

Philosophical Foundations Of Human Rights Philosophical Foundations Of Law

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Human Rights - Janusz Symonides 2000

Reflections on historical perspectives and philosophical foundations of human rights. The book gives a detailed analysis of civil, political, social and cultural rights as well as the rights of persons belonging to vulnerable groups such as women and minorities.

Philosophical Foundations of Tax Law - Monica Bhandari
2017-02-09

Tax law changes at a startling rate - not only does societal change bring with it demands for change in the tax system, but changes in the political climate will force change, as will many other competing pressures. With this pace of change, it is easy to focus on the practical and forget the core underpinnings of the tax system and their philosophical justifications. Taking a pause to remind ourselves of those principles and how they can operate in the modern tax system is crucial to ensuring that the tax system does not diverge too far from what it should be or could be. It is essential to understand the answers to some of the seemingly basic questions that surround tax before we can even begin to think about what a tax system should look like. This collection brings together major themes and difficult questions in the philosophical foundations of tax law. The chapters consider practical issues such as justification, enforcement, design, and mechanics, and provide a full and coherent analysis of the basis for tax law. *Philosophical Foundations of Tax Law* allows the reader to consider how tax systems should move forward in the modern world, with a sound philosophical basis, to provide the practical tax system that the state requires and citizens deserve.

For the Common Good - Alex John London 2021

Alex John London defends a conception of the common good that grounds a moral imperative with two requirements. The first is to promote research that enables key social institutions to effectively, efficiently and equitably safeguard the basic interests of individuals. The second is to ensure that research is organized as a voluntary scheme of social cooperation that respects its various contributors' moral claim to be treated as free and equal. Connecting research to the goals of a just social order grounds a framework for assessing and managing research risk that reconciles these requirements and justifies key oversight practices in non-paternalistic terms. The result is a new understanding of research ethics that resolves coordination problems that threaten these goals and provides credible assurance that the requirements of this imperative are being met.--

Philosophical Foundations of Evidence Law - Christian Dahlman
2021-09-30

Philosophy has a strong presence in evidence law and the nature of evidence is a highly debated topic in both general and social epistemology; legal theorists working in the evidence law area draw on different underlying philosophical theories of knowledge, inference and probability. Core evidentiary concepts and principles, such as the presumption of innocence, standards of proof, and others, reply on moral and political philosophy for their understanding and interpretation. Written by leading scholars across the globe, this volume brings together philosophical debates on the nature and function of evidence, proof, and law of evidence. It presents a cross-disciplinary overview of central issues in the theory and methodology of legal evidence and covers a wide range of contemporary debates on topics such as truth,

proof, economics, gender, and race. The volume covers different theoretical approaches to legal evidence, including the Bayesian approach, scenario theory and inference to the best explanation. Divided in to five parts, *Philosophical Foundations of Evidence Law*, covers different theoretical approaches to legal evidence, including the Bayesian approach, scenario theory and inference to the best explanation.

Philosophical Foundations of Human Rights - Rowan Cruft
2014

This title brings together a set of essays on the philosophical foundations of human rights, along with critical replies. It is a comprehensive survey of the topic, comprising of research essays from academics in the fields of law, philosophy, international relations, social science and economics.

Philosophical Foundations of the Law of Equity - Dennis Klimchuk
2020-04-02

The law of Equity, a latecomer to the field of private law theory, raises fundamental questions about the relationships between law and morality, the nature of rights, and the extent to which we are willing to compromise on the rule of law ideal to achieve social goals. In this volume, leading scholars come together to address these and other questions about underlying principles of Equity and its relationship to the common law: What relationships, if any, are there between the legal, philosophical, and moral senses of 'equity'? Does Equity form a second-order constraint on law? If so, is its operation at odds with the rule of law? Do the various theories of Equity require some kind of separation of law and equity-and, if they do, what kind of separation? The volume further sheds light on some of the most topical questions of jurisprudence that are embedded in the debate around 'fusion'. A noteworthy addition to the *Philosophical Foundations* series, this volume is an important contribution to an ongoing debate, and will be of value to students and scholars across the discipline.

Griffin on Human Rights - Roger Crisp 2014

This volume presents responses to the work of James Griffin, one of the most significant contributors to the contemporary debate over human rights. Leading moral and political philosophers engage with Griffin's views - according to which human rights are best understood as protections of our agency and personhood - and Griffin offers his own reply.

The Philosophical Foundations of Modern Medicine - K. Lee
2011-12-02

An exploration of the philosophical foundation of modern medicine which explains why such a medicine possesses the characteristics it does and where precisely its strengths as well as its weaknesses lie. Written in plain English, it should be accessible to anyone who is intellectually curious, lay persons and medical professionals alike.

The Philosophical Foundations of Social Work - Frederic G. Reamer
2022-09-06

Social work rests on complex philosophical assumptions that should be central to practice, education, and training. In this book, Frederic G. Reamer explores how these issues bear on the purpose, methods, and perspectives of social work and their far-reaching implications for practice and scholarship. Reamer examines major themes across the domains of moral and political philosophy, logic, epistemology, and aesthetics. He raises questions such as: How can ethical theories inform social workers' moral judgments? In what ways are canons of inductive

and deductive logic relevant to social workers' thinking about their work? To what extent can scientific inquiry help social workers understand the nature and effect of their interventions? How can concepts related to aesthetics shed light on the nature of social work? Reamer's nuanced inquiry never loses sight of the concrete applications of philosophy to social work practice with individuals, families, groups, organizations, and communities, or to broader goals of social change. This second edition of *The Philosophical Foundations of Social Work* is revised and updated throughout to address contemporary challenges. It focuses especially on newer thinking about the role of non-Western philosophical perspectives and the relevance of philosophy to social workers' commitments to multiculturalism, feminism, and antiracism.

Making AI Intelligible - Herman Cappelen 2021

Can humans and artificial intelligences share concepts and communicate? One aim of *Making AI Intelligible* is to show that philosophical work on the metaphysics of meaning can help answer these questions. Cappelen and Dever use the externalist tradition in philosophy of to create models of how AIs and humans can understand each other. In doing so, they also show ways in which that philosophical tradition can be improved: our linguistic encounters with AIs reveal that our theories of meaning have been excessively anthropocentric. The questions addressed in the book are not only theoretically interesting, but the answers have pressing practical implications. Many important decisions about human life are now influenced by AI. In giving that power to AI, we presuppose that AIs can track features of the world that we care about (e.g. creditworthiness, recidivism, cancer, and combatants.) If AIs can share our concepts, that will go some way towards justifying this reliance on AI. The book can be read as a proposal for how to take some first steps towards achieving interpretable AI. *Making AI Intelligible* is of interest to both philosophers of language and anyone who follows current events or interacts with AI systems. It illustrates how philosophy can help us understand and improve our interactions with AI.

Philosophical Foundations of Contract Law - Gregory Klass
2014-12-18

In recent years there has been a revival of interest in the philosophical study of contract law. In 1981 Charles Fried claimed that contract law is based on the philosophy of promise and this has generated what is today known as 'the contract and promise debate'. Cutting to the heart of contemporary discussions, this volume brings together leading philosophers, legal theorists, and contract lawyers to debate the philosophical foundations of this area of law. Divided into two parts, the first explores general themes in the contract theory literature, including the philosophy of promising, the nature of contractual obligation, economic accounts of contract law, and the relationship between contract law and moral values such as personal autonomy and distributive justice. The second part uses these philosophical ideas to make progress in doctrinal debates, relating for example to contract interpretation, unfair terms, good faith, vitiating factors, and remedies. Together, the essays provide a picture of the current state of research in this revitalized area of law, and pave the way for future study and debate.

Human Rights, Ownership, and the Individual - Rowan Cruft
2019-09-12

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.

Philosophical Theory and the Universal Declaration of Human Rights - William Sweet 2003

The last 100 years can be described as pivotal in our appreciation of human rights. From the *Déclaration des droits internationaux de l'homme* of 1929 to the more recent discussion of the establishment of an International Court of Justice, the notions of 'rights' and 'international human rights' have extended beyond rarefied philosophical discourse to become part of our basic vocabulary. The United Nations Universal Declaration of Human Rights (UDHR) of 1948 is a key document that is central to contemporary dialogues about human rights. The UDHR and its subsequent protocols and conventions enumerate a lengthy list of rights that many recognize as fundamental in ensuring human dignity. *Philosophical Theory and the Universal Declaration of Human Rights* examines the relations and interrelations among theoretical and practical analyses of human rights. Edited by William Sweet, this extensive volume draws on the work of philosophers, political theorists, and those involved in the implementation of human rights. Although diverse in subject and approach, the essays collectively argue that the language of rights and the corresponding legal and political instruments have an important place in contemporary social and political philosophy.

Research Handbook on Law and Ethics in Banking and Finance - Costanza A. Russo 2019

The global financial crisis evidenced the corrosive effects of unethical behaviour upon the banking industry. The recurrence of misbehaviour in the financial sector, including fraud and manipulations of market indices, suggests the need to establish a banking culture that conforms to the highest standards of ethical and professional behaviour. This *Research Handbook on Law and Ethics in Banking and Finance* focuses on the role that law should play and the effectiveness of newly introduced regulations and supervisory actions as a driver for ethical conduct so as to reconnect the interests of bankers and financiers with the interests of society.

Philosophical Foundations of Human Rights - Alwin Diemer
1986

UNESCO pub. *Essays on the basis of human rights in philosophy* - discusses the legal aspects and the Universal Declaration of Human Rights; compares the perspectives of Western Europe, India, Latin America, Africa, etc. And Islam; considers individual and collective rights, responsibility, ethics and religion.

We who are Dark - Tommie Shelby 2005

The author argues that African Americans can reject a biological idea of race and agree with many criticisms of identity politics yet still view black political solidarity as a needed emancipatory tool. (African-American Studies)

Philosophical Foundations of Law and Neuroscience - Dennis Michael Patterson 2016

Bringing together the latest work from leading scholars in this emerging and vibrant subfield of law, this book examines the philosophical issues that inform the intersection between law and neuroscience.

Philosophical Foundations of Discrimination Law - Deborah Hellman 2013-10

Exploring the philosophical foundations of discrimination law as it exists in several jurisdictions, this collection of all new essays bridges the gap between abstract philosophical work on justice and fairness and legal work on specific types of discrimination.

Philosophical Foundations of Language in the Law - Andrei Marmor 2013-01-31

This collection brings together the best contemporary philosophical work in the area of intersection between philosophy of language and the law. Some of the contributors are philosophers of language who are interested in applying advances in philosophy of language to legal issues, and some of the participants are philosophers of law who are interested in applying insights and theories from philosophy of language to

their work on the nature of law and legal interpretation. By making this body of recent work available in a single volume, readers will gain both a general overview of the various interactions between language and law, and also detailed analyses of particular areas in which this interaction is manifest. The contributions to this volume are grouped under three main general areas: The first area concerns a critical assessment, in light of recent advances in philosophy of language, of the foundational role of language in understanding the nature of law itself. The second main area concerns a number of ways in which an understanding of language can resolve some of the issues prevalent in legal interpretation, such as the various ways in which semantic content can differ from law's assertive content; the contribution of presuppositions and pragmatic implicatures in understanding what the law conveys; the role of vagueness in legal language, for example. The third general topic concerns the role of language in the context of particular legal doctrines and legal solutions to practical problems, such as the legal definitions of inchoate crimes, the legal definition of torture, or the contractual doctrines concerning default rules. Together, these three key issues cover a wide range of philosophical interests in law that can be elucidated by a better understanding of language and linguistic communication.

Philosophical Foundations of Constitutional Law - David Dyzenhaus 2016

This is a collection of essays from leading constitutional lawyers and theorists, examining the philosophical foundations of constitutional law and the issues that arise from the fundamental philosophical issues raised by the idea of a constitution.

Philosophical Foundations of the Law of Torts - John Oberdiek 2014-02

This book offers a rich insight into the law of torts and cognate fields, and will be of broad interest to those working in legal and moral philosophy. It has contributions from all over the world and represents the state-of-the art in tort theory.

The Philosophical Foundations of Ecological Civilization - Arran Gare 2016-08-05

The global ecological crisis is the greatest challenge humanity has ever had to confront, and humanity is failing. The triumph of the neo-liberal agenda, together with a debauched 'scientism', has reduced nature and people to nothing but raw materials, instruments and consumers to be efficiently managed in a global market dominated by corporate managers, media moguls and technocrats. The arts and the humanities have been devalued, genuine science has been crippled, and the quest for autonomy and democracy undermined. The resultant trajectory towards global ecological destruction appears inexorable, and neither governments nor environmental movements have significantly altered this, or indeed, seem able to. The *Philosophical Foundations of Ecological Civilization* is a wide-ranging and scholarly analysis of this failure. This book reframes the dynamics of the debate beyond the discourses of economics, politics and techno-science. Reviving natural philosophy to align science with the humanities, it offers the categories required to reform our modes of existence and our institutions so that we augment, rather than undermine, the life of the ecosystems of which we are part. From this philosophical foundation, the author puts forth a manifesto for transforming our culture into one which could provide an effective global environmental movement and provide the foundations for a global ecological civilization.

Human Rights In Our Time - Marc F Plattner 2019-03-04

Philosophical Foundations of the Nature of Law - Wil Waluchow 2013-03-14

This volume examines power-sharing agreements, their legitimacy and their compatibility with human rights law. Providing a clear, accessible introduction to the political science and human rights law on the issue, the book is an invaluable guide to all those engaged with transitional justice, peace agreements, and human rights.

Philosophical Foundation of Human Rights - Paul Tiedemann 2020-07-28

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.

Philosophical Foundations of Leadership - David Cawthorn 2017-07-28

The nature of leadership and the human qualities that promote or inhibit it have a long history in Western thought and remain a central concern in modern societies. Crises in leadership may arise from either human failings or social complexities that defeat or reject those most qualified to lead. While most contemporary political or social commentators on such crises tend to focus on external circumstances, David Cawthorn examines classical thinkers from Plato to Nietzsche to offer a historical and philosophical perspective on the intrinsic qualities of leadership and how these qualities are coded into the souls of some, but not of others.

Philosophical Foundations of Tort Law - David G. Owen 1995

This exceptional collection of twenty-two essays on the philosophical fundamentals of tort law assembles many of the world's leading commentators on this particularly fascinating conjunction of law and philosophy. The contributions range broadly, from inquiries into how tort law derives from Aristotle, Aquinas, and Kant to the latest economic and rights-based theories of legal responsibility. This is truly a multi-national production, with contributions from several distinguished Oxford scholars of law and philosophy and many prominent scholars from the United States, Canada, and Israel. A provocative closing essay by one of the world's leading moral philosophers illuminates how tort law enables philosophers to observe the abstract theories of their discipline put to the concrete test in the legal resolution of real-world controversies based on principles of right and wrong.

Philosophical Foundation of Human Rights - Paul Tiedemann 2020-06-27

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.

Philosophical Foundations of Human Rights - Rowan Cruft 2015

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

A Philosophical Introduction to Human Rights - Thomas Mertens 2020-07-31

While almost everyone has heard of human rights, few will have reflected in depth on what human rights are, where they originate from and what they mean. A Philosophical Introduction to Human Rights – accessibly written without being superficial – addresses these questions and provides a multifaceted introduction to legal philosophy. The point of departure is the famous 1948 Universal Declaration of Human Rights, which provides a frame for engagement with western legal philosophy. Thomas Mertens sketches the philosophical and historical background of the Declaration, discusses the ten most important human rights with the help of key philosophers, and ends by reflecting on the relationship between rights and duties. The basso continuo of the book is a particular world view derived from Immanuel Kant. 'Unsocial sociability' is what characterises humans, i.e. the tension between man's individual and social nature. Some human rights emphasize the first, others the second aspect. The tension between these two aspects plays a fundamental role in how human rights are interpreted and applied.

Philosophical Foundations of International Criminal Law - Morten Bergsmo 2018-11-30

This first edition of *Philosophical Foundations of International Criminal Law: Correlating Thinkers* contains 20 chapters about renowned thinkers from Plato to Foucault. As the first volume in the series "Philosophical Foundations of International Criminal Law", the book identifies leading philosophers and thinkers in the history of philosophy or ideas whose writings bear on the foundations of the discipline of international criminal law, and then correlates their writings with international criminal law.

Philosophical Foundations of Medical Law - Andelka M. Phillips 2019-11-28

With advances in personalised medicine, the field of medical law is being challenged and transformed. The nature of the doctor-patient relationship is shifting as patients simultaneously become consumers. The regulation of emerging technologies is being thrown into question, and we face new challenges in the context of global pandemics. This volume identifies significant questions and issues underlying the philosophy of medical law. It brings together leading philosophers, legal theorists, and medical specialists to discuss these questions in two parts. The first part deals with key foundational theories, and the second addresses a variety of topical issues, including euthanasia, abortion, and medical privacy. The wide range of perspectives and topics on offer provide a vital introduction to the philosophical underpinnings of medical law.

Philosophical Foundations of Fiduciary Law - Andrew S. Gold 2014

Fiduciary law is one of the most important areas of private law, governing a wide range of relationships that affect people in their daily lives. These new and innovative essays explore the foundations of fiduciary relationships and the duties fiduciaries owe to their beneficiaries.

Philosophical Foundations of European Union Law - Julie Dickson 2012-10-11

The supranational law of the European Union represents a uniquely powerful, far-reaching, and controversial instance of the growth of international legal governance, one that has forever altered the political and legal landscape of its Member States. The EU has attracted significant attention from political scientists, economists, and lawyers who have analysed its polity and constructed theoretical models of the integration process. Yet it has been almost entirely neglected by analytic philosophers, and the philosophical tools that have been developed to analyse and evaluate the Union are still in their infancy. This book brings together legal philosophers, political philosophers, and EU legal academics in the service of developing the philosophical analysis of EU law. In a series of original and complementary essays they bring their varied disciplinary expertise and theoretical perspectives to bear on central issues facing the Union and its law. Combining both abstract thought in legal and political

philosophy and more tangible theoretical work on specific legal issues, the essays in this volume make a significant contribution to developing work on the philosophical foundations of EU law, and will engender further debate between philosophers, political philosophers, and EU legal academics. They will be of interest to all those engaged in understanding the nature and purpose of this unique legal entity.

The Right to be Loved - S. Matthew Liao 2015

Many international declarations claim that children have a right to be loved, but some see this as empty rhetoric. S. Matthew Liao defends the existence of this right by offering a novel justification for it and by detailing the nature and distribution of the duty to love children.

The Philosophical Foundations of Property Rights - Alan B. Carter 1989

Philosophical Foundations of Children's and Family Law - Elizabeth Brake 2018

This collection is the first of its kind to examine the ethical foundations of family law. Topics include the value of marriage, the scope of parental control rights, the protection of children's interests, and the role of religious freedom in the legal attitude to family relationships.

Philosophical Foundations of Labour Law - Hugh Collins 2019-02-12

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.

The Philosophical Foundations of Environmental Law - Sean Coyle 2004-04-22

Legal regulation of the environment is often construed as a collection of legislated responses to the problems of modern living. Treated as such, 'environmental law' refers not to a body of distinctive juristic ideas (such as one might find in contract law or tort) but to a body of black-letter rules out of which a distinct jurisprudence might grow. This book challenges the accepted view by arguing that environmental law must be seen not as a mere instrument of social policy, but as a historical product of surprising antiquity and considerable sophistication.

Environmental law, it is argued, is underpinned by a series of tenets concerning the relationship of human beings to the natural world, through the acquisition and use of property. By tracing these ideas to their roots in the political philosophy of the seventeenth century, and their reception into the early law of nuisance, this book seeks to overturn the perception that environmental law's philosophical significance is confined to questions about the extent to which a state should pursue collective well-being and public health through deliberate manipulation and restriction of private property rights. Through a close re-examination of both early and modern statutes and cases, this book concludes that, far from being intelligible in exclusively instrumental terms, environmental law must be understood as the product of sustained reflection upon fundamental moral questions concerning the relationship between property, rights and nature.

The Heart of Human Rights - Allen Buchanan 2013-10-23

This is the first attempt to provide an in-depth moral assessment of the heart of the modern human rights enterprise: the system of international legal human rights. It is international human rights law--not any philosophical theory of moral human rights or any "folk" conception of moral human rights--that serves as the lingua franca of modern human rights practice. Yet contemporary philosophers have had little to say about international legal human rights. They have tended to assume, rather than to argue, that international legal human rights, if morally justified, must mirror or at least help realize moral human rights. But this assumption is mistaken. International legal human rights, like many other legal rights, can be justified by several different types of moral considerations, of which the need to realize a corresponding moral right is only one. Further, this volume shows that some of the most important international legal human rights cannot be adequately justified by appeal to corresponding moral human rights. The problem is that the content of these international legal human rights--the full set of correlative duties--is much broader than can be justified by appealing to the morally

important interests of any individual. In addition, it is necessary to examine the legitimacy of the institutions that create, interpret, and implement international human rights law and to

defend the claim that international human rights law should "trump" the domestic law of even the most admirable constitutional democracies.