

Legal Ethics and Human Dignity

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CAMBRIDGE STUDIES IN
PHILOSOPHY AND LAW

Legal Ethics And Human Dignity Cambridge Studies In Philosophy And Law

Raffael N Fasel, Sean C Butler



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Legal Ethics and Human Dignity David Luban, 2009-08-06 A wide ranging collection of essays from a leading scholar of legal ethics

The Utopian Human Right to Science and Culture Anna Maria Andersen Nawrot, 2016-03-03 This book explores the question of whether the ideal right to science and culture exists It proposes that the human right to science and culture is of a utopian character and argues for the necessity of the existence of such a right by developing a philosophical project situated in postmodernity based on the assumption of thinking in terms of excedence The book brings a novel and critical approach to human rights in general and to the human right to science and culture in particular It offers a new way of thinking about access to knowledge in the postanalogue postmodern society Inspired by twentieth century critical theorists such as Levinas Gadamer Bauman and Habermas the book begins by using excedence as a way of thinking about the individual speech and text It considers paradigms arising from postanalogue society revealing the neglected normative content of the human right to science and culture and proposes a morality dignity and solidarity situated in a postmodern context Finally the book concludes by responding to questions on happiness dignity and that which is social Including an Annex which presents the author's private project related to thinking in the context of the journey from myth to reason this book is of interest to researchers in the fields of philosophy and the theory of law human rights intellectual property and social theory

Overcoming Toxic Emotions Raymond Olusesan Aina, 2022-07-06 *Overcoming Toxic Emotions* is a compelling theme to enrich the restorative justice literature on the complex tasks of relational repair in a transitional society With its emphasis on the centrality of rebuilding trust and renewing the mode of being together this book is an innovative addition to the literature on justice in transitional societies It offers an original assessment of the Nigerian experience of restorative justice in peacebuilding This genuinely theological work opens new perspectives for a more adequate understanding of the Christian contribution to peacebuilding and the secular debate on restorative justice Yet the author expresses himself as an African theologian paying attention to the specific context of the problems about transitional justice and integrating spontaneously the wisdom of his dual cultures Yoruba and Christianity With its attentiveness to victim perspectives the book engages the traditional notion of divine omnipotence and vulnerability The book rejects the notion of the fetish omnipotent God It opts instead for an image of God as vulnerable yet powerful in love compelling inspiring and rallying us

Ethnic Diversity, Plural Democracy and Human Dignity Mario Krešić, Damir Banović, Alberto Carrio Sampedro, Jānis Pleps, 2022-04-25 Given their ethnic diversity to what extent and at what cost and benefit to human dignity can European countries adopt and adapt plural democracy The contributors to this volume offer answers to this question from a variety of multidisciplinary perspectives within the framework of the integral theory of law and the state Their shared aim is to explain legal phenomena in the context of other relevant issues and to identify analyse and critique conceptualizations problems and situations This volume is rooted in the historical and contemporary European experience

with special cases from Bosnia and Hercegovina Croatia Latvia Slovenia Spain and Canada which are relevant for understanding the European problem Solutions to the problem are sought through innovative interpretations of the rule of law democracy and human dignity which are followed by argumentation about how these concepts when recognized as European legal principles can be implemented in order to avoid ethnic conflicts Following an introduction that defines the problem at the centre of the book and explains how legal theory can be used to address it the book consists of eleven contributions divided into three thematic sections The first covers topics concerning the European principles which can help avoid ethnic conflicts the principle of compulsory adjudication in interstate relations the principle of democracy and principles regarding the recognition of individual and collective identities These European principles are then investigated by drawing on legal and political theories The second section presents three ways of conceptualizing ethnical needs in multi ethnic states asymmetric federalism democratic account and cooperative federalism The third and final section elaborates on issues concerning the protection of minority rights the role of judicial ideology in protecting minority rights citizenship the EU mechanism for the protection of minority rights and the importance of remembering tragic events affecting minorities

Human Dignity and the Foundations of International Law Patrick Capps, 2009-06-11 International lawyers have often been interested in the link between their discipline and the foundational issues of jurisprudential method but little that is systematic has been written on this subject In this book an attempt is made to fill this gap by focusing on issues of concept formation in legal science in general with a view to their application to the specific concerns of international law In responding to these issues the author argues that public international law seeks to establish and institutionalise a system of authoritative judgment whereby the conditions by which a community of states can co exist and co operate are ensured A state in turn must be understood as ultimately deriving legitimacy from the pursuit of the human dignity of the community it governs as well as the dignity of those human beings and states affected by its actions in international relations This argument is in line with a long and now resurgent Kantian tradition in legal and political philosophy The book shows how this approach is reflected in accepted paradigm cases of international law such as the United Nations Charter It then explains how this approach can provide insights into the theoretical foundations of these accepted paradigms including our understanding of the sources of international law international legal personality and the design of global institutions

The Philosophical Review Jacob Gould Schurman, James Edwin Creighton, Frank Thilly, Gustavus Watts Cunningham, 2007 An international journal of general philosophy

Global Democracy and Human Self-Transcendence Glen T.

Martin, 2019-01-15 This volume examines the dynamics of self transcendence for both individuals and humanity as a whole In doing so it illuminates the definitive relationship between self transcendence and global democracy Drawing upon a vast literature of philosophy psychology and religion ancient and modern East and West this book reveals the power of human futurity in actualizing our higher potential It represents a real breakthrough in understanding our emerging new era in the

evolution of humanity It describes our transition from personal consciousness to global consciousness The book includes chapters on the fundamental ideas that animate our self understanding and define our common humanity Through careful scholarship it examines the dynamics of human dignity freedom love community intrinsic rights and global ethics It explores each of these concepts as a dimension of our human temporality as we envision and move into an ever transcending future a future that includes a World Parliament and planetary democracy In our time of apparent hopelessness and despair this volume reveals the grounds for a powerful hope that we can establish one world civilization of peace justice freedom and sustainability It makes a truly unique contribution not found elsewhere in today s literature revealing the astonishing dignity and potential of being human It is essential reading for all those concerned for the future of humanity and our precious planet Earth

Walzer and War Graham Parsons, Mark A. Wilson, 2020-04-17 This book presents ten original essays that reassess the meaning relevance and legacy of Michael Walzer s classic Just and Unjust Wars Written by leading figures in philosophy theology international politics and the military the essays examine topics such as territorial rights lessons from America s wars in Iraq and Afghanistan the practice of humanitarian intervention in light of experience Walzer s notorious discussion of supreme emergencies revisionist criticisms of noncombatant immunity gender and the rights of combatants the peacebuilding critique of just war theory and the responsibility of soldiers for unjust wars Collectively these essays advance the debate in this important field and demonstrate the continued relevance of Walzer s work

Chinese Yearbook of Human Rights, Volume 5 (2023) Huawen Liu, Wei Zhang, 2023-10-20 The Chinese Yearbook of Human Rights is a forum for academic exchange between China and the international community in the field of human rights It publishes peer reviewed articles by scholars and practitioners from both within and outside China on human rights issues from the perspectives of law philosophy political science history international relations and other relevant academic disciplines The Yearbook was originally founded in cooperation with the UN Office of the High Commissioner for Human Rights the Raoul Wallenberg Institute of Human Rights and Humanitarian Law and the Chinese Academy of Social Sciences but fell silent from 2008 onwards It now has a new editorial team consisting of internationally based human rights scholars and a team of editors at the Institute for Human Rights of the China University of Political Science and Law and the Center for Human Rights Studies of the Chinese Academy of Social Sciences Volume 5 2023 is the result of that cooperation and focuses on the topical issue of international standards and international monitoring procedures including historical evolution current interpretation and application the monitoring work by both treaty and Charter based bodies and directions for future developments

One Rights: Human and Animal Rights in the Anthropocene Saskia Stucki, 2023-01-01 This is an open access book Animals are the traditional blind spot in human rights theory This book brings together the seemingly disparate discourses of human and animal rights and looks at emerging animal rights as new human rights It approaches the question whether animals can and should have human rights through a comprehensive review of contemporary human rights

philosophy discussing both naturalistic and political justifications of human and animal rights On philosophical as well as practical grounds this book argues that there are compelling conceptual principled and prudential reasons for modernizing the human rights paradigm and integrating animals into its protective mandate Moreover this book proposes the novel One Rights approach as a new post human rights paradigm for the Anthropocene One Rights advances a holistic understanding of the indivisibility and interdependence of human and animal rights This book explores how the systematic subjugation exploitation and extermination of animals simultaneously contributes to some of the gravest social and environmental threats to human rights such as animalistic dehumanization and climate change This book submits that in light of their socio political and ecological interconnectedness human and animal rights are best protected in concert The themes of this book are part of a larger conversation about postanthropocentric legal paradigms emerging in the Anthropocene For human rights to survive in this era of anthropogenic crises we need to abandon the toxic ideology of human exceptionalism and embrace a more inclusive version of post human rights that tends to the nonhuman This book intends to show that a holistic One Rights approach promises to achieve better rights protective outcomes for humans animals and their shared planetary home

Handbook of Legal Reasoning and Argumentation Giorgio Bongiovanni, Gerald Postema, Antonino Rotolo, Giovanni Sartor, Chiara Valentini, Douglas Walton, 2018-07-02 This handbook addresses legal reasoning and argumentation from a logical philosophical and legal perspective The main forms of legal reasoning and argumentation are covered in an exhaustive and critical fashion and are analysed in connection with more general types and problems of reasoning Accordingly the subject matter of the handbook divides in three parts The first one introduces and discusses the basic concepts of practical reasoning The second one discusses the general structures and procedures of reasoning and argumentation that are relevant to legal discourse The third one looks at their instantiations and developments of these aspects of argumentation as they are put to work in the law in different areas and applications of legal reasoning *Human Dignity and Assisted Death* Sebastian Muders, 2018 Assisted dying and human dignity are two extremely contested topics in Bioethics This volume offers the first book length attempt to bring both together Its authors develop detailed philosophical analyses of dignity and how it relates to assisted suicide and euthanasia **Encyclopedia of Ethics** Lawrence C. Becker, Charlotte B. Becker, 2013-10-18 The editors working with a team of 325 renowned authorities in the field of ethics have revised expanded and updated this classic encyclopedia Along with the addition of 150 new entries all of the original articles have been newly peer reviewed and revised bibliographies have been updated throughout and the overall design of the work has been enhanced for easier access to cross references and other reference features New entries include Cheating Dirty hands Gay ethics Holocaust Journalism Political correctness and many more *Reconciling Law and Morality in Human Rights Discourse* Willy Moka-Mubelo, 2016-12-13 In this book I argue for an approach that conceives human rights as both moral and legal rights The merit of such an approach is its capacity to understand human rights more in terms of the

kind of world free and reasonable beings would like to live in rather than simply in terms of what each individual is legally entitled to. While I acknowledge that every human being has the moral entitlement to be granted living conditions that are conducive to a dignified life, I maintain at the same time that the moral and legal aspects of human rights are complementary and should be given equal weight. The legal aspect compensates for the limitations of moral human rights; the observance of which depends on the conscience of the individual and the moral aspect tempers the mechanical and inhumane application of the law. Unlike the traditional or orthodox approach which conceives human rights as rights that individuals have by virtue of their humanity and the political or practical approach which understands human rights as legal rights that are meant to limit the sovereignty of the state, the moral legal approach reconciles law and morality in human rights discourse and underlines the importance of a legal framework that compensates for the deficiencies in the implementation of moral human rights. It not only challenges the exclusively negative approach to fundamental liberties but also emphasizes the necessity of an enforcement mechanism that helps those who are not morally motivated to refrain from violating the rights of others. Without the legal mechanism of enforcement, the understanding of human rights would be reduced to simply framing moral claims against injustices. From the moral legal approach, the protection of human rights is understood as a common and shared responsibility. Such a responsibility goes beyond the boundaries of nation states and requires the establishment of a cosmopolitan human rights regime based on the conviction that all human beings are members of a community of fate and that they share common values which transcend the limits of their individual states. In a cosmopolitan human rights regime, people are protected as persons and not as citizens of a particular state.

Human Rights and Sustainability Gerhard Bos, Marcus Düwell, 2016-02-26. The history of human rights suggests that individuals should be empowered in their natural political, political, social, and economic vulnerabilities. States within the international arena hold each other responsible for doing just that and support or interfere where necessary. States are to protect these essential human vulnerabilities even when this is not a matter of self interest. This function of human rights is recognized in contexts of intervention, genocide, humanitarian aid, and development. This book develops the idea of environmental obligations as long term responsibilities in the context of human rights. It proposes that human rights require recognition that in the face of unsustainable conduct, future human persons are exposed and vulnerable. It explores the obstacles for long term responsibilities that human rights law provides at the level of international and national law and challenges the question of whether lifestyle restrictions are enforceable in view of liberties and levels of wellbeing typically seen as protected by human rights. The book will be of interest to postgraduates studying Human Rights, Sustainability, Law, and Philosophy.

Theorizing Legal Punishment Richard L. Lippke, 2024-02-06. This book systematically defends an account of the institution of legal punishment that draws on both retributive and crime prevention thinking. The work argues that legal punishment censures convicted offenders and thus morally communicates with them, any victims, and the broader community while also serving to reduce future crime. The

expressive or retributive element is assigned the lead role in this mixed account because it better captures the notion that members of society are to be held morally accountable for their failures to abide by defensible criminal prohibitions of various kinds. Despite this it is conceded that the reduction of crime plays a vital role in justifying the institution of legal punishment and the book contains extended discussion of how and why this is so. Beyond its explication of the aims of legal punishment and their respective roles within a mixed theory the study devotes separate chapters to sentencing criminal procedure and the imposition of fees and collateral legal consequences on individuals who have been convicted of crimes and fully served their sentences. In these ways the work moves beyond discussion of the abstract aims of legal punishment to details of the institution's internal structure and operations. The many historical deficiencies and failures of the institution are duly noted and the challenges they pose for punishment theorizing are examined. The book closes with discussion of the limited success of punishment institutions in apprehending and punishing those who violate the law including many who do so in serious ways. Alternatives to reliance on legal punishment institutions are briefly examined. In the end retention of such institutions is urged although it is suggested that we ought to have modest expectations about their ultimate success. The work will be of interest to those working in the areas of Legal Philosophy and Criminology.

European Values François Foret, Oriane Calligaro, 2018-06-14. Redefinitions of EU borders enlargements. Brexit geopolitical challenges conflicts migrations terrorism environmental risks and the economic and financial crises have triggered debates on the common values that hold European countries and citizens together justify public action and ensure the sustainability of European governance. This book discusses the genesis of and increasing references to European values their appropriation by diverse groups of actors and their impact on public action. It argues that European values are a broad and flexible symbolic repertoire instrumental to serving diverging ends and a resource for both negotiation and conflicts. Looking at the broader picture the book reflects on the role of values in the institutionalization of the EU as a political order and paves the way to an assessment of its singularity in comparison with other polities across time and space. This text will be of key interest to scholars students and practitioners in EU politics comparative politics IR public policy sociology and cultural studies.

Exploitation, Ethics and Law Suzanne Ost, Hazel Biggs, 2021-08-25. Focusing on a matter of continuing contemporary significance this book is the first work to offer an in depth exploration of exploitation in the doctor patient relationship. It provides a theoretical analysis of the concept of exploitation setting out exploitation's essential elements within the author's account of wrongful exploitation. It then presents a contextual analysis of exploitation in the doctor patient relationship considering the dynamics of this fiduciary relationship the significance of vulnerability and the reasons why exploitation in this relationship is particularly wrongful. Two case studies sexual exploitation and assisted dying are employed to assess what the appropriate legal ethical and regulatory responses to exploitation should be to identify common themes regarding the doctor's behaviour such as the use of undue influence as a conduit through which to take advantage of and

misuse patients and to illustrate the effects of exploitation on patients A recurring question addressed is how exploitation in the doctor patient relationship is and should be dealt with by ethics regulators and the law and whether exploitation in this relationship is a special case The book provides a critical interdisciplinary evaluation of exploitation in the doctor patient relationship that will be of interest to health care lawyers bioethicists legal academics and practitioners health care professionals and policymakers

Animal Rights Law Raffael N Fasel, Sean C Butler, 2023-02-23 Do animals have legal rights This pioneering book tells readers everything they need to know about animal rights law Using straightforward examples from over 30 legal systems from both the civil and common law traditions and based on popular courses run by the authors at the Cambridge Centre for Animal Rights the book takes the reader from the earliest anti cruelty laws to modern animal welfare laws to recent attempts to grant basic rights and personhood to animals To help readers understand this legal evolution it explains the ethics legal theory and social issues behind animal rights and connected topics such as property subjecthood dignity and human rights The book s companion website bloomsbury pub animal rights law provides access to briefs on the latest developments in this fast changing area and gives readers the tools to investigate their own legal systems with a list of key references to the latest cases legislation and jurisdiction specific bibliographic references Rich in exercises and study aids this easy to use introduction is a prime resource for students from all disciplines and for anyone else who wants to understand how animals are protected by the law

Subjectivity, Citizenship and Belonging in Law Anne Griffiths, Sanna Mustasaari, Anna Mäki-Petäjä-Leinonen, 2016-10-04 This collection of articles critically examines legal subjectivity and ideas of citizenship inherent in legal thought The chapters offer a novel perspective on current debates in this area by exploring the connections between public and political issues as they intersect with more intimate sets of relations and private identities Covering issues as diverse as autonomy vulnerability and care family and work immigration control the institution of speech and the electorate and the right to vote they provide a broader canvas upon which to comprehend more complex notions of citizenship personhood identity and belonging in law in their various ramifications Chapter 7 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4.0 license

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