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PUBLIC RIGHTS, PRIVATE RELATIONS

JEAN THOMAS

Public Rights And The Private Press

Setha Low, Neil Smith



Public Rights And The Private Press:

Public Rights, Private Relations Jean Thomas, 2015-04-30 The abuse of workers in export processing zones in developing countries the undignified treatment of elderly people in care homes and the dangers for internet users privacy arising from private companies control of their data are prominent examples of how our most fundamental interests are increasingly jeopardized by powerful private actors Jean Thomas argues that while these interests are protected by human and constitutional rights in relation to the state no similar protections exist in relations among private actors To address this problem she develops a theoretical framework for the application of human and constitutional rights among private actors The author proposes a theory of private liability for public rights violations that allows us to answer the question who should bear the duties associated with human and constitutional rights in the private sphere And what do private actors owe one another in respect of the interests protected by these rights In advancing a model of rights that makes the application of public rights among private actors morally plausible and institutionally feasible the book also illuminates the broader conceptual question of what rights are

Human Rights and the Private Sphere vol 1 Jörg Fedtke, Dawn Oliver, 2007-08-07 Particularly valuable for both academics and practitioners Human Rights and the Private Sphere A Comparative Study analyzes the interaction between constitutional rights freedoms and private law Focusing primarily on civil and political rights an international team of constitutional and private law experts have contributed a collection of chapters each based around a different jurisdiction They include Denmark France Germany India Ireland Israel Italy New Zealand the UK the US the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Union As well as exploring chapter by chapter the key topics and debates in each jurisdiction a comparative analysis draws the sections together setting out the common features and differences in the jurisdictions under review and identifies some common trends in this important area of the law Cross references between the various chapters and an appendix containing relevant legislative material and translated quotations from important court decisions makes this volume a valuable tool for those studying and working in the field of international human rights law

Human Rights and the Private Sphere Vol 1 Jorg Fedtke, 2007 Part I Introduction chapter PART I INTRODUCTION Human Rights and the Private Sphere the Scope of the Project part II National Jurisdictions European Convention on Human Rights chapter 1 Denmark Drittwirkung and Conflicting Rights Viewed from National and International Perspectives chapter 2 England and Wales The Human Rights Act and the Private Sphere chapter 3 France Horizontal Application and the Triumph of the European Convention on Human Rights chapter 4 Germany Drittwirkung in Germany chapter 5 Greece Taking Private Law Seriously in the Application of Constitutional Rights chapter 6 India Protection of Human Rights against State and Non State Action chapter 7 Ireland Irish Constitutional Law and Direct Horizontal Effect A Successful Experiment chapter 8 Israel Human Rights in Private Law The Israeli Case chapter 9 Italy The Protection of Constitutional Rights in the Private Sphere chapter 10 New Zealand Taking

Human Rights into the Private Sphere chapter 11 South Africa From Indirect to Direct Effect in South Africa a System in Transition chapter 12 Spain A Jurisdiction Recognising the Direct Horizontal Application of Human Rights chapter 13 The United States and Canada State Action Constitutional Rights and Private Actors chapter 14 The European Convention on Human Rights The European Court of Human Rights *Horizontal Rights* Gautam Bhatia, 2023-08-24 This book provides a new conceptual model for considering constitutional rights from a comparative perspective A prestigious club bars women from standing for executive positions A homeowner refuses to rent their house to a person on grounds of their race Each of these real life cases involves the exercise of private power which deprives individuals of their rights Can these individuals invoke the Constitution in response Horizontal Rights An Institutional Approach brings a fresh perspective to these age old yet fraught issues This book argues that constitutional scholarship and doctrine across jurisdictions has proceeded from an inarticulate premise called default verticality This is based on a set of underlying philosophical assumptions which presumes that constitutional rights are presumptively applicable against the State and need special justification to be applied against private parties Departing from default verticality and its assumptions this book argues that constitutional rights should apply horizontally between private parties where the existence of an economic social or cultural institution creates a difference in power between the parties and allows one to violate the rights of the other The institutional approach aims to be both theoretically convincing as well as providing a workable model for constitutional adjudication It applies both to classic issues such as restrictive covenants as well as cutting edge contemporary legal problems around the regulation of platform work and the distribution of property upon divorce This promises to be an exciting new contribution to the global conversation around constitutional rights and private power **The Public and the Private** Gurpreet Mahajan, Helmut Reifeld, 2003-08-18 Papers presented at the Workshop the Public and the Private Democratic Citizenship in a Comparative Perspective held at New Delhi during 2 4 November 2000 Culture and the Public Sphere Jim McGuigan, Dr Jim McGuigan, 2012-10-12 Jim McGuigan discusses cultural policy as a manifestation of cultural politics in the widest sense Illustrating his case with examples from recent cultural policy initiatives in Britain the United States and Australia he looks at The rise of market reasoning in arts administration Urban regeneration and the arts Heritage tourism Race identity and cultural citizenship Censorship and moral regulation The role of computer mediated communication in democratic discourse

Human Rights and the Impact of ICT in the Public Sphere: Participation, Democracy, and Political Autonomy Akrivopoulou, Christina M., Garipidis, N., 2014-06-30 The creation of a new public realm through the use of the Internet and ICT may positively promote political liberties and freedom of speech but could also threaten the political and public autonomy of the individual Human Rights and the Impact of ICT in the Public Sphere Participation Democracy and Political Autonomy focuses on the new technological era as an innovative way to initiate democratic dialogue but one that can also endanger individual rights to freedom privacy and autonomy This reference book focuses on the new opportunities

technology offers for political expression and will be of use to both academic and legal audiences including academics students independent authorities legislative bodies and lawyers

Private Rights and Public Problems Keith Eugene Maskus, 2012 Consumers constantly confront intellectual property rights IPRs every day from their morning cup of Starbucks coffee to the Intel chip on their computer at work Intellectual property rights help protect creative inventions in the form of trademarks copyrights and patents Despite legal protection many goods including music and video files are easily copied or shared which affects industries innovators and customers In his follow up to one of the most popular PIIE titles of all time Keith Maskus looks at the expansion of private legal rights into international trade markets not only for technological items but also for international public goods like vaccines and prescription drugs Private Rights and Public Problems assesses IPR issues for users producers and innovators and the difficulty of establishing an international policy regime that governs IPRs in all markets Post industrial countries have preferential terms for licensing and selling products in part because they develop more global brands and products Maskus observes that in these countries the primacy of private property raises contentious international debate between innovation owners in rich countries and followers and users in emerging and poor countries Maskus explores if increased privacy regulations limit innovation and pose artificial and real barriers such as decreased information accessibility and increased cost This book addresses a fundamental issue should basic scientific and technological knowledge be commoditized In this guide to the current global impact of IPRs the author analyzes the economic contribution of IPRs underlying features innovation and access to international technologies

Country Reports on Human Rights Practices, 1987

Public Rights, Public Rules Connie L. McNeely, 2014-04-08 The dramatic changes that have occurred in modern nation states have engendered a renewed and increasing interest in issues of citizenship and rights The original essays in this collection describe the formation and transformation of citizenship and rights considering issues such as legal culture sovereignty jurisdiction diversity welfare and related state norms structures practices and resources Employing a variety of theoretical frameworks and sociological orientations the contributors explore the creation of public boundaries along with changes in the rules defining citizenship roles identities and rights

Public Rights and the Private Press Jerome A. Barron, 1981

Critical Cultural Policy Studies Justin Lewis, Toby Miller, 2008-04-15 Critical Cultural Policy Studies A Reader brings together classic statements and contemporary views that illustrate how everyday culture is as much a product of policy and economic determinants as it is of creative and consumer impulses

The Politics of Public Space Setha Low, Neil Smith, 2013-01-11 Why is public space disappearing Why is this disappearance important to democratic politics and how has it become an international phenomenon Public spaces are no longer democratic spaces but instead centres of private commerce and consumption and even surveillance and police control The Politics of Public Space extends the focus of current work on public space to include a consideration of the transnational in the sense of moving people and transformations in the nation or state to expand our definition of the public and public space Ultimately public

spaces are one of the last democratic forums for public dissent in a civil society Without these significant central public spaces individuals cannot directly participate in conflict resolution The Politics of Public Space assembles a superb list of contributors to explore the important political dimensions of public space as a place where conflicts over cultural and political objectives become concrete Decisional Privacy and the Rights of the Child Georgina Dimopoulos, 2022-10-14 Decisional privacy gives individuals the freedom to act and make decisions about how they live their lives without unjustifiable interference from other individuals or the state This book advances a theory of a child's right to decisional privacy It draws on the framework of the United Nations Convention on the Rights of the Child and extends the work of respected children's rights scholars to address a significant gap in understanding the interconnections between privacy family law and children's rights It contextualises the theory through a case study judicial proceedings concerning medical treatment for children experiencing gender dysphoria This work argues that recognising a substantive right to decisional privacy for children requires procedural rights that facilitate children's meaningful participation in decision making about their best interests It also argues that as courts have increasingly encroached upon decision making regarding children's medical treatment they have denied the decisional privacy rights of transgender and gender diverse children This book will benefit researchers students judicial officers and practitioners in various jurisdictions worldwide grappling with the tensions between children's rights parental responsibilities and state duties in relation to children's best interests and with the challenge of better enabling and listening to children's voices in decision making processes **Essentials of Intellectual Property Rights** Handong Wu, 2025-04-21 While undertaking economic social and judicial transformations unprecedented both in speed and scope China is finding its ways to establish an IPRs regime with its own characteristics Could China maintain its distinctive IPRs regime while honoring the international IPRs conventions Have rights of IP holders been duly protected in China How would China further enhance its IPRs legislation and enforcement in the near future Handong Wu China's leading IPRs scholar offers his insights from a nongovernmental perspective in hopes of providing readers both general and academic a vivid reflection of the IPRs system in China Domestic Abuse and the European Court of Human Rights Ronagh J.A. McQuigg, 2024-10-10 This book provides a detailed critical analysis of the jurisprudence of the European Court of Human Rights on domestic abuse Such abuse affects vast numbers of people throughout all nations of the world Although it was not until 2007 that domestic abuse was considered substantively by the European Court of Human Rights it has now been established that such abuse can constitute a violation of the right to life under Article 2 of the European Convention on Human Rights the right to be free from torture or inhuman or degrading treatment under Article 3 the right to respect for private and family life under Article 8 and the prohibition of discrimination under Article 14 The book analyses how conceptualisations of domestic abuse in the Court's jurisprudence have evolved for example in relation to a more consistent use of Article 3 in such cases a recognition of coercive control and the framing of domestic abuse as gender based

discrimination It also explores the development of the Court's understanding of domestic abuse for example as regards to how the Osman test should be applied in this context Additionally the book discusses the Court's approach to issues such as cyber violence and child contact in the context of domestic abuse The book will appeal to academics and researchers from a wide variety of disciplines such as criminal law criminology social policy human rights family law gender studies and sociology as well as practitioners and those in the voluntary sector who are working in the area of combating domestic abuse The book could also be used beneficially on courses at both undergraduate and postgraduate levels which incorporate the topic of domestic abuse

Human Rights and Private Law Katja S Ziegler, 2007-04-26 Privacy today is much debated as an individual's right against real or feared intrusions by the state as exemplified by proposed identity cards and surveillance measures in the United Kingdom In contrast invasions of privacy by private individuals or bodies tend to arouse less concern This book attempts to fill the gap by looking at the horizontal application of human rights after *Douglas v Hello* *Campbell v MGN* and *Caroline von Hannover v Germany* It provides a conceptual and theoretical framework and also considers specific particularly sensitive areas of law relating to privacy protection such as intellectual property employment and media law It provides comparative perspectives by relating Article 8 of the European Convention on Human Rights which serves as a focal point to UK Dutch German and European Communities law Several common threads are revealed running across jurisdictions and different areas of law and aspects of privacy The most notable is the definition of privacy in terms of the autonomy of the individual a notion associated with the liberal state in the classic sense but now acquiring more content as a human right also linked to ideas of social justice

Private Neighborhoods and the Transformation of Local Government Robert Henry Nelson, 2005 From 1980 to 2000 half the new housing in the United States was built in a development project governed by a neighborhood association More than 50 million Americans now live in these associations In *Private Neighborhoods and the Transformation of Local Government* Robert Nelson reviews the history of neighborhood associations explains their recent explosive growth and speculates on their future role in American society Unlike many previous studies Nelson takes on the whole a positive view Neighborhood associations are providing the neighborhood environment controls desired by the residents high quality common services and a stronger sense of neighborhood community Identifying significant operating problems Nelson proposes new options for improving the future governance of neighborhood associations

Public and Private Maurizio Passerin D'Entrèves, Ursula Vogel, 2005-08-11 The public and private distinction is essential to our moral and political vocabularies as it continues to structure our social and legal practices *Public and Private* provides a multidisciplinary perspective on this distinction which has been at the centre of controversial debate in recent years The focus of the debate has been on delineating acceptable boundaries between public and private in economic social and cultural spheres What is the nature and scope of citizenship What are the implications of new reproductive technologies And what is the fate of state sovereignty in a globalised world economy At first glance these

questions may appear unrelated yet they all raise underlying and serious concerns regarding the scope and proper boundaries between the public and the private Public and Private will stimulate the current debate with its original approach and provide a valuable resource for all those interested in the role the public and private play in structuring our societies

The Global Politics of Human Rights Miguelángel Verde Garrido, Philani Mthembu, Adam S. Wilkins, 2020-07-13 Now available online The Global Politics of Human Rights Bringing the Universal Declaration of Human Rights UDHR into the 21st Century 2020 a publication from the Berlin Forum on Global Politics BFoGP in collaboration with the Institute for Global Dialogue and the RECLAIM Universal Human Rights Initiative The Universal Declaration of Human Rights UDHR even more than 70 years after its adoption continues to provide the foundation for national and international laws concerned with human dignity and the universal and inalienable freedoms and claims of every person A living document the core principles enshrined in the UDHR are as relevant as ever to better the human condition and societies worldwide This collected volume is an open knowledge publication freely accessible under a Creative Commons license which includes 24 articles written by numerous well informed stakeholders from across the globe who include human rights scholars and practitioners experts and activists researchers and members of civil society and non governmental organizations It addresses particular aspects of the history of the UDHR the expansion and implementation of its Articles its role in the prevention of violence and its potential to address a changing world As a whole the publication serves two goals on the one hand it clarifies why the UDHR continues to be strongly relevant to the contemporary values dynamics and conditions of human rights in the 21st century and on the other hand it illustrates how the UDHR and its Articles can be further adapted and implemented to uphold and safeguard human rights even in times when global politics often follow the siren songs of populism authoritarianism nativism and extremism

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Table of Contents Public Rights And The Private Press

1. Understanding the eBook Public Rights And The Private Press
 - The Rise of Digital Reading Public Rights And The Private Press
 - Advantages of eBooks Over Traditional Books
2. Identifying Public Rights And The Private Press
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Public Rights And The Private Press
 - User-Friendly Interface
4. Exploring eBook Recommendations from Public Rights And The Private Press
 - Personalized Recommendations
 - Public Rights And The Private Press User Reviews and Ratings
 - Public Rights And The Private Press and Bestseller Lists
5. Accessing Public Rights And The Private Press Free and Paid eBooks
 - Public Rights And The Private Press Public Domain eBooks

- Public Rights And The Private Press eBook Subscription Services
- Public Rights And The Private Press Budget-Friendly Options
- 6. Navigating Public Rights And The Private Press eBook Formats
 - ePub, PDF, MOBI, and More
 - Public Rights And The Private Press Compatibility with Devices
 - Public Rights And The Private Press Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Public Rights And The Private Press
 - Highlighting and Note-Taking Public Rights And The Private Press
 - Interactive Elements Public Rights And The Private Press
- 8. Staying Engaged with Public Rights And The Private Press
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Public Rights And The Private Press
- 9. Balancing eBooks and Physical Books Public Rights And The Private Press
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Public Rights And The Private Press
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Public Rights And The Private Press
 - Setting Reading Goals Public Rights And The Private Press
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Public Rights And The Private Press
 - Fact-Checking eBook Content of Public Rights And The Private Press
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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