



# Rights And Duties

**Rosamund Scott**



## **Rights And Duties:**

**Rights, Duties and the Body** Rosamund Scott, 2002-08-05 If a pregnant woman refuses medical treatment needed by the fetus for instance for religious reasons or conducts some aspect of her life in a way which risks fetal harm there may arise an instance of maternal fetal conflict This is an unfortunate term since pregnant women are generally renowned for their self sacrificing behaviour but it may well reflect the reality of certain maternal choices and actions Should a pregnant woman have the legal right to refuse medical treatment needed by the fetus or should she owe it a legal duty of care which precludes her acting in ways which may harm it Does the debate hinge simply upon the appropriateness or otherwise of legally compelling presumed moral obligations or is it more complex than this Indeed what are a pregnant woman's moral obligations towards her fetus In England and in some US states courts have held that a pregnant woman has the right to refuse medical treatment needed by the fetus In similar fashion the idea of a general maternal legal duty of care toward the fetus has been rejected most recently in Canada The cases however leave the impression of an uncomfortable split between the ethics and the law as if the problem were entirely one of not legally enforcing presumed moral duties The effect is both puzzling and polarising puzzling in that the cases leave unanswered as largely they must the huge question of a pregnant woman's moral rights and duties polarising in that the cases leave troubling tensions about a pregnant woman's rights in the face of fetal harm or death The tendency is to deny these by ever more strongly asserting a woman's rights In turn this encourages a reaction in favour of fetal rights one which is unlikely to attend to a woman's interests and difficulties in pregnancy This could have serious legal repercussions for various instances of maternal fetal conflict including in those US states or other jurisdictions which have yet to address these issues It might also increase the pressures on the issue of abortion This book which seeks a way between these polarised positions tries to explain and justify a woman's moral and legal rights in pregnancy and at the same time to explore the extent of her moral duties toward the fetus The aim is to resolve as far as possible the ethical legal and social tensions which undoubtedly surround this area Innovatively in work on this issue and unusually in the field of medical law and ethics the author adopts a joint philosophical and legal approach directed to issues both of principle and policy revealing strong conceptual links between the ethics and the law In addition to an ethical exploration of the maternal fetal relationship the author explores and analyses the relevant English American Canadian and sometimes Australian arguments from the law of treatment refusal abortion tort and rescue as well as relevant jurisprudence from the European Court of Human Rights This important book breaks new ground and will be of great interest to academics in law and philosophy lawyers health professionals policy makers and students of medical law and ethics It is rare to find a book which so skilfully combines legal and moral analysis of a controversial medical issue Rosamund Scott has produced what is undoubtedly one of the finest pieces of medico legal writing of recent years This is a clever human and immensely readable work Alexander McCall Smith Professor of Medical Law University of Edinburgh This book

concerns one of the most personally agonizing and morally complex issues in medical ethics It is a work of great philosophical sophistication combining breadth of vision with acute sensitivity to the nuances of women s experiences It will soon become the standard work in philosophical legal and political debate on maternal fetal conflicts Roger Crisp Uehiro Fellow and Tutor in Philosophy St Anne s College Oxford

**The Hague Convention (XIII) of 1907 Concerning the Rights and Duties of Neutral Powers in Naval War** Carnegie Endowment for International Peace. Division of International Law,1915

Juta's Manual of Nursing Anne Young,C. F. Van Niekerk,S Mogotlane,2003 The basics of fundamental and general nursing science are presented in this health resource for auxiliary enrolled and registered general nurses A strong community nursing focus infuses the outcome based teachings and questions to stimulate further discussion Practical information on nursing in South Africa is provided including working in the legal framework managing the challenges of nursing in a culturally diverse society and dealing with patients suffering from HIV and AIDS Medical teachings on the use of oxygen temperature regulation mobility and skin integrity complement the ethical discussions

**Morality, Mortality: Rights, duties, and status** Frances Myrna Kamm,1993 This volume continues the examination of issues of life and death which F M Kamm began in *Morality Mortality* Volume I 1993 Kamm continues her development of a non consequentialist ethical theory and its application to practical ethical problems

*Proceedings of the National Seminar on Labour Rights, Duties and Corporate Growth* Dr. K.S. Lakshmi ,Dr. S. Shobhini ,Dr. S.M. Upasana ,Dr. P. Subathra ,Dr. Saiju M. John ,Dr. H. Sankaran,2017-09-06 Industrial Growth forms one of the basis for Nation s development Industrial growth can be achieved only if there is cordial industrial relationship between the employer and the employees The need of the hour is balancing act between Labour Rights Duties Corporate Growth There are three important players in Industrial Relations namely employer employee and government The subject of Labour Law is grooming in importance every day as it affects a number of people directly and indirectly The aim of Labour Law is the promotion of social justice and equity

Speeches Upon Questions Relating to Public, Rights, Duties and Interests Henry Lord Brougham,1838

**Speeches of Henry Lord Brougham Upon Questions Relating to Public Rights, Duties, and Interests** Henry Brougham Baron Brougham and Vaux,1838

A Treatise on the Rights, Duties, and Liabilities of Trustees of Wesleyan Methodist Chapels Thomas COOPER (Solicitor.),1850

**Anglo-American Encyclopedia** ,1910

*Kantian Theory and Human Rights* Andreas Follesdal,Reidar Maliks,2013-11-12 Human rights and the courts and tribunals that protect them are increasingly part of our moral legal and political circumstances The growing salience of human rights has recently brought the question of their philosophical foundation to the foreground Theorists of human rights often assume that their ideal can be traced to the philosophy of Immanuel Kant and his view of humans as ends in themselves Yet few have attempted to explore exactly how human rights should be understood in a Kantian framework The scholars in this book have gathered to fill this gap At the center of Kant s theory of rights is a view of freedom as independence from domination The chapters explore the significance of this theory

for the nature of human rights their justification and the legitimacy of international human rights courts     The Routledge Handbook on Extraterritorial Human Rights Obligations Mark Gibney, Gamze Erdem Türkelli, Markus Krajewski, Wouter Vandenhole, 2021-12-24 The Routledge Handbook on Extraterritorial Human Rights Obligations brings international scholarship on transnational human rights obligations into a comprehensive and wide ranging volume Each chapter combines a thorough analysis of a particular issue area and provides a forward looking perspective of how extraterritorial human rights obligations ETOs might come to be more fully recognized outlining shortcomings but also best state practices It builds insights gained from state practice to identify gaps in the literature and points to future avenues of inquiry The Handbook is organized into seven thematic parts conceptualization and theoretical foundations enforcement migration and refugee protection financial assistance and sanctions finance investment and trade peace and security and environment Chapters summarize the cutting edge of current knowledge on key topics as leading experts critically reflect on ETOs and where appropriate engage with the Maastricht Principles to critically evaluate their value 10 years after their adoption The Routledge Handbook on Extraterritorial Human Rights Obligations is an authoritative and essential reference text for scholars and students of human rights and human rights law and more broadly of international law and international relations as well as to those working in international economic law development studies peace and conflict studies environmental law and migration The Open Access version of this book available at [www.taylorfrancis.com](http://www.taylorfrancis.com) has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license     The Codes of California as Amended and in Force at the Close of the Thirty-sixth Session of the Legislature, 1905 ...: Civil code California, John F. MacLane, 1906     **Litigating Transnational Human Rights Obligations** Mark Gibney, Wouter Vandenhole, 2013-10-30 Human rights have traditionally been framed in a vertical perspective with the duties of States confined to their own citizens or residents Obligations beyond this territorial space have been viewed as either being absent or minimalistic at best However the territorial paradigm has now been seriously challenged in recent years in part because of the increasing awareness of the ability of States and other actors to impact human rights far from home both positively and negatively In response to this awareness various legal principles have come into existence setting out some transnational human rights obligations of varying degrees However notwithstanding these initiatives judicial institutions and monitoring bodies continue to show an enormous hesitancy in moving beyond a territorial reading of international human rights law This book addresses the issue in an innovative and challenging way by crafting legally sound hypothetical judgments from a number of adjudicatory fora The judgments are based on real world situations where extraterritorial or transnational issues have emerged and draw on existing international human rights law albeit a progressive interpretation of this law The book shows that there are a number of judicial and quasi judicial systems where transnational human rights claims can and should be enforced These include the World Trade Organization the International Court of Justice the regional human rights monitoring

bodies domestic courts and the UN treaty bodies Each hypothetical judgment is accompanied by detailed commentary placing it in context in order to show how international human rights law can address issues of a transnational character The book will be of interest to human scholars and lawyers practitioners activists and aid officials *Human Duties and the Limits of Human Rights Discourse* Eric R. Boot, 2017-10-24 This book demonstrates the importance of a duty based approach to morality The dominance of what has been labeled rights talk leads to the neglect of duties without corresponding rights e g duties of virtue and stimulates the proliferation of questionable human rights Therefore this book argues for a duty based perspective on morality in order to first salvage duties of virtue and second counter the trend of rights proliferation by providing some conceptual clarity concerning rights and duties that will enable us to differentiate between genuine and spurious rights claims The argument for this duty based perspective is made by examining two particularly contentious duties duties to aid the global poor and civic duties These two duties serve as case studies and are explored from the perspectives of political theory jurisprudence and moral philosophy The argument is made that both these duties can only be adequately defined and allocated if we adopt the perspective of duties as the predominant perspective of rights either does not recognize them to be duties at all or else leaves their content and allocation indefinite This renewed focus on duties does not wish to diminish the importance of rights Rather the duty based perspective on morality will strengthen human rights discourse by distinguishing more strictly between genuine and inauthentic rights Furthermore a duty based approach enriches our moral landscape by recognizing both duties of justice and duties of virtue The latter duties are not less important or supererogatory but function as indispensable complements to the duties prescribed by justice In this perceptive and exceptionally lucid book Eric Boot argues that a duty focused approach to morality will remedy the shortcomings he finds in the standard accounts of human rights The study tackles staple philosophical topics such as the contrasts between duties of virtue and duties of justice and imperfect and perfect obligations But more importantly perhaps it also confronts the practical question of what our human rights duties are and how we ought to act on them Boot's book is a splendid example of how philosophy can engage and clarify real world problems Kok Chor Tan Department of Philosophy University of Pennsylvania A lively and enjoyable defence of the importance of our having duties to fellow human beings in severe poverty At a time when global justice has never been more urgent this new book sheds much needed light Thom Brooks Professor of Law and Government and Head of Durham Law School Durham University

**Limitations of the Legislative Power in Respect to Personal Rights and Private Property** John W. Cary, 1892 **Committee of Experts for the Progressive Codification of International Law** League of Nations, 1927 *The Encyclopædia Britannica*, 1898 **Human Rights and Participatory Politics in Southeast Asia** Catherine Renshaw, 2019-02-18 In *Human Rights and Participatory Politics in Southeast Asia* Catherine Renshaw recounts an extraordinary period of human rights institution building in Southeast Asia She begins her account in 2007 when the ten members of the Association of Southeast Asian Nations ASEAN signed the

ASEAN charter committing members for the first time to principles of human rights democracy and the rule of law In 2009 the ASEAN Intergovernmental Commission on Human Rights was established with a mandate to uphold internationally recognized human rights standards In 2013 the ASEAN Human Rights Declaration was adopted as a framework for human rights cooperation in the region and a mechanism for ASEAN community building Renshaw explains why these developments emerged when they did and assesses the impact of these institutions in the first decade of their existence In her examination of ASEAN Renshaw asks how human rights can be implemented in and between states that are politically diverse Vietnam and Laos are Communist Brunei Darussalam is an Islamic sultanate Myanmar is in transition from a military dictatorship the Philippines and Indonesia are established multiparty democracies while the remaining members are less easily defined Renshaw cautions that ASEAN is limited in its ability to shape the practices of its members because it lacks a preponderance of democratic states However she concludes that in the absence of a global legalized human rights order the most significant practical advancements in the promotion of human rights have emerged from regional institutions such as the ASEAN

*The European Convention on Human Rights and General International Law* Anne van Aaken, Julia Motoc, 2018-10-03 The European Court of Human Rights is one of the main players in interpreting international human rights law where issues of general international law arise While developing its own jurisprudence for the protection of human rights in the European context it remains embedded in the developments of general international law However because the Court does not always follow general international law closely and develops its own doctrines which are in turn influential for national courts as well as other international courts and tribunals a feedback loop of influence occurs This book explores the interaction including the problems arising in the context of human rights between the European Convention on Human Rights and general international law It contributes to ongoing debates on the fragmentation and convergence of international law from the perspective of international judges as well as academics Some of the chapters suggest reconciling methods and convergence while others stress the danger of fragmentation The focus is on specific topics which have posed special problems namely sources interpretation jurisdiction state responsibility and immunity

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

enforceable in view of liberties and levels of wellbeing typically seen as protected by human rights The book will be of interest to postgraduates studying Human Rights Sustainability Law and Philosophy



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