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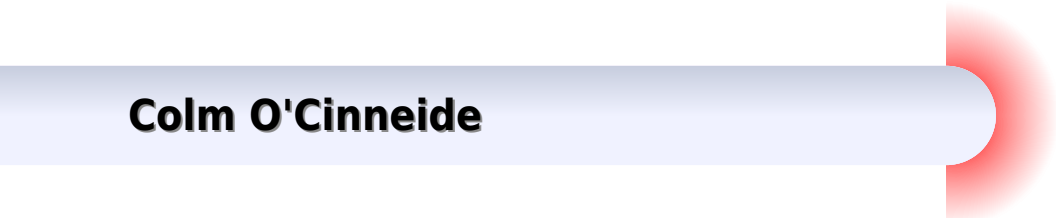
Sceptical Essays on Human Rights

Edited by Tom Campbell,
K. D. Ewing, and Adam Tomkins



Sceptical Essays On Human Rights

Colm O'Cinneide



Sceptical Essays On Human Rights:

Sceptical Essays on Human Rights Tom Campbell, Keith D. Ewing, Adam Tomkins, 2001 This collection written by an array of international scholars raises serious and profound concerns about the entrenchment of human rights generally and into UK law in particular This is the only book on the market to take a sceptical approach to recent developments in human rights law Written throughout in an engaging and accessible style this book is essential reading for all those with an interest in law or politics

The Legal Protection of Human Rights Tom Campbell, Keith D. Ewing, Adam Tomkins, 2011 The value and legitimacy of using courts to limit the powers of governments in the domain of human rights is a significant ongoing debate This book provides a critical review that explores the alternative means for protecting and promoting human rights This group of twenty four leading human rights scholars from around the world present a variety of perspectives on the disappointing human rights outcomes of recent institutional developments and consider the prospects of reviving the moral force and political implications of human rights values

Australia's Human Rights Scrutiny Regime Adam Fletcher, 2018-09-17 In 2010 the Australian Government decided that it would not propose a Human Rights Act despite the relevant recommendation of the 2008 09 National Human Rights Consultation Instead it introduced a Human Rights Framework comprising several measures to enhance human rights protection including the Human Rights Parliamentary Scrutiny Act 2011 The scrutiny regime under that Act was designed to ensure rights would be given due consideration before Commonwealth legislation was passed The Act created a unique bipartite dialogue system involving a formal interchange on rights compatibility between the executive and Parliament while excluding the courts This set the Commonwealth apart from jurisdictions such as the ACT Victoria New Zealand and the UK which have statutory rights instruments administered by their courts The book presents a detailed study of all aspects of the scrutiny regime and compares the regime with its closest counterparts overseas In assessing the regime's impact it argues that a system in which the executive and Parliament are responsible both for protecting rights and for remedying rights breaches is neither more legitimate nor more effective than one involving all three branches of government Accordingly it calls for strengthening reforms

What's Wrong with Rights? Nigel Biggar, 2020 iWhat's Wrong with Rights i argues that contemporary rights talk obscures the importance civic virtue military effectiveness and the democratic law legitimacy It draws upon legal and moral philosophy moral theology and court judgments It spans discussions from medieval Christendom to contemporary debates about justified killing

Philosophical Perspectives on Democracy in the 21st Century Ann E. Cudd, Sally J. Scholz, 2013-12-03 This work offers a timely philosophical analysis of fundamental principles of democracy and the meaning of democracy today It explores the influence of big money and capitalism on democracy the role of information and the media in democratic elections and constitutional issues that challenge democracy in the wake of increased threats to privacy since 2001 and in light of the Citizens United decision of the US Supreme Court It juxtaposes alternate positions from experts in law and philosophy and

examines the question of legitimacy as well as questions about the access to information the quality of information the obligations to attain epistemic competence among the electorate and the power of money Drawing together different political perspectives as well as a variety of disciplines this collection allows readers the opportunity to compare different and opposing moral and political solutions that both defend and transform democratic theory and practice Security and Human Rights Benjamin Goold,Liora Lazarus,2007-06-07 In the wake of the events of September 11th the task of reconciling issues of security with a respect for fundamental human rights has emerged as one of the key challenges facing governments throughout the world Although the issues raised by the rise of security have been the subject of considerable academic interest to date much of the debate surrounding the impact of security on human rights has taken place within particular disciplinary confines In contrast this collection of essays from leading academics and practitioners in the fields of criminal justice public law international law international relations and legal philosophy offers a genuinely multidisciplinary perspective on the relationship between security and human rights In addition to exploring how the demands of security might be reconciled with the desire to protect established rights Security and Human Rights offers a fresh perspective on the broader legal and political challenges that lie ahead as states attempt to control crime prevent terrorism and protect their citizens

Current Legal Problems 2009 Colm O'Cinneide,2010-02-04 This year's volume covers topics such as military detention English criminal law terrorism democracy human rights civil liberties the media and international law family law child welfare health feminism economic theory corporate law competition regulation contract law biotechnology biodiversity and more Sex Discrimination in Uncertain Times Margaret Thornton,2010-09-01 This collection of essays arose from a conference held to mark the silver anniversary of the Australian Sex Discrimination Act 1984 The collection has two aims

first to honour the contributions of both the spirited individuals who valiantly fought for the enactment of the legislation against the odds and those who championed the new law once it was passed secondly to present a stock take of the Act within the changed socio political environment of the 21st century The contributors present clear eyed appraisals of the legislation in addition to considering new forms of legal regulation such as Equality Act and the significance of a Human Rights Act The introduction of a proactive model which would impose positive duties on organisations is explored as an alternative to the existing individual complaint based model of legislation The contributors also pay attention to the international human rights framework particularly the Convention on the Elimination of all Forms of Discrimination against Women and the UN Declaration on the Rights of Indigenous People The essays are illuminated by recourse to a rich vein of historical and contemporary literature Regard is also paid to the comparative experience of other jurisdictions particularly the UK and Canada **Business Freedoms and Fundamental Rights in European Union Law** Niall

O'Connor,2024-10-31 Article 16 of the EU Charter of Fundamental Rights recognizing the freedom to conduct a business in accordance with Union law and national laws and practices has been the subject of intense debate over the value of business

freedoms within EU law Problematically the Court of Justice of the European Union CJEU relied on this provision in a series of highly deregulatory judgments invoking Article 16 to undermine the effectiveness of employee protective legislation Business Freedoms and Fundamental Rights in European Union Law assesses the value placed on the freedom to conduct a business as a fundamental right within the legal reasoning of the CJEU Arguing that this freedom can only properly be understood in relation to its wider constitutional and social rights functions it uses the employment law context as a case study given the tensions that exist between the economic rights of employers and the social rights of employees Examined holistically the book demonstrates that granting fundamental rights status to business freedoms is not inherently deregulatory with such freedoms also encapsulating social rights values and interests The freedom to conduct a business therefore emerges as a malleable fundamental rights concept dependent on the underlying constitutional context whether that be within national constitutional law the EU Charter of Fundamental Rights general principles of EU law or in the arrangements governing the United Kingdom's departure from the EU This is an open access title available under the terms of a CC BY NC ND 4.0 International licence It is free to read on Oxford Scholarship Online and offered as a free PDF download from OUP and selected open access locations

Democratic Dialogue and the Constitution Alison L Young, 2017-02-10 Constitutions divide into those that provide for a constitutionally protected set of rights where courts can strike down legislation and those where rights are protected predominantly by parliament where courts can interpret legislation to protect rights but cannot strike down legislation The UK's Human Rights Act 1998 is regarded as an example of a commonwealth model of rights protections It is justified as a new form of protection of rights which promotes dialogue between the legislature and the courts dialogue being seen not just as a better means of protecting rights but as a new form of constitutionalism occupying a middle ground between legal and political constitutionalism This book argues that there is no clear middle ground for dialogue to occupy with most theories of legal and political constitutionalism combining legal and political protections as well as providing an account of interactions between the legislature and the judiciary Nevertheless dialogue has a role to play It differs from legal and political constitutionalism in terms of the assumptions on which it is based and the questions it asks It focuses on analysing mechanisms of inter institutional interactions and assessing when these interactions can provide a better protection of rights facilitate deliberation engage citizens and act as an effective check and balance between institutions of the constitution This book evaluates dialogue in the UK constitution assessing the protection of human rights through the Human Rights Act 1998 the common law and EU law It also evaluates court court dialogue between the UK court the European Court of Justice and the European Court of Human Rights The conclusion evaluates the implications of the proposed British Bill of Rights and the referendum decision to leave the European Union

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