social rights of individuals above their responsibilities as citizens During the 1980s many western countries developed contractual modes of thinking and regulation within welfare policy Contractualism has proved a significant organising principle for public reforms in general and for social policy reforms in particular as it embraces both a way of justifying certain welfare policies and of constructing specific socio legal policy instruments Engaging with both the critique of the welfare state and the subsequent policy responses expert contributors in this book examine contractualism as a discourse comprising principles and justifying ideas and as a legal and social practice Covering the international debate on conditionality they discuss European experiences with active social citizenship ideas and contractualism providing individual case studies and comparisons from a wide range of European countries

*EU Citizenship and Social Rights* Frans Pennings, Martin Seeleib-Kaiser, 2018-03-30 In the 1990s the Maastricht Treaty introduced the right to free movement for EU citizens In practice however there are substantial barriers to making use of this right particularly to integration and to accessing the social and welfare rights available This is particularly true when it comes to accessing social rights such as social assistance housing benefit study grants and health care This book

provides a detailed description and thorough analysis of these barriers in both law and practice Trust, Courts and Social Rights David Vitale, 2024-02-15 *Trust Courts and Social Rights* proposes an innovative legal framework for judicially enforcing social rights that is rooted in public trust in government or political trust Interdisciplinary in nature the book draws on theoretical and empirical scholarship on the concept of trust across disciplines including philosophy sociology psychology and political theory It integrates that scholarship with the relevant public law literature on social rights fiduciary political theory and judicial review In doing so the book uses trust as an analytical lens for social rights law importing ideas from the scholarship on trust into the social rights literature and develops a normative argument that contributes to the controversial debate on how courts should enforce social rights Also global in focus the book uses cases from courts in Africa Europe Latin America and North America to illustrate how the trust based framework operates in practice *Human Rights, Democracy, and Legitimacy in a World of Disorder* Silja Voienky, Gerald L. Neuman, 2018-10-11 Examines a trio of key concepts that help to stabilize states and the international order human rights democracy and legitimacy **Migration Control and Access to Welfare** Marry-Anne Karlsen, 2021-06-22 The Open Access version of this book available at [www.taylorfrancis.com](http://www.taylorfrancis.com) has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license Over the past decades European states have increasingly limited irregular migrants access to welfare services as a tool for migration control Still irregular migrants tend to have access to certain basic services although frequently of a subordinate arbitrary and unstable kind Drawing on in depth ethnographic fieldwork conducted in Norway this book sheds light on ambiguities in the state's response to irregular migration that simultaneously cut through law policy and practice Carefully examining the complex interplay between the geopolitical management of territory and the biopolitical management of populations the book argues that irregularised migrants should be understood as precariously included in the welfare state rather than simply excluded The notion of precarious inclusion highlights the insecure and unpredictable nature of the inclusive practises underscoring how limited access to welfare does not necessarily contradict restrictive migration policies Taking the situated encounters between irregularised migrants and service providers as its starting point for exploring broader questions of state sovereignty biopolitics and borders *Migration Control and Access to Welfare* offers insightful analyses of the role of life territory and temporality in contemporary politics As such it will appeal to scholars of migration and border studies gender research social anthropology geography and sociology Collaborating Against Child Abuse Susanna Johansson, Kari Stefansen, Elisiv Bakketeig, Anna Kaldal, 2017-10-18 This book is open access under a CC BY 4.0 license This edited collection explores the background and implementation of the Nordic Barnahus or Children's House model recognised as one of the most important reforms related to children who are the victims of crime in the Nordic region This book discusses both its potential to affect change and the challenges facing it The model was introduced as a response to a growing recognition of the need for more integrated and child centred services for children exposed to violence and sexual abuse In the Barnahus

structure different professions work together to ensure that victimized children receive help and treatment and that their legal rights are met This original study is organised into four broad themes child friendliness support and treatment the forensic child investigative interview children s rights perspectives and interagency collaboration and professional autonomy Each themed section includes in depth chapters from different Nordic countries outlining and analysing the practice and outcomes of the collaborative work engaged in by Barnahus from different perspectives The introductory and concluding chapters offer a comparative lens useful for policy and practice implementation within the Nordic welfare state context and beyond ensuring this book has global academic and practical appeal

**Women's Human Rights** Anne Hellum, Henriette Sinding Aasen, 2013-07-11 As an instrument which addresses the circumstances which affect women s lives and enjoyment of rights in a diverse world the CEDAW is slowly but surely making its mark on the development of international and national law Using national case studies from South Asia Southern Africa Australia Canada and Northern Europe Women s Human Rights examines the potential and actual added value of the Convention on the Elimination of All Forms of Discrimination against Women in comparison and interaction with other equality and anti discrimination mechanisms The studies demonstrate how state and non state actors have invoked adopted or resisted the CEDAW and related instruments in different legal political economic and socio cultural contexts and how the various international regional and national regimes have drawn inspiration and learned from each other

**Social Theory in a Changing World** Gerard Delanty, 2013-05-08 This book provides a critical assessment of contemporary social theory for students in the social sciences Delanty examines the writings of a number of key contemporary thinkers including Habermas Foucault Bauman Touraine Giddens and Beck and provides a clear account of the strengths and limitations of their work

**The Role of the State and Industrial Relations** Adalberto Perulli, Tiziano Treu, 2019-10-05 The Role of the State and Industrial Relations Edited by Adalberto Perulli phenomenon of constitutionalization of power by multinational enterprises competitive illiberal and protectionist patterns of state regulation freedom of association and industrial relations potential power of transnational collective bargaining impact of worktime arrangements role of European Works Councils exemplary value of the German system of workers participation and global framework agreements Using a comparative approach the European Union France Spain Germany Italy Japan China the United States Brazil South Africa India the book reconstructs the general framework of global industrial relations considering challenges and future prospects and proposing a new agenda for the state Contributors include widely renowned professors of labour commercial and international law as well as experts from the International Labour Organization and the International Society for Labour and Social Security Law The debate about industrial relations and the state in our globalized world is of major concern for practitioners in governments companies employers associations and trade unions as well as for company managers entrepreneurs consultants judges human rights lawyers and academics interested in labour industrial relations and social rights in European and international contexts

*Revolution and Evolution*

in *Private Law* Sarah Worthington, Andrew Robertson, Graham Virgo, 2018-01-11 The development of private law across the common law world is typically portrayed as a series of incremental steps each one delivered as a result of judges dealing with marginally different factual circumstances presented to them for determination This is said to be the common law method According to this process change might be assumed to be gradual almost imperceptible If this were true however then even Darwinian style evolution which is subject to major change inducing pressures such as the death of the dinosaurs would seem unlikely in the law and radical and revolutionary paradigms shifts perhaps impossible And yet the history of the common law is to the contrary The legal landscape is littered with quite remarkable revolutionary and evolutionary changes in the shape of the common law The essays in this volume explore some of the highlights in this fascinating revolutionary and evolutionary development of private law The contributors expose the nature of the changes undergone and their significance for the future direction of travel They identify the circumstances and the contexts which might have provided an impetus for these significant changes The essays range across all areas of private law including contract tort unjust enrichment and property No area has been immune from development That fact itself is unsurprising but an extended examination of the particular circumstances and contexts which delivered some of private law's most important developments has its own special significance for what it might indicate about the shape and the shaping of private law regimes in the future

*The Oxford Handbook of Constitutional Law in Latin America* Conrado Hübner Mendes, Roberto Gargarella, Sebastián Guidi, 2022 This Oxford Handbook details the constitutions and constitutional history of Latin America providing comparative analysis of the prevailing institutional models and major themes in the region's constitutionalism

**The Dispositif of the University Reform** Helena Ostrowicka, Justyna Sychalska-Stasiak, Łukasz Stankiewicz, 2020-02-10 The Dispositif of the University Reform presents a discourse analysis about transformations in higher education in Poland Combining Foucauldian categories of discourse dispositif and governmentality with contemporary changes in the area of science and higher education it proposes an analysis of power in close connection with the development of knowledge The book researches the tradition built on the works of Michel Foucault one of the most prominent and inspiring researchers for the contemporary humanities It introduces the Polish context to the international debate on higher education transformations and the reception of Foucauldian categories in social research In addition it presents the original concept of the dispositif of the reform as a heuristic model of describing and explaining the practice of regulating academic life and education policy As a valuable contribution to the knowledge about the legitimization of educational policy and the practice formed by dominant discourses the book will be of great interest for academics researchers and post graduate students in the fields of sociology of education sociology of knowledge critical pedagogy public policy educational studies and philosophy

Constitutionalism Alejandro Linares Cantillo, Camilo Valdivieso-León, Santiago García-Jaramillo, 2021-03-11 This book is a compilation of twenty essays prepared for the occasion of the XIII Academic Conference of the Constitutional Court of the Republic of Colombia held in

Bogota in January 2019 Gathering some of the most prominent authors in constitutionalism and legal theory the chapters critically examine classical debates such as the role of judicial review in a democracy the enforcement of socio economic rights the doctrine of unconstitutional amendments the use of international and foreign precedents by national Courts and the theory of transitional justice The book opens a dialogue between philosophers and empirical researchers building bridges between Global North and Global South approaches to constitutionalism As such it is an invitation to reengage with the classical debates on constitutionalism whilst also providing fresh insights into the future of this discipline **Research**

**Methods in Labour Law** Alysia Blackham, Sean Cooney, 2024-08-06 This Handbook provides an accessible overview of the different methods approaches and theories which can be used to enrich labour law research Drawing on cutting edge research projects leading scholars present insights and reflections on the past present and future of labour law scholarship

**Healthcare rights on trial in Latin America: A comparative study** Rodolfo Gutiérrez Silva, 2024-04-12 A muchos pacientes se les niega el acceso a los servicios de salud y a los medicamentos en América Latina por lo que los jueces tienen que intervenir Esta tendencia de judicialización se ha acelerado durante la última década En un sentido similar la literatura existente sobre la justiciabilidad y judicialización del derecho a la salud se ocupa de la cuestión de si los jueces deben intervenir o no en la protección del derecho a la salud Objetivo Evaluar los desafíos derivados del litigio del Derecho a la Salud en Colombia Argentina Brasil y México Metodología Marco analítico y metodológico cualitativo descriptivo y comparativo Incluye una revisión bibliográfica y 37 entrevistas semiestructuradas a jueces académicos y funcionarios gubernamentales Además se realizó un análisis jurisprudencial de la jurisprudencia más reciente en los 4 países mediante análisis de contenido Resultados En los cuatro países estudiados persiste un enfoque moderado orientado a las repercusiones en el litigio y preocupado por las consecuencias del proceso de judicialización Esto supone en primer lugar la incorporación de algunos límites y condiciones en el reconocimiento del derecho a la salud por parte de los Tribunales y en segundo lugar en términos generales que las sentencias no están teniendo en cuenta las causas estructurales que afectan a la litigiosidad Conclusiones Los tribunales deberían avanzar hacia un equilibrio intencional en el reconocimiento los remedios la supervisión y la evaluación de las sentencias Esto implica ser más reflexivos y estratégicos que reactivos y pasivos En otras palabras cuanto más inmaduro sea el sistema sanitario y más causas estructurales se perciban más reflexivos y estratégicos deberían ser los Tribunales y más se debería promover el reconocimiento la protección la supervisión y la evaluación Los Estados también deben adoptar medidas contundentes contra las causas estructurales y deben hacer operativo un enfoque de la salud más práctico y basado en los derechos de manera tangible **Jurisprudence and Socio-Legal Studies** Roger

Cotterrell, 2024-03-12 This book presents a set of related studies aimed at showing key points of intersection and common interest between jurisprudence and socio legal studies which are otherwise typically considered distinct fields It reflects and draws on the author's work in these areas over more than four decades The first half of the book explores theoretical issues

surrounding the enterprise of socio legal research its current scope and its historical traditions Some chapters directly compare juristic theory and socio legal inquiry Chapters in Part II profile a selection of European jurists whose work offers important insights for socio legal inquiry Other chapters frame these studies explore the history of interactions between jurisprudence and socio legal research and show points of convergence between these fields that are increasingly important today A main aim of the book is to show the current urgency of linking and broadening juristic and social scientific interests in law Internationally oriented the book will be of interest to students and researchers in the areas of jurisprudence legal philosophy sociology of law socio legal studies and comparative law It is suitable as supplementary reading for courses in any of these subjects Contemporary and Innovative Practices in Child and Youth Advocacy Centre Models Annick

St-Amand, Pearl Rimer, Danielle Nadeau, James Herbert, Wendy Walsh, 2023-04-19T00:00:00-04:00 This book provides a range of perspectives offering valuable insights suggestions and advice to stimulate ideas for establishing growing and modifying a Child Advocacy Centre CAC model and multi agency collaboration in order to build capacity to respond to the incredibly diverse types of cases children youth and families that come through a CAC s doors **World Class Universities** Sharon Rider, Michael A. Peters, Mats Hyvönen, Tina Besley, 2020-12-31 This open access book focuses on the dimensions of the discourse of The World Class University its alleged characteristics and its policy expressions It offers a broad overview of the historical background and current trajectory of the world class university construct It also deepens the theoretical discussion and points a way forward out of present impasses resulting from the pervasive use and abuse of the notion of world class and related terms in the discourse of quality assessment The book includes approaches and results from fields of inquiry not otherwise prominent in Higher Education studies including philosophy and media studies as well as sociology anthropology educational theory The growing impact of global rankings and their strategic use in the restructuring of higher education systems to increase global competitiveness has led to a reputation race and the emergence of the global discourse of world class universities The discourse of world class universities has rapid uptake in East Asian countries with China recently refining its strategy This book provides insights into this process and its future development



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