

Joel Feinberg

Rights, Justice,
and the Bounds
of Liberty

Essays in Social Philosophy

Rights Justice The Bounds Of Liberty Essays In Social Philosophy

Samantha Besson



Rights Justice The Bounds Of Liberty Essays In Social Philosophy:

Rights, Justice, and the Bounds of Liberty Joel Feinberg, 2014-07-14 This volume of essays by one of America's preeminent philosophers in the area of jurisprudence and moral philosophy gathers together fourteen papers that had been published in widely scattered and not readily accessible sources All of the essays deal with the political ideals of liberty and justice or with hard cases for the application of the concept of a right Originally published in 1980 The Princeton Legacy Library uses the latest print on demand technology to again make available previously out of print books from the distinguished backlist of Princeton University Press These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905

Freedom and Culture in Western Society Hans Blokland, 2019-03-07 Critically examining conceptions of freedom of some of the leading contemporary philosophers from Isaiah Berlin to Charles Taylor Hans Blokland explores the value and significance that freedom has acquired on our political consciousness He looks specifically at positive and negative freedom freedom of the individual freedom and society emancipation and paternalism freedom and cultural politics

Children, Rights, and the Law Philip Alston, Stephen Parker, Stephen John Parker, John A. Seymour, 1992 The adoption in November 1989 by the UN General Assembly of the United Nations Convention on the Rights of the Child heralded the arrival of a new era in the development of children's rights As of March 1991 over 75 states have ratified the Convention Using the Convention as a framework the contributors to this volume set out to re-evaluate the advantages and disadvantages of approaching issues of children's welfare and well-being through the lens of a rights approach The aim is to take a fresh look at these issues and to do so with specific reference to an international treaty that is certain to be ratified by a very large number of countries in every region of the world and which will soon be legally binding in many states This is a special issue of the International Journal of Law and the Family Contributors Tom Campbell Onora O'Neill Michael Freeman Ngaire Naffine Margaret Coady Tony Coady Sheila McLean Frances Olsen and John Eekelaar

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 *A Theory of Justice for Animals* Robert Garner,2013-08-15 At the same time he argues that humans have a greater interest in life and liberty than most species of nonhuman animals

The Concept of Group Rights in International Law Corsin Bisaz,2012-08-28 The Concept of Group Rights in International Law offers a critical appraisal of the concept of group rights in international law on the basis of an extensive survey of existing group rights in contemporary international law Among some of its findings is the observation that an ideological way of arguing about this legal category is widespread among scholars as well as practitioners it sees this ideological framing as one of the main reasons why international law has so far been very reluctant to provide group rights and to call them by their name Accordingly the book re evaluates the concept based on the experience with existing group rights in international law and pleads for a more pragmatic approach Despite limitations with the concept the overall thesis is that there is a role for group rights as a pragmatic tool allowing for a principled approach to substate groups through international law Such an approach could turn group rights into an arguably minor but nevertheless highly relevant legal category of international law

The Morality of Conflict Samantha Besson,2005-11-25 This book explores the relationship between the law and pervasive and persistent reasonable disagreement about justice It reveals the central moral function and creative force of reasonable disagreement in and about the law and shows why and how lawyers and legal philosophers should take reasonable conflict more seriously Even though the law should be regarded as the primary mode of settlement of our moral conflicts it can and should also be the object and the forum of further moral conflicts There is more to the rule of law than convergence and determinacy and it is important therefore to question the importance of agreement in law and

politics By addressing in detail issues pertaining to the nature and sources of disagreement its extent and significance as well as the procedural institutional and substantive responses to disagreement in the law and their legitimacy this book suggests the value of a comprehensive approach to thinking about conflict which until recently has been analysed in a compartmentalized way It aims to provide a fully fledged political morality of conflict by drawing on the analysis of topical jurisprudential questions in the new light of disagreement Developing such a global theory of disagreement in the law should be read in the context of the broader effort of reconstructing a complete account of democratic law making in pluralistic societies The book will be of value not only to legal philosophers and constitutional theorists but also to political and democratic theorists as well as to all those interested in public decision making in conditions of conflict **Positive**

Freedom John Christman, John Philip Christman, 2021-09-16 This is the first volume to treat the idea of positive freedom in detail and from multiple perspectives **Climate Change, Ethics and Human Security** Karen O'Brien, Asunción Lera St.

Clair, Berit Kristoffersen, 2010-07-22 Presenting human security perspectives on climate change this volume raises issues of equity ethics and environmental justice as well as our capacity to respond to what is increasingly considered to be the greatest societal challenge for humankind Written by international experts it argues that climate change must be viewed as an issue of human security and not an environmental problem that can be managed in isolation from larger questions concerning development trajectories and ethical obligations towards the poor and to future generations The concept of human security offers a new approach to the challenges of climate change and the responses that could lead to a more equitable and sustainable future Climate Change Ethics and Human Security will be of interest to researchers policy makers and practitioners concerned with the human dimensions of climate change as well as to upper level students in the social sciences and humanities interested in climate change **Public Health Law and Ethics** Lindsay F. Wiley, Lawrence O.

Gostin, 2025-02-25 In this bold fourth edition Lindsay F Wiley builds on the foundation laid by Lawrence O Gostin to define public health law and ethics for a new generation of leaders and scholars Their examination of the scope and limits of governmental powers and duties to protect the public's health takes on new urgency in light of the devastation caused by the 2020 coronavirus pandemic and the stark inequities it revealed Their insistence that social justice must be prioritized as a core value of public health ethics animates their analysis of communicable disease control strategies chronic disease prevention programs the opioid overdose and gun violence crises and more They elucidate what is at stake for the public in legal debates regarding the regulatory powers of administrative agencies erosion of local government autonomy by state legislatures and tensions between federal and state officials over safety net programs They focus particularly on the role of the courts in striking down popular laws and policies boosting religious liberty and gun rights and eroding protections for fundamental rights to sexual and reproductive freedom and racial and gender equality The book creates an intellectual framework for ensuring that public health interventions are evidence based and consistent with ethical values Its incisive

analysis of challenging trade offs between individual rights and collective needs reveals complex answers to the essential question of what fellow community members owe each other when it comes to health

Recognition, Equality and Democracy Jurgen De Wispelaere, Cillian McBride, Shane O'Neill, 2013-10-18 This volume brings together a range of theoretical responses to issues in Irish politics Its organising ideas recognition equality and democracy set the terms of political debate within both jurisdictions For some there are significant tensions between the grammar of recognition concerned with esteem respect and the symbolic aspects of social life and the logic of equality which is primarily concerned with the distribution of material resources and formal opportunities while for others tensions are produced rather by certain interpretations of these ideas while alternative readings may by contrast serve as the basis for a systematic account of social and political inequality The essays in this collection will explore these interconnections with reference to the politics of Northern Ireland and the Republic The Republic has gone through a period in which its constitution was the focus for a liberal politics aimed at securing personal autonomy while Northern Ireland's political landscape has been shaped by the problem of securing political autonomy and democratic legitimacy While the papers address key questions facing each particular polity the issues themselves have resonances for politics on each side of the border

Recognition and the Human Life-Form Heikki Ikäheimo, 2022-07-08 What is recognition and why is it so important This book develops a synoptic conception of the significance of recognition in its many forms for human persons by means of a rational reconstruction and internal critique of classical and contemporary accounts The book begins with a clarification of several fundamental questions concerning recognition It then reconstructs the core ideas of Fichte Hegel Taylor Fraser and Honneth and utilizes the insights and conceptual tools developed across these chapters for developing a case for the universal importance of recognition for humans It argues in favour of a universalist anthropological position unusual in the literature on recognition that aims to construe a philosophically sound basis for a discourse of common humanity or of a shared human life form for which moral relations of recognition are essential This synthetic conception of the importance of recognition provides tools for articulating deep intuitions shared across cultures about what makes human life and forms of human co existence better or worse and thus tools for mutual understanding about the deepest shared concerns of humanity or of what makes us all human persons despite our differences Recognition and the Human Life Form will appeal to readers interested in philosophical anthropology social and political philosophy critical theory and the history of philosophy It also provides ideas and conceptual tools for fields such as anthropology education disability studies international relations law politics religious studies sociology and social research Chapter 5 of this book is available for free in PDF format as Open Access from the individual product page at www.routledge.com It has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license

HIV, AIDS, and Childbearing Ruth R. Faden, Nancy E. Kass, 1996 Whether with whom and when to have children are among the most precious of our private decisions Increasingly however the interest of

others in these decisions raise difficult questions about the role of government and health professionals in influencing reproductive choice. Nowhere is this tension felt more keenly than in the context of HIV and AIDS. This book takes on the tough issues related to HIV and childbearing. Is there a moral right to have children? What are the limits of persuasion? Are there constitutional constraints on interference with reproduction? What are the precedents with restricting the childbearing behavior of women who use drugs? The book includes original work by doctors, lawyers, ethicists, and public health professionals. Also included are the experiences of HIV infected women and their health care providers. Interviews were conducted over a two year period with HIV infected women and with health care providers from four cities to examine what issues of childbearing in the context of HIV mean to them. The book is divided into four sections on medical and public health issues, legal issues, ethical and social issues, and comments from the community. It concludes with recommendations for clinical practice and public policy. Public policy makers, health care providers, practitioners in bioethics, pediatrics, health law, and obstetrics/gynecology will find this book invaluable when dealing with issues related to HIV and childbearing.

Conscience in Moral Life Jason J. Howard, 2014-03-19. The notion of conscience remains one of the most widely used moral concepts and a cornerstone of ordinary moral thinking. This book explores where this widespread confidence in conscience stems from, examining the history of conscience as a moral concept and its characteristic moral phenomenology. Jason Howard provides a comprehensive reassessment of the function of conscience in moral life, detailing along the way the manifold problems that arise when we believe our conscience is more reliable than is actually warranted. The result is a step by step evaluation of our most accepted assumptions. Howard goes on to argue from a phenomenological perspective that conscience is indispensable for understanding moral experience. He capitalizes on a dialectical perspective developed by Hegel and Ricoeur in which conscience is seen as the recognition of the other and integrates this with work in the philosophy of emotion, arguing that conscience is best seen in terms of the function it serves in moderating the moral emotions of shame, guilt, and pride.

The Routledge Handbook of Global Ethics Darrel Moellendorf, Heather Widdows, 2015-05-08. Global ethics focuses on the most pressing contemporary ethical issues: poverty, global trade, terrorism, torture, pollution, climate change, and the management of scarce resources. It draws on moral and political philosophy, political and social science, empirical research, and real world policy and activism. *The Routledge Handbook of Global Ethics* is an outstanding reference source to the key topics, problems, and debates in this exciting subject, presenting an authoritative overview of the most significant issues and ideas in global ethics. The 31 chapters by a team of international contributors are structured into six key parts: normative theory, conflict and violence, poverty and development, economic justice, bioethics and health justice, environment and climate ethics. Covering the theoretical and practical aspects of global ethics as well as policy, *The Routledge Handbook of Philosophy of Global Ethics* provides a benchmark for the study of global ethics to date, as well as outlining future developments. It will prove an invaluable reference for policy makers and is essential reading for students and researchers in

philosophy international relations political science environmental and development studies and human rights law

Voluntary Euthanasia and the Common Law Margaret Otlowski, 1997 Margaret Otlowski investigates the complex and controversial issue of active voluntary euthanasia. She critically examines the criminal law prohibition of medically administered active voluntary euthanasia in common law jurisdictions and carefully looks at the situation as handled in practice. The evidence of patient demands for active euthanasia and the willingness of some doctors to respond to patients' requests is explored and an argument for reform of the law is made with reference to the position in the Netherlands where active voluntary euthanasia is now openly practiced.

Foundations of Liberalism Margaret Moore, 1993-02-18 This book is an original critique of contemporary liberal theories of justice focusing on the problem of how to relate the personal point of view of the individual to the impartial perspective of justice. Margaret Moore's examination of prominent contemporary arguments for liberal justice reveals that individualist theories are subject to two serious difficulties: the motivation problem and the integrity problem. Individualists cannot explain why the individual should be motivated to act in accordance with the dictates of liberal justice and related to this offer radically incoherent accounts of the person. Revisionist liberal attempts to ground liberalism in contextual and perfectionist terms offer more defensible foundations but Dr Moore argues that such theories do not support liberal political principles. She concludes by sketching a historical and concrete approach to political and ethical theorizing which reformulates the relation between self interest and morality and is not subject to the problems that beset liberal individualist theories of justice. Her book advances the debate between communitarians and liberals about the kind of moral foundation which a liberal society requires.

Ethical Competencies for Public Leadership David Bromell, 2019-10-31 This book identifies six ethical competencies for public leadership in contexts of pluralism. While diversity in proximity generates conflict where people want and value different things, the right kind of leadership and the right kind of politics can minimise domination, humiliation, cruelty and violence. Written by a public policy advisor for fellow practitioners in politics and public life, this book applies political theory and social ethics to identify a set of competencies: being civil, diplomatic, respectful, impartial, fair and prudent, to keep ethics at the centre of a pluralist democratic politics. The six competencies are described in behavioural terms as personal resolutions. They offer valuable tools for mentoring and professional development. This book will appeal to politicians and those who advise them and anyone who engages in or aspires to public leadership, whether in the public sector, the private sector, the community and voluntary sector or academia.

Rights and Christian Ethics Kieran Cronin, 1992 Kieran Cronin helps philosophers and theologians to understand each other's perspectives on rights, making this book a significant contribution to Christian ethics and moral philosophy.

Seeking Balance A. Pablo Iannone, 2014-07-25 The problems and issues arising from globalization are difficult to resolve in part because our ways of conceptualizing the conflicts and responding to them are inadequate. This book fills this gap, conceiving of globalization as a consequence of economic, political, technological, scientific and cultural changes. A. Pablo

Iannone provides a taxonomy of globalization processes investigates the consequences of each and formulates a comprehensive approach for dealing with them While his emphasis is philosophical this is not a single discipline book Rather it belongs at the intersection of philosophy economics political science and technology Its discussions address issues concerning globalization and correlate the processes of fragmentation and dislocation in a realistic manner Iannone focuses on concrete and current cases from the global economic and financial issues posed by the multi centered nature of contemporary business and technology through the pressures of ever increasing information overload across the planet He explores the environmental and social challenges associated with current Amazonian development and its significance to weather patterns on Earth He considers the issues surrounding the use of robots in war from Pakistan through Mexico and the militarization of space In short the approach while based on theoretical concerns is solidly grounded in highly practical applications which are global in their implications

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