Philosophical Foundations Of Human Rights
Philosophical Foundations Of Law

Describes the origins and development of the concept of human rights, looks at current issues, provides a chronology of events, includes brief biographical sketches and human rights documents, and presents research and data sources. The relationship between human rights and justice is significant, deep, and ultimately contested. The two terms themselves – human rights and justice – have experienced both conceptual and operational pushback from many quarters in recent years. Although an understanding of justice is inherent in broad human rights discourses, there is no clear consensus on how to integrate and reconcile these concepts – both as a means of advancing knowledge and as a mechanism for the development of sound and effective policy at the global, regional, and national levels. Further, expansions of the boundaries of both human rights and justice make any clear and settled understanding of the relation difficult to ascertain. This volume tackles these issues in a coherent and complementary manner. It examines a range of philosophical, economic, and social perspectives that are key to understanding the nature of the linkages between human rights and
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justice, written by scholars who are at varying stages of their careers, and whose ongoing work has sparked dialogue and exchange within and across these fields. This work will be of interest to students and scholars of human rights, international relations and ethics.

This book provides the first comprehensive introduction to the role of humanity in international law, offering a fresh perspective to a discussions with global implications. The 1990s and the first decade of the twenty-first century witnessed the sporadic emergence of a new vision of global law. Although the vision has taken many different forms, all instances of it have been uniform in the attempt of radically altering how we understand international law by seeking to posit the human as the primary subject of the international legal order and humanity as its main source of legitimacy. Together, this book calls these instances “the law of humanity project”. In so doing, it also paints a picture of and critically assesses a particular moment in the history of international law – a moment which may have already come to a sudden end as a consequence of the current populist backlash in world politics, but during which it seemed inevitable that the law of humanity vision would come to play an increasingly important role in world affairs.

The aim of sustainable development is to balance our economic, environmental and social needs,
allowing prosperity for current and future generations. Countries must be allowed to meet their basic needs of employment, food, energy, water and sanitation. There is a clear relationship between the three topics of the book: right to education has been recognized as a human right - education has a role in peace-building. Additionally, education, human rights and peace have a significant role in sustainable development. The United Nations have defined a broad range of internationally accepted rights, including civil, cultural, economic, political and social rights. However, this book demonstrates that there are still people and nations not respecting the Universal Declaration of Human Rights. Chapters from Brazil, Cameroon, Ethiopia, Kazakhstan, Israel, Peru, Russia and South-Africa cover topics like civil war, human abuses, the vulnerability of indigenous people, abortion, epilepsy, food security, lack of health equities in maternal and child health, and democracy or lack of it. We sincerely hope that this book will contribute to the joint pursuit of humanity to make the world better after we all get over the coronavirus pandemic.

In the last fifteen years, there has been significant interest in studying the brain structures involved in moral judgments using novel techniques from neuroscience such as functional magnetic resonance imaging (fMRI). Many people, including a number of philosophers, believe that results from
neuroscience have the potential to settle seemingly intractable debates concerning the nature, practice, and reliability of moral judgments. This has led to a flurry of scientific and philosophical activities, resulting in the rapid growth of the new field of moral neuroscience. There is now a vast array of ongoing scientific research devoted towards understanding the neural correlates of moral judgments, accompanied by a large philosophical literature aimed at interpreting and examining the methodology and the results of this research. This is the first volume to take stock of fifteen years of research of this fast-growing field of moral neuroscience and to recommend future directions for research. It features the most up-to-date research in this area, and it presents a wide variety of perspectives on this topic.

The essays included in this collection deal with a wide and diverse range of problems and issues: namely, Cultural Complexity; Globalization; Glocalization; Relativism; Bullshit; Embodied and Situated Cognition; Capabilities Approach; Moral Universalism; Solidarity; Cosmopolitanism; Pluralism; Human Rights; Justice; and “Philosophy” after the end of Philosophy. This work takes its main title from the last essay, in which the author makes an effort to rethink the nature and purpose of “philosophy” for our times, sketching a proposal for a new beginning for philosophy as “critical
such a philosophy would have a clear
and compelling emancipatory thrust. At this point in
human history, it would have to be underwritten by
an ethical universalism that is pluralistic, historically
enlightened and non-ethnocentric. In addition, it
would take seriously the consequences of
complexity in a world that is increasingly
interconnected and interdependent, yet still so far
apart, and would be prepared to draw the full
implications of the embodied and situated cognition
paradigm shift which has taken place in the past few
decades. It would, furthermore, take aim at the
bullshit, in all of its manifestations, that is so
pervasive in various quarters throughout the whole
of culture and society. Finally, it would effectively
contribute to the articulation and elaboration of the
kinds of concepts, frameworks, narratives and
practices, generally speaking, which could somehow
enable humans to rise to the next level in their
understanding of the globalizing and glocalizing
world in which they live, and which is, as is common
knowledge, dramatically confronted by a number of
serious challenges, grave risks and threats, dismal
shortcomings and failures. This work offers
compelling analyses and diagnostics, and makes
some sketch-proposals to urgently grapple with
them.
Applied philosophy has been a growing area of
research for the last 40 years. Until now, however,
almost all of this research has been centered around the field of ethics. A Companion to Applied Philosophy breaks new ground, demonstrating that all areas of philosophy, including epistemology, metaphysics, philosophy of science, and philosophy of mind, can be applied, and are relevant to questions of everyday life. This perennial topic in philosophy provides an overview of these various applied philosophy developments, highlighting similarities and differences between various areas of applied philosophy, and examining the very nature of this topic. It is an area to which many of the towering figures in the history of philosophy have contributed, and this timely Companion demonstrates how various historical contributions are actually contributions within applied philosophy, even if they are not traditionally seen as such. The Companion contains 42 essays covering major areas of philosophy; the articles themselves are all original contributions to the literature and represent the state of the art on this topic, as well as offering a map to the current debates.

Crime, Justice and Human Rights is an introduction to the philosophy, law and politics of human rights, uniquely tailored to criminologists and criminal justice practitioners. Integrating human rights and criminological frameworks across a range of subject areas – from criminalization and state crime, to crime prevention and critical analyses of the operation of
the police, courts and penal system – the authors highlight both the potential and the limitations of human rights in informing new directions in criminology. Featuring case material from Europe, North America, Australia and beyond, this critical, multidisciplinary text supports the teaching of human rights across a wide range of criminological topics, and assists students, researchers and independent readers to incorporate human rights paradigms into their criminological analysis.


This book argues that human rights cannot go global without going local. This important lesson from the winding debates on universalism and particularism raises intricate questions: what are human rights after all, given the dissent surrounding their foundations, content, and scope? What are legitimate deviances from classical human rights (law) and where should we draw “red lines”? Making a case for balancing conceptual openness and distinctness, this book addresses the key human rights issues of our time and opens up novel spaces for deliberation. It engages philosophical reasoning with law, politics, and religion and demonstrates that a meaningful relativist account of human rights is not only possible, but a sorely needed antidote to dogmatism and polarization.

The first book to explore the philosophical foundations of labour law in detail, including topics such as the meaning of work, the relationship between employee and employer, and the demands of justice in the workplace. This book explores to what extent a state owes human rights
obligations to individuals outside of its territory, when the conduct of that state impacts upon the lives of those individuals. It draws upon legal and political philosophy to develop a theory of extraterritoriality based on the nature of human rights, merging accounts of economic, social, and cultural rights with those of civil and political rights Lea Raible outlines four main arguments aimed at changing the way we think about the extraterritoriality of human rights. First, she argues that questions regarding extraterritoriality are really about justifying the allocation of human rights obligations to specific states. Second, the book shows that human rights as found in international human rights treaties are underpinned by the values of integrity and equality. Third, she shows that these same values justify the allocation of human rights obligations towards specific individuals to public institutions - including states - that hold political power over those individuals. And finally, the book demonstrates that title to territory is best captured by the value of stability, as opposed to integrity and equality. On this basis, Raible concludes that all standards in international human rights treaties that count as human rights require that a threshold of jurisdiction, understood as political power over individuals, is met. The book applies this theory of extraterritoriality to explain the obligations of states in a wide range of cases.

In his seminal work, Emotional Intelligence, Daniel Goleman suggests that the common view of human intelligence is far too narrow and that emotions play a much greater role in thought, decision-making and individual success than is commonly acknowledged. The importance of emotion to human experience cannot be denied, yet the relationship between law and emotion is one that has largely been ignored until recent years. However, the last two decades have seen a rapidly expanding interest among scholars of all disciplines into the way in which law and the emotions
interact, including the law's response to emotion and the extent to which emotions pervade the practice of the law. In The Emotional Dynamics of Law and Legal Discourse a group of leading scholars from both sides of the Atlantic explore these issues across key areas of private law, public law, criminal justice and dispute resolution, illustrating how emotion infuses all areas of legal thought. The collection argues for a more positive view of the role of emotion in the context of legal discourse and demonstrates ways in which the law could, in the words of Goleman, become more emotionally intelligent.

2.2. In the CRC.

Analogical Reasoning in Secular and Religious Legal Systems
Terwijl de Franse Revolutie nog volop in beweging was, schreef de oermoeder van het feminisme, Mary Wollstonecraft, in 1792 haar Pleidooi voor de rechten van de vrouw. Daarin trok zij ten strijde tegen de achterstelling die vrouwen al sinds mensenheugenis moesten ondergaan en tegen de vooroordelen die vooraanstaande denkers uit die tijd over vrouwen koesterden. Vrouwen moesten wat haar betreft in alle opzichten dezelfde kansen krijgen als mannen. Ze moesten beroepen kunnen uitoefenen en bijvoorbeeld medicus of vroedvrouw kunnen worden. En vrouwen hoorden vertegenwoordigd te zijn in de politiek, zodat ze zich de wet niet langer hoefden te laten voorschrijven door mannelijke politici.

This textbook presents a range of classical philosophical approaches in order to show that they are unsuitable as a foundation for human rights. Only the conception of human dignity –based on the Kantian distinction between price and dignity – can provide a sufficient basis. The derivation of human rights from the principle of human dignity allows us to identify the most crucial characteristic of human rights,
namely the protection of personhood. This in turn makes it possible (1) to distinguish between real moral human rights and spurious ones, (2) to assess the scope of protection for many codified human rights according to the criteria of “core” and “yard,” and (3) offers a point of departure for creating new, unwritten human rights. This philosophical basis supports a substantial reassessment of the case law on human rights, which will ultimately allow us to improve it with regard to legal certainty, clarity and cogency. The textbook is primarily intended for advanced law students who are interested in a deeper understanding of human rights. It is also suitable for humanities students, and for anyone in the political or social arena whose work involves human rights and their enforcement. Each chapter is divided into four parts: Abstracts, Lecture, Recommended Reading, and Questions to check reader comprehension. Sample answers are included at the end of the book.

Human dignity: social movements invoke it, several national constitutions enshrine it, and it features prominently in international human rights documents. But what is human dignity, why is it important, and what is its relationship to human rights? This book offers a sophisticated and comprehensive defence of the view that human dignity is the moral heart of human rights. First, it clarifies the network of concepts associated with dignity. Paramount within this network is a core notion of human dignity as an inherent, non-instrumental, egalitarian, and high-priority normative status of human persons. People have this status in virtue of their valuable human capacities rather than as a result of their national origin and other conventional features. Second, it shows how human dignity gives rise to an inspiring ideal of solidaristic empowerment, which calls us to support people's pursuit of a flourishing life by affirming both negative duties not to block or destroy, and positive duties to protect and
facilitate, the development and exercise of the valuable capacities at the basis of their dignity. The most urgent of these duties are correlative to human rights. Third, this book illustrates how the proposed dignitarian approach allows us to articulate the content, justification, and feasible implementation of specific human rights, including contested ones, such as the rights to democratic political participation and to decent labour conditions. Finally, this book's dignitarian approach helps illuminate the arc of humanist justice, identifying both the difference and the continuity between the basic requirements of human rights and more expansive requirements of social justice such as those defended by liberal egalitarians and democratic socialists. Human dignity is indeed the moral heart of human rights. Understanding it enables us to defend human rights as the urgent ethical and political project that puts humanity first. The world is faced with significant and interrelated challenges in the 21st century which threaten human rights in a number of ways. This book examines three of the largest issues of the century - armed conflict, environment, and poverty - and examines how these may be addressed using a human rights framework. It considers how these challenges threaten human rights and reassesses our understanding of human rights in the light of these issues. This multidisciplinary text considers both foundational and applied questions such as the relationship between morality and the laws of war, as well as the application of the International Human Rights Framework in cyber space. Alongside analyses from some of the most prominent lawyers, philosophers, and political theorists in the debate, each section includes contributions by those who have served as Special Rapporteurs within the United Nations Human Rights System on the challenges facing international human rights laws today. Introducing readers to the theory and practice of human
rights, this text emphasises how the experiences of the victims of human rights violations are related to legal, philosophical and social-scientific approaches to human rights.

Over the past decade or so, philosophical speculation about human rights has tended to fall into two streams. On the one hand, there are "Orthodox" theorists, who think of human rights as natural rights: moral rights that we have simply in virtue of being human. On the other hand, there are "Political" theorists, who think of human rights as rights that play a distinctive role, or set of roles, in modern international politics: setting universal standards of political legitimacy, serving as norms of international concern, and/or imposing limits on the exercise of national sovereignty. This edited volume explores this disagreement, its underlying sources, and related issues in the philosophy of human rights. Using the Orthodox-Political debate as a springboard for broader reflection, the volume covers a diverse range of questions about: the relevance of the history of human rights to their philosophical comprehension; how to properly understand the relationship between human rights morality and law; how to balance the normative character of human rights - their description of an ideal world - with the requirement that they be feasible in the here and now; the role of human rights in a world shaped by politics and power; and how to reconcile the individualistic and communitarian aspects of human rights. All chapters are accompanied by useful and probing commentaries, which help to create dialogues throughout the entire volume. The book provides in-depth insight to scholars, practitioners, and activists dealing with human rights, their expansion, and the emergence of 'new' human rights. Whereas legal theory tends to neglect the development of concrete individual rights, monographs on 'new' rights often deal with structural matters only in passing and the issue of 'new' human rights
has received only cursory attention in literature. By bringing together a large number of emergent human rights, analysed by renowned human rights experts from around the world, and combining the analyses with theoretical approaches, this book fills this lacuna. The comprehensive and dialectic approach, which enables insights from individual rights to overarching theory and vice versa, will ensure knowledge growth for generalists and specialists alike. The volume goes beyond a purely legal analysis by observing the contestation, rhetorics, the struggle for recognition of 'new' human rights, thus speaking to human rights professionals beyond the legal sphere.

This book uses the concept of universal human rights to explore the relationship between the individual, society, and truth. To answer the question of how we say something universally true about human beings while lacking the philosophical means to do so, the author explores the changing relationship between truth and politics from Plato to Locke.

This collection of essays revisits Jacques Maritain's book, Man and the State--the University of Chicago Walgreen lectures of 1949--and critically engages its greatest themes and arguments: the character of the modern state and its relation to the body politic, the state's functions and claims, the basis of authority, the foundation of human rights and natural law, structural pluralism, Church and State relations, national sovereignty, and the prospects for world government. The contributors address whether Maritain has successfully accomplished his project of engaging modernity from the perspective of a 20th century disciple of Thomas Aquinas; whether his reformulations and revisions of the modern state are philosophically sound and prudent; and whether his developments of Aristotle and Aquinas are faithful to the sources. Maritain, drawing upon the philosophy of Aquinas,
represents a significant achievement: he provides a viable reassessment of the liberal state, uniting Thomistic and Aristotelian traditions with the human rights thrust of modern political philosophy. In short, Maritain reassesses the liberal state in light of ancient and medieval political traditions, seeking to find what is true, enduring, and practical in the modern liberal state, while criticizing its excesses and reconceptualizing its philosophical foundations. The contributors to this collection find Maritain has achieved much in the accomplishment of this project. Some continue this project by applying Maritain’s philosophy to contemporary issues. Other contributors find it helpful, however, to compare Maritain to other contemporary political philosophers, and to question his use of the philosophy of Aquinas. Maritain's political philosophy, and Man and the State in particular, is worth continued study. Although his influence was greatest in the 1950s and 1960s and his philosophy has been displaced by new trends, his work shows a remarkable resilience and relevance to the issues of the day, offering a deeper philosophical foundation and more flexible set of tools for analysis than currently provided. Timothy Fuller, professor of political science and acting president of Colorado College, is the editor of Leading and Leadership and The Voice of Liberal Learning: Michael Oakeshott on Education. John P. Hittinger is professor of philosophy at the United States Air Force Academy and coeditor of Liberalism at the Crossroads: An Introduction to Contemporary Liberal Theory and its Critics. Contributors: J. Budziszewski, Joseph M. DeTorre, Gregory Doolan, Desmond FitzGerald, Timothy Fuller, John R. Goodreau, Catherine Green, William Haggerty, James G. Hanink, Jeanne M. Heffernan, John P. Hittinger, Russell Hittinger, Richard Lemp, V. Bradley Lewis, Nicholas C. Lund-Molfese, John G. Trapani, Jr., Deborah Wallace, Henk E. S. Woldring, and Michael Woodward
In recent years, political philosophers have debated whether human rights are a special class of moral rights we all possess simply by virtue of our common humanity and which are universal in time and space, or whether they are essentially modern political constructs defined by the role they play in an international legal-political practice that regulates the relationship between the governments of sovereign states and their citizens. This edited volume sets out to further this debate and move it ahead by rethinking some of its fundamental premises and by applying it to new and challenging domains, such as socio-economic rights, indigenous rights, the rights of immigrants and the human rights responsibilities of corporations. Beyond the philosophy of human rights, the book has a broader relevance by contributing to key themes in the methodology of political philosophy and by addressing urgent issues in contemporary global policy making.

Readership: This book would be suitable for students, academics and scholars of law, philosophy, politics, international relations and economics.

As Artificial Intelligence (AI) technologies rapidly progress, questions about the ethics of AI, in both the near-future and the long-term, become more pressing than ever. This volume features seventeen original essays by prominent AI scientists and philosophers and represents the state-of-the-art thinking in this fast-growing field. Organized into four sections, this volume explores the issues surrounding how to build ethics into machines; ethical issues in specific technologies, including self-driving cars, autonomous weapon systems,
surveillance algorithms, and sex robots; the long term risks of superintelligence; and whether AI systems can be conscious or have rights. Though the use and practical applications of AI are growing exponentially, discussion of its ethical implications is still in its infancy. This volume provides an invaluable resource for thinking through the ethical issues surrounding AI today and for shaping the study and development of AI in the coming years.

"A splendid volume . . . fused with political and philosophical insight into the fundamental concepts underlying the Declaration."--American Journal of International Law

What are human rights? Why do we have them? How should we respond when we do not all agree on them? These are just a few of the questions taken up in Human Rights which gives a comprehensive account of human rights, from their nature and range to their role in contemporary debates in areas such as religion, multiculturalism and the environment.

S. Matthew Liao argues here that children have a right to be loved. To do so he investigates questions such as whether children are rightholders; what grounds a child's right to beloved; whether love is an appropriate object of a right; and other philosophical and practical issues. His proposal is that all human beings have rights to the fundamental conditions for pursuing a good life; therefore, as human beings, children have human rights to the fundamental conditions for pursuing a good life. Since being loved is one of those fundamental conditions, children thus have a right to be loved. Liao
shows that this claim need not be merely empty rhetoric, and that the arguments for this right can hang together as a coherent whole. This is the first book to make a sustained philosophical case for the right of children to be loved. It makes a unique contribution to the fast-growing literature on family ethics, in particular, on children's rights and parental rights and responsibilities, and to the emerging field of the philosophy of human rights.

International human rights law was originally focused on universal individual rights. This text examines the developments which have seen it change to a multicultural approach, one more sensitive to the cultures of the people directly affected by them. It argues that this can provide benefits, but that aspects of universalism must be retained.

This collection of essays highlights the many problems and challenges facing human rights law today. Bringing together academics, practitioners and NGOs, it examines some of the contemporary challenges facing human rights law and practice in England, Northern Ireland, the Republic of Ireland, France and America. It is clear that we live in a time where human rights are in crisis. A decade of austerity measures at the domestic, regional and international levels evidently has had a detrimental effect on the protection of human rights. Cuts to social spending have resulted a failing social welfare system, a health service buckling under pressure, unprecedented rises in homelessness and child poverty, and the emergence of the ‘working poor’ and zero hours contracts. Austerity, famine, civil war, oppressive
governmental regimes and climate change have seen vast migrations, resulting in a resurrection of far right-wing ideology. In the UK, this is seen in what can only be described as propaganda and scaremongering during the campaign for Brexit and in subsequent political elections evidenced by the increase in racially motivated hate crime within the UK. The landscape of human rights is such that it has resulted in some beginning to question, are human rights rights at all? Recent years have witnessed major developments in philosophical inquiry concerning the nature of law and, with the growth of transnational legal institutions, in the phenomenon of law itself. This volume gathers leading writers in the field to take stock of current debates on the nature of law and the aims and methods of legal philosophy. Is it defensible to use the concept of a right? Can we justify rights' central place in modern moral and legal thinking, or does the concept unjustifiably side-line those who do not qualify as right-holders? Rowan Cruft develops a new account of rights. Moving beyond the traditional 'interest theory' and 'will theory', he defends a distinctive 'addressive' approach that brings together duty-bearer and right-holder in the first person. This view has important implications for the idea of 'natural' moral rights—that is, rights that exist independently of anyone's recognizing that they do. Cruft argues that only moral duties grounded in the good of a particular party (person, animal, group) are naturally owed to that party as their rights. He argues that human rights in law and morality should be founded on such recognition-independent
rights. In relation to property, however, matters are complicated because much property is justifiable only by collective goods beyond the rightholder's own good. For such property, Cruft argues that a new non-rights property system— that resembles markets but is not conceived in terms of rights—would be possible. The result of this study is a partial vindication of the rights concept that is more supportive of human rights than many of their critics (from left or right) might expect, and is surprisingly doubtful about property as an individual right.

The essays in this volume take off from themes in the work of eminent philosopher and political scientist Joshua Cohen. Cohen is a deeply influential thinker who has written on deliberative democracy, freedom of expression, Rawlsian theory, global justice, and human rights. The essays gathered here both engage with Cohen's work and expand upon it, embodying his commitment to the idea that analytical work by philosophers and social scientists matters to our shared public life and to democracy itself. The contributors offer novel perspectives on pressing issues of public policy from accountability for sexual violence to exploitation in international trade. The volume is organized around three central ideas. The first concerns democracy, specifically how we can improve collective decision-making both by elucidating our normative principles and enacting institutional changes. The second idea centers on how we confront injustice, investigating the role of emotions, social norms, and culture in democratic politics and public discussion. The final section explores how we
develop political principles and values in an interdependent world, one in which theories of justice and forms of cooperation are increasingly extending beyond the state. The principle uniting this collection is that ideas matter—they can guide us in understanding how to confront difficult global problems such as the fragility of democratic institutions, the place of sovereignty in a globalizing world, and the persistence of racial injustice. Presenting reflections on the historical perspectives and philosophical foundations of human rights, this book provides a detailed analysis of civil and political rights, as well as the rights of persons belonging to such vulnerable groups as women, children and minorities, indigenous people, refugees, displaced persons and migrant workers.

What makes something a human right? What is the relationship between the moral foundations of human rights and human rights law? What are the difficulties of appealing to human rights? This book offers the first comprehensive survey of current thinking on the philosophical foundations of human rights. Divided into four parts, this book focuses firstly on the moral grounds of human rights, for example in our dignity, agency, interests or needs. Secondly, it looks at the implications that different moral perspectives on human rights bear for human rights law and politics. Thirdly, it discusses specific and topical human rights including freedom of expression and religion, security, health and more controversial rights such as a human right to subsistence. The final part discusses nuanced critical
and reformative views on human rights from feminist, Kantian and relativist perspectives among others. The essays represent new and canonical research by leading scholars in the field. Each section is structured as a set of essays and replies, offering a comprehensive analysis of different positions within the debate in question. The introduction from the editors will guide researchers and students navigating the diversity of views on the philosophical foundations of human rights.

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