

HUMAN RIGHTS LAW IN PERSPECTIVE

# Human Rights, Culture and the Rule of Law

*Jessica Minquist*

# Rights Culture And The Law

**Nina-Louisa Arold Lorenz, Xavier  
Grousot, Gunnar Thor Petursson**

## **Rights Culture And The Law:**

*Human Rights, Culture and the Rule of Law* Jessica Almqvist, 2005-09-12 This new book examines the relationship between culture and respect for human rights It departs from the oft made assumption that culture is closely linked to ideas about community Instead it reveals culture as a quality possessed by the individual with a serious impact on her ability to enjoy the rights and freedoms as recognised in international human rights law in meaningful and effective ways This understanding redirects attention towards a range of issues that have long been marginalised but which warrant a central place in human rights research and on the international human rights agenda Special attention is given to the circumstances induced by cultural differences between people and the laws by which they are expected to live The circumstances are created by differing tools know how and skills cultural equipment diverse settlements on matters that are ultimately indifferent from the standpoint of cosmopolitan moral law adiaphora and conflicts having their source in conflicting doctrines ethical religious and philosophical addressing deep questions about the ultimate purpose of human life comprehensive doctrines Each of the circumstances shifts the focus with the aim of securing effective and adequate protection of individual freedom as societies become increasingly diversified in cultural terms and issues arise of access to laws and public institutions exemption from legal obligations for reasons of conscience fair resolution of conflicts having their source in differing ethical religious and philosophical outlooks and excuse for breach of law in case of involuntary ignorance

**Human Rights, Culture, and the Rule of Law** Jessica Almqvist, 2005 This new book examines the relationship between culture and respect for human rights It departs from the oft made assumption that culture is closely linked to ideas about community Instead it reveals culture as a quality possessed by the individual with a serious impact on her ability to enjoy the rights and freedoms as recognised in international human rights law in meaningful and effective ways This understanding redirects attention towards a range of issues that have long been marginalised but which warrant a central place in human rights research and on the international human rights agenda Special attention is given to the circumstances induced by cultural differences between people and the laws by which they are expected to live The circumstances are created by differing tools know how and skills cultural equipment diverse settlements on matters that are ultimately indifferent from the standpoint of cosmopolitan moral law adiaphora and conflicts having their source in conflicting doctrines ethical religious and philosophical addressing deep questions about the ultimate purpose of human life comprehensive doctrines Each of the circumstances shifts the focus with the aim of securing effective and adequate protection of individual freedom as societies become increasingly diversified in cultural terms and issues arise of access to laws and public institutions exemption from legal obligations for reasons of conscience fair resolution of conflicts having their source in differing ethical religious and philosophical outlooks and excuse for breach of law in case of involuntary ignorance Bloomsbury Publishing The European Human Rights Culture - A Paradox of Human Rights Protection in Europe? Nina-Louisa Arold Lorenz, Xavier

Groussot, Gunnar Thor Petursson, 2014-04-30 *The European Human Rights Culture A Paradox of Human Rights Protection in Europe* analyses the political term European Human Rights Culture a term first introduced by EU Commission President Barroso Located in the fields of comparative law and European law this book analyses through first hand interviews with the European judiciary the judicial perspective on the European human rights culture and sets this in context to the political dimension of the term In addition it looks at the structures and procedures of the Court of Justice of the European Union CJEU and the European Court of Human Rights ECtHR and explains the embedding of the Courts legal cultures It offers an in depth analysis of the margin of appreciation doctrine at both the CJEU and ECtHR and shows its value for addressing human rights grievances This book is novel in that it combines interviews and case law analysis to show how a mix of differences on the bench are legally amalgamated to resolve probing legal questions and human rights issues It shows through a combined analysis of case law and recent political developments for European human rights the tensions between judicial and political approaches and the paradox of human rights protection in Europe It also offers in depth knowledge of the European human rights discourse In addition to a rich study of legal materials the book looks inside the box by adding the judiciary s perspective Human rights are widely acknowledged in European societies and cases claiming human rights violations are increasing at both the CJEU and ECtHR In these times of increased human rights awareness this book uncovers a paradox in European human rights protection which is created by the push and pull between judicial and political interests

**Human Rights Culture in Indonesia** Max Regus, 2021-06-08 Drawing on human rights discourse and a study of the difficulties faced by religious minority groups using the Ahmadiyya minority group as a case study this book presents three interconnected challenges to human rights culture in Indonesia First it presents a normative challenge describing the gap between philosophical and normative principles of human rights on one side and the overall problems and critical issues of human rights at national and local levels on the other Second it considers the political problems in developing and strengthening human rights culture The political challenge addresses the ability or inability of the state to guarantee the rights of certain individuals and minority groups Third it examines the sociological challenge of majority minority group relationships in human rights discourse and practices This book describes the background of human rights in Indonesia and reviews the previous literature on the issue It also presents a comprehensive review of the discourses about human rights and political changes in contemporary Indonesia The analysis focuses on how human rights challenges affect the situation of religious minorities looking in particular at the Ahmadiyya as a minority group that experiences human rights violations such as discrimination persecution and violence The study fills out its treatment of these issues by examining the involvement of actors both from the state and society addressing also the politics of human rights protection

*The Human Rights Culture* Lawrence Meir Friedman, Lawrence M. Friedman, 2011 Lawrence M Friedman s newest book explores the sheer phenomenon of a near global arc favoring the idea and sometimes even the practice of human rights Not the usual legal or philosophical

examination of rights this book instead asks Why is it as a social and historical matter that rights discourse is so prevalent and compelling to the current world Reams of books and articles have been written about human rights but THE HUMAN RIGHTS CULTURE is unique It is the first comprehensive sociological study of human rights in the contemporary period With his characteristic erudition and graceful style Lawrence Friedman addresses all the central topics women s rights minority rights privacy social rights cultural rights the role of courts whether human rights are universal and much more This surprisingly compact book presents a balanced discussion of each issue filled with fascinating details and examples Friedman s core argument is that the recent rise of human rights discourse around the globe is the product of modernity in particular the spread of the cultural belief that people are unique individuals entitled to respect and the opportunity to flourish This terrific book will be informative not only to human rights experts and practitioners but also to people who wish to read a clear and sophisticated introduction to the field Brian Z Tamanaha Professor of Law Washington UniversityQuality ebook formatting from Quid Pro Books features active Contents linked footnotes linked textual cross references and active URLs in references Professor Friedman s latest book joins Quid Pro s Contemporary Society Series

**Founding a Global Human Rights Culture for Trade Marks** Genevieve Wilkinson,2023-08-14 This ground breaking book demonstrates that states are not attentive enough to the serious human rights implications of trade mark protection Important rights to freedom of expression health life benefits from science and culture privacy a fair trial and protection from discrimination and hate speech are often insufficiently addressed

Routledge Handbook of International Human Rights Law Scott Sheeran,Sir Nigel Rodley,2014-08-07 The Routledge Handbook of International Human Rights Law provides the definitive global survey of the discipline of international human rights law Each chapter is written by a leading expert and provides a contemporary overview of a significant area within the field As well as covering topics integral to the theory and practice of international human rights law the volume offers a broader perspective though examinations of the ways in which human rights law interacts with other legal regimes and other international institutions and by addressing the current and future challenges facing human rights Providing up to date and authoritative articles covering key aspects of international human rights law this book work is an essential work of reference for scholars practitioners and students alike Chapter 35 of this book is freely available as a downloadable Open Access PDF under a Creative Commons Attribution Non Commercial No Derivatives 3 0 license [https://www.routledgehandbooks.com/doi/10.4324/9780203481417\\_ch35](https://www.routledgehandbooks.com/doi/10.4324/9780203481417_ch35)

**Gender, Culture and Human Rights** Siobhán Mullally,2006-05-26 In recent years feminist theory has increasingly defined itself in opposition to universalism and to discourses of human rights Rejecting the troubled legacies of Enlightenment thinking feminists have questioned the very premises upon which the international human rights movement is based Rather than abandoning human rights discourse however this book argues that feminism should reclaim the universal and reconstruct the theory and practice of human rights Discourse ethics and its post metaphysical defence of universalism is offered as a key to this process of reconstruction

The implications of discourse ethics and the possibility of reclaiming universalism are explored in the context of the reservations debate in international human rights law and further examined in debates on women's human rights arising in Ireland India and Pakistan Each of these states shares a common constitutional heritage and in each religious cultural claims intertwined with processes of nation building have constrained the pursuit of gender equality Ultimately this book argues in favour of a dual track approach to cultural conflicts combining legal regulation with an ongoing moral political dialogue on the scope and content of human rights

**A Comparative Study of Chinese and Western Legal Language and Culture**

Falian Zhang, 2021-03-08 This book involves a variety of aspects and levels including the diachronic and synchronic dimensions Law profoundly affects our daily lives but its language and culture can at times be nearly impossible to understand As a comparative study of Chinese and Western legal language and legal culture this book investigates the similarities and differences of both sides and identifies their respective advantages and disadvantages Accordingly it considers both social and cultural functions and both theoretical and practical values Firstly the book addresses the differences that is the basic frameworks and disparities between the Chinese and Western legal languages and legal cultures Secondly it explores relevant changes over time that is the historical evolution and the basic driving forces that were at work before the Chinese and Western legal languages and cultures met Lastly the book elaborates on their fusion that is the conflicts and changes in Chinese and Western legal languages and cultures in China in the modern era as well as the introduction transplantation and transformation of Western legal culture

*Rights, Culture, and the Law* Lukas H. Meyer, Stanley L. Paulson, Thomas Winfried Menko Pogge, 2003 This volume brings together a collection of original papers on some of the main tenets of Joseph Raz's legal and political philosophy legal positivism and the nature of law practical reason authority group rights and multiculturalism

*Cultural Human Rights* Francesco Francioni, Martin Scheinin, 2008 What is the relationship between culture and human rights Can the idea of cultural rights which are predicated on the distinctiveness and exclusivity of a community's beliefs and traditions be compatible with the concept of human rights which are universal and inherent to all human beings If we accept such compatibility what is the actual content of cultural rights Who are their beneficiaries individuals or peoples or groups as collective entities And what precise obligations do cultural rights pose upon states or other actors in international law or for the international community as a whole International instruments on the protection of human rights do not provide self evident answers to these questions This book seeks to analyse these dilemmas and to assess the impact that they are having on international law and the development of a coherent category of cultural human rights

**Indigenous People and the Roles of Culture, Law and Globalization**

Kennedy M. Maranga, 2013 This book explores the history culture rights and the effects of globalization on indigenous people in the Americas Asia Pacific and Africa from an evaluative and critical perspective Unlike discipline based textbooks this volume seeks to contribute to the social discourse around indigenouness and to engage readers in a shared sense of humanity and

empowerment for these groups of individuals Among the issues addressed are who indigenous people are culture and colonization self determination the impact of legal theory and judicial decisions land rights poverty lack of healthcare international human rights law tourism treaties and globalization The book concludes by addressing what it means to be an indigenous person in the 21st century and calling upon policymakers to recognize the importance of preserving indigenous people s territories languages cultures and collective rights

**Inter-American Yearbook on Human Rights / Anuario Interamericano de Derechos Humanos, Volume 28 (2012)** Inter-American Commission on Human Rights,2022-10-24

The print edition is available as a set of three volumes 9789004285521 Culture and Rights Jane K.

Cowan,Marie-Bénédicte Dembour,Richard A. Wilson,2001-11-29 Do people everywhere have the same or even compatible ideas about multiculturalism indigenous rights or women s rights The authors of this book move beyond the traditional terms of the universalism versus cultural relativism debate Through detailed case studies from around the world Hawaii France Thailand Botswana Greece Nepal and Canada they explore the concrete effects of rights talk and rights institutions on people s lives

**A Treatise on the Law of Irrigation and Water Rights and the Arid Region Doctrine of Appropriation of Waters as the Same is in Force in the States of the Arid and Semi-arid Regions of the United States** Clesson

Selwyne Kinney,1912 **Immovable Laws, Irresistible Rights** Christine Pierce,2000 Same sex partnerships Pregnancy through in vitro fertilization Ending one s own life in dignity All are deemed inherently wrong by the standards of natural law ethics but for many people they represent legitimate life choices that are morally right Now a leading feminist critic of the natural law tradition explores the ongoing confrontation between natural law and moral rights to argue that rights constitute a more solid grounding for ethics in human affairs and for feminist thought In this volume Christine Pierce s important essays including the celebrated Natural Law Language and Women expand reflect and refine this central controversy Reaching back to Aristotle and Aquinas and drawing on modern papal encyclicals and Supreme Court cases Pierce demonstrates that the natural law tradition with its doctrine of a supposed hierarchy of natural purpose has served to mystify women s nature and thereby justify restricting women to a predetermined social stratum Addressing issues that concern not only feminism but legal theory as well she defends her views on equality and universalization against a growing postmodern critique and presents rights theory as an alternative to an ethics of responsibility based on Aristotelian notions of friendship and trust Through tightly constructed arguments presented in engaging prose Pierce conveys her deep knowledge of legal philosophy and her passion for rights as she takes on such issues as AIDS gay marriage animal liberation and feminist separatism She combats the prevailing view of Plato as sexist and explores Sartre s views of holes and slime She also examines the work of contemporary authors in ecology biology sociobiology and religion to reveal their reliance on nature for ethical conclusions and she criticizes recent efforts to root a feminist natural law in Thomism With natural law concepts now in fashion with many conservatives and even some Supreme Court justices Pierce s essays offer a necessary perspective on where current

legal and ethical thinking is headed *Immovable Laws Irresistible Rights* is invigorating reading for all scholars students and interested readers who seek a better understanding of these arguments and the issues affected by them     Encyclopedia of Forms and Precedents for Pleading and Practice, at Common Law, in Equity, and Under the Various Codes and Practice Acts William Henry Michael, William Mack, Howard Pervear Nash, Thomas Edward O'Brien, James Cockcroft, 1898     *A Treatise on the Law of Scotland Relating to Rights of Fishing* Charles Stewart, 1892     Advertising, Culture and the Law Iain Ramsay, 1996 Critically explores legal conceptions of the power of advertising in the light of recent developments in cultural theory Rejecting traditional conceptions the author provides an alternative vision of the potential role of law in the regulation of adverti     *Child Culture According to the Laws of Physiological Psychology and Mental Suggestion* Newton N. Riddell, 1902



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