

A Philosophical History Of Rights

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Gary B. Herbert, A Philosophical History of Rights ...

Rights are entitlements (not) to perform certain actions, or (not) to be in certain states; or entitlements that others (not) perform certain actions or (not) be in certain states. Rights dominate modern understandings of what actions are permissible and which institutions are just. Rights structure the form of governments, the content of laws, and the shape of morality as many now see it.

Rights (Stanford Encyclopedia of Philosophy)

The philosophy of human rights attempts to examine the underlying basis of the concept of human rights and critically looks at its content and justification. Several theoretical approaches have been advanced to explain how and why the concept of human rights developed. One of the oldest Western philosophies on human rights is that they are a product of a natural law, stemming from different ...

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Since the seventeenth century, concern in the Western world for the welfare of the individual has been articulated philosophically most often as a concern for his rights. The modern conception of individual rights resulted from abandonment of ancient, value-laced ideas of nature and their replacement by the modern, mathematically transparent idea of nature that has room only for individuals, often in conflict. In A Philosophical History of Rights, Gary B. Herbert traces the historical evolution of the concept and the transformation of the problems through which the concept is defined. The volume examines the early history of rights as they existed in ancient Greece, and locates the first philosophical inquiry into the nature of rights in Platonic and Aristotelian accounts. He traces Roman jurisprudence to the advent of Christianity, to the divine right of kings. Herbert follows the historical evolution of modern subjective rights, the attempts by Locke, Rousseau, Kant, Fichte, and Hegel to mediate rights, to make them sociable. He then turns to nineteenth-century condemnation of rights in the theories of the historical school of law, Benthamite utilitarianism, and Marxist socialism. Following World War II, a newly revived language of rights had to be constructed, to express universal moral outrage over what came to be called crimes against humanity. The contemporary Western concern for rights is today a concern for the individual and a recognition of the limits beyond which a society must not go in sacrificing the individual's welfare for its own conception of the common good. In his conclusion, Herbert addresses the postmodern critique of rights as a form of moral imperialism legitimizing relations of dominance and subjection. In addition to his historical analysis of the evolution of theories of rights, Herbert exposes the philosophical confusions that arise when we exchange one concept of rights for another and continue to cite historical antecedents for contemporary attitudes that are in fact their philosophical antithesis. A Philosophical History of Rights will be of interest to philosophers, historians, and political scientists.

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.

Mr. Friedrich develops his own position within the framework of the history of Western legal philosophy from the Old Testament down to contemporary writers. In addition, he highlights some important problems of the present day, including certain aspects of legal realism. First published in 1958, this book has been revised and enlarged.

Originally published in 1981, this book provides a detailed account of the emergence of the children ' s rights movement, and analyses the concept of a right. It considers the justifications which may be sought when rights are claimed. Particular attention is given to the problem which arises when different rights are seen to be in conflict with each other or with other kinds of moral consideration. These arguments are then examined with regard to such special features of children as their incomplete but developing rationality and their material dependence on adults.

Is it impossible to assess dignity, the agency of autonomy and equality of rights under the current rule of law, when we are met by global challenges like climate change, financial crisis, food crisis, natural disasters, inequality, violent conflicts and trade disputes? Drawing on European philosophical enlightenment to rethink dominant theories of contemporary Western Human Rights, Stephan P. Leher explores the philosophical foundation of the concept of ' dignity ' and Human Rights. Using specific examples from Africa and Latin America to explain these concepts as social realizations in the world, Leher demonstrates the link between justice and peace and contends that dignity, freedom and Human Rights law rule are social realizations and claims by all people. He argues that sentences and propositions about social choices and realizations of real life expressed in ordinary language constitutes the basic element for the foundation and protection of human dignity and Human Rights. The social choice to claim one ' s freedom and right can be considered as the dignity agency of the individual. Dignity and Human Rights sheds new light on the academic assessment of dignity, the agency of autonomy and equality of rights under a rule of law in a time of changes and challenges of human rights policies and politics.

This book brings together two of the most powerful and relevant philosophical critiques of human rights: the post-colonialist and the post-Althusserian, its balanced internal structure not just throwing these two critiques together, but actually forcing them to enter into confrontation and dialogue. The book is organised in three parts: at each end, the post-colonialist and the post-Althusserian critiques are represented by some of their main thinkers (Ratna Kapur, G. C. Spivak, Upendra Baxi; Slavoj Žižek, Jacques Ranci è re), while in the middle, an American intermezzo (Richard Rorty, Wendy Brown) functions as a genuine Derridian supplement: always already contaminating the purity of the two theoretical schools, preventing their enclosure and, hence, fuelling and complicating further their mutual confrontation. As in any authentic dialogue, the introduction and the conclusion each claim victory for one of the sides by changing the very terms and rules of the dialogue, picturing it as a confrontation between emancipatory universalism and inefficient particularism (from the perspective of the post-Althusserians), or as a split between hypocrisy and truth (from the perspective of the post-colonialists).

This book brings together internationally renowned scholars to critically interrogate the development of rights based approaches to health. The volume integrates discussions of the right to health at a theoretical and practical level, and engages with the emerging systems of global health governance.

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

This book presents a unique collection of the most relevant perspectives in contemporary human rights philosophy. Different intellectual traditions are brought together to explore some of the core postmodern issues challenging standard justifications. Widely accessible also to non experts, contributions aim at opening new perspectives on the state of the art of the philosophy of human rights. This makes this book particularly suitable to human rights experts as well as master and doctoral students. Further, while conceived in a uniform and homogeneous way, the book is internally organized around three central themes: an introduction to theories of rights and their relation to values; a set of contributions presenting some of the most influential contemporary strategies; and finally a number of articles evaluating those empirical challenges springing from the implementation of human rights. This specific set-up of the book provides readers with a stimulating presentation of a growing and interconnecting number of problems that post-natural law theories face today. While most of the contributions are new and specifically conceived for the present occasion, the volume includes also some recently published influential essays on rights, democracy and their political implementation.

"Essays retrace the historical development of rights in the West, assessing the influence of Locke, Burke, and the authors of the Declaration of Independence to clarify the experience of rights within the Western tradition, showing that rights need to berethought so that they may again truly serve the human good"--Provided by publisher.

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