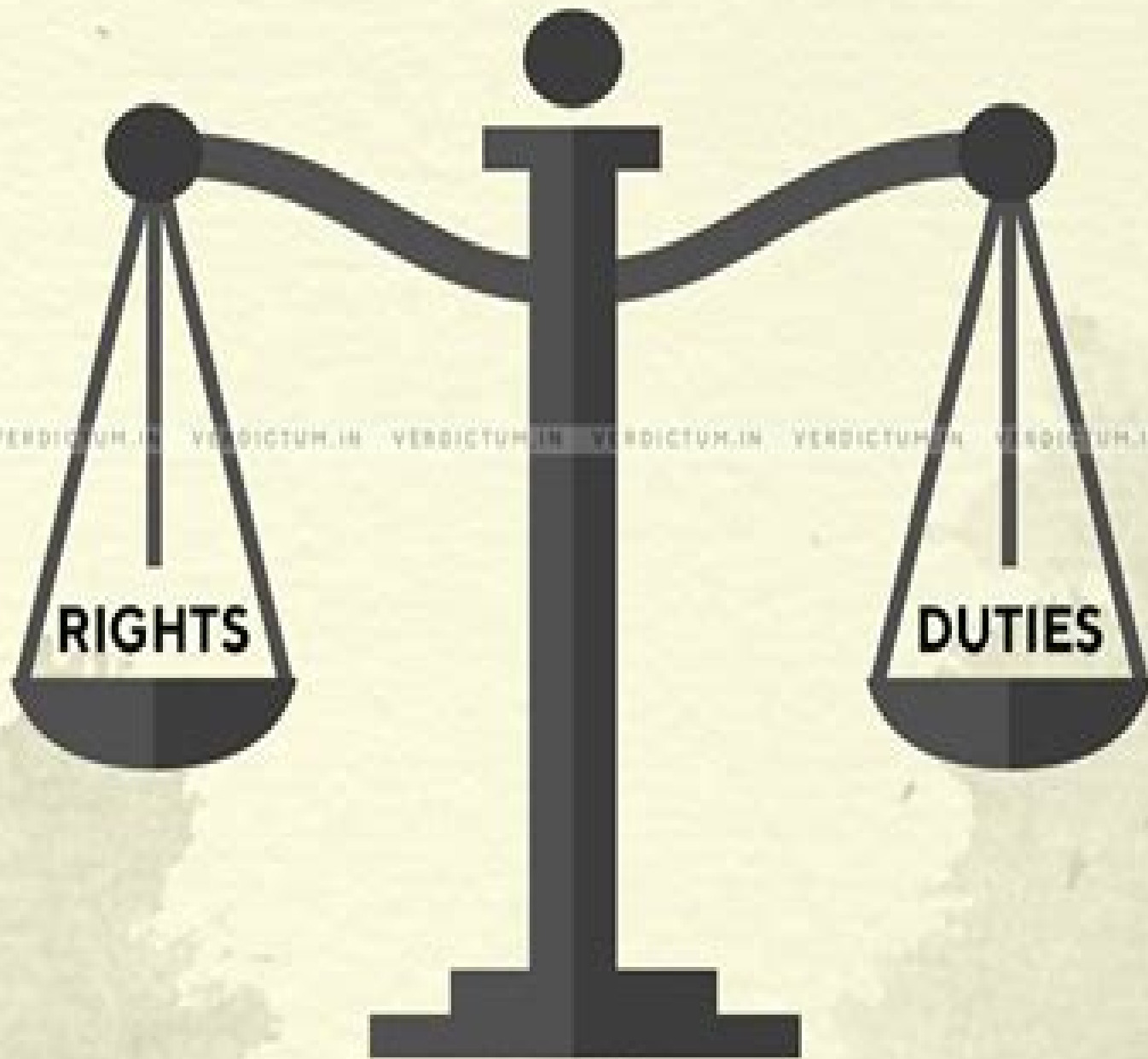




Rights And Duties

John Witte, Jr., M. Christian Green



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

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

Reasonableness and Responsibility: A Theory of Contract Law Martín Hevia,2012-09-14 If as John Rawls famously suggests justice is the first virtue of social institutions how are we to understand the institution of contract law This book proposes a Rawlsian theory of contract law It argues that justice requires that we understand contract rules in terms of the idea of reasonable terms of interaction that is terms that would be accepted by reasonable persons moved by a desire for a social world in which they as free and equal can cooperate with others on terms they accept On that basis the book explains the main doctrines of contract law including those governing third parties in both the Common Law and the Civil Law

Social Rights and the Politics of Obligation in History Steven L. B. Jensen,Charles Walton,2022-01-06 A pioneering study in the history of social rights filling a significant gap in human rights scholarship and practice

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 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 **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 **Foreign Investment, Human Rights and the Environment** Shyami Fernando Puvimanasinghe,2007 Events like the Bhopal disaster the sale of products harmful to human health and safety and child labour especially in resource scarce settings raise fundamental issues of human dignity and ecological integrity From a legal perspective and in the context of Foreign Direct Investment by Transnational Corporations in developing countries they highlight the lacuna of a holistic international legal framework and its implementation This book embodies a critique of the complex web of public international law principles on economics human rights and the environment and their convergence or lack thereof related regional South Asian and domestic Sri Lankan legal arrangements interventions of states and non state actors towards just equitable and sustainable development It is a quest for a middle path in the multidisciplinary landscape of international law development and North South power dynamics globalization of free trade and investment and of social and environmental interests and salient aspects of the philosophical socio economic and legal fabric of South Asia viewed against the evolving controversial and elastic sphere of international relations and law where consensus has hitherto been an elusive dream **The Oxford Handbook on the Sources of International Law** Samantha Besson,Jean D'Aspremont,Sévrine Knuchel,2017 This Oxford Handbook examines the sources of international law how the understanding of sources changed throughout the history of international law how the main legal theories understood sources the relationship between sources and the legitimacy of international law and how sources differ across the various sub areas of international law A Treatise on the Rights,

Duties, and Liabilities of Trustees of Wesleyan Methodist Chapels Thomas COOPER (Solicitor.),1850 **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 has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license Philosophy of Human Rights Anat Biletzki,2019-11-05 An introductory text to the philosophy of human rights this book provides an innovative systematic study of the concepts ideas and theories of human rights It examines the principal philosophical issues that arise in specific areas of rights such as women's rights minority rights or disability rights and addresses the human rights aspects of world problems such as global poverty and humanitarian intervention Along with the presentation of these established subjects the book provides a vibrant critique of both the liberal fundamentals of human rights and the legal and political aspects of the concrete practice by individuals and organizations Key Features Presents a thorough philosophical introduction to human rights for anyone from any subject e.g international law politics public policy philosophy While grounded in philosophy demonstrates a clear organized understanding of real world aspects of the field with a deep analysis of vital current issues Is attentive to critical stances on human rights and to stultifying privations in the field Offers a well organized overall structure moving from historical treatment to conceptual analysis to a set of current issues and finally to criticism *Procedure and Evidence in International Arbitration* Jeffrey Waincymer,2012-05-23 Central to the book's purpose is the procedural challenge facing arbitrators at each and every stage of the arbitral process when fairness arguments conflict with efficiency concerns and trade offs must be determined Some key themes include how can a tribunal be fair and in particular be neutral if parties are so diverse How can arbitration be made efficient and cost effective without undue inroads into fairness and

accuracy How does a tribunal do what is best if the parties are choosing a suboptimal process When can or must an arbitrator ignore procedural choices made by the parties The author thoroughly evaluates competing arguments and adds his own practical tips expertly synthesizing and engaging with the conference literature and differing authors views He identifies criteria that offer a harmonized approach to each stage of the arbitral process with particular attention to such aspects of international arbitration as appropriate trade offs between flexibility and certainty the rights duties and powers of arbitrators appointment and challenge of arbitrators responses to guerilla tactics drafting of arbitration agreements including specialty clauses drafting of required commencement notices and response documents set off fast track arbitration and other efficiency options strategic use of preliminary conferences and timetabling online arbitration multi party multi contract class arbitration amicus and third party funders pre arbitral referees and interim relief witness evidence both factual and expert documentary evidence production obligations and challenges to production identifying applicable law and remedies and costs

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

Religious Human Rights in Global Perspective John (jurista) Witte, Johan David Van der Vyver, Van der Vyver, J. D., 1996-02-09 In this Dickensian century of human rights the world has cultivated the best of religious rights protections but witnessed the worst of religious rights abuses In this volume Jimmy Carter John T Noonan Jr and a score of leading jurists assess critically and comparatively the religious rights laws and practices of the international community and of selected states in the Atlantic continents This volume and its companion *Religious Human Rights in Global Perspective Religious Perspectives* are products of an ongoing project on religion human rights and democracy undertaken by the Law and Religion Program at Emory University *Rights and Responsibilities*, 1995 Multiple generations in families as well as their wider communities have clearly defined responsibilities for care and nutrition for the equitable distribution of social and economic resources within the family unit and for the protection of individual members However governments also have responsibilities to ensure that family members are protected especially those who are vulnerable or dependent If the family environment becomes noxious for its members and subjects them to abuse and neglect then governments have a responsibility to take appropriate action to address the situation In summary the perspective indicates that while it is the role of the family to nurture care for and protect children and other vulnerable family members governments also have a role in providing adequate resources to enable them to do so Clearly then rights and responsibilities accrue to the state as well as to families Introduction rights responsibilities and social investment by Rajen Prasad page vii *States, Human Rights, and Distant Strangers* Angela Müller, 2023-10-24 This book combines legal and philosophical perspectives to address the question of whether states are bound by human rights when they act with effects on people abroad states extraterritorial human rights obligations Taking an innovative approach it begins with a profound legal analysis of the issue at national supranational and international levels and then engages in depth with counterarguments against extraterritorially applying human rights on the basis of which it develops its own ethical justificatory theory of extraterritorial human rights obligations The book closes the circle by showing what the practical implications of this theory for the interpretation and possible evolvement of human rights law would be In a world where critiques of and resistance to the general idea of universal human rights are on rise the book contributes to closing the gap between judicial and normative perspectives on extraterritorial human rights obligations by inquiring into the ethical underpinnings of this topical legal challenge This book will be of key interest to scholars and students in human rights international law and more broadly in political philosophy philosophy of law and international relations The Open Access version of this book available at www.taylorfrancis.com has been made available under a Creative Commons Attribution 4.0 license *Religion and Human Rights* John Witte, Jr., M. Christian Green, 2011-12-08 This volume examines the relationship between religion and human rights in seven major religious traditions as well as key legal concepts

contemporary issues and relationships among religion state and society in the areas of human rights and religious freedom

The Revised Statutes of the Province of Quebec Québec (Province),1889 The Codes of California as Amended
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