



Edited by
Matthew H. Kramer

Rights, Wrongs and
□ Responsibilities



Rights Wrongs And Responsibilities

Jonathan Gorman



Rights Wrongs And Responsibilities:

Rights, Wrongs and Responsibilities M. Kramer, 2001-10-10 In this wide ranging investigation of many prominent issues in contemporary legal and political philosophy eight distinguished philosophers and legal theorists including Matthew Kramer Hillel Steiner Antony Duff Sandra Marshall Wilfrid Waluchow and Nicholas Bamforth tackle issues such as the rights of animals and fetuses the relationship between law and politics the requirements of justice the demands of practical rationality the role of public policy considerations in legal reasoning the fundamental characteristics of legal and moral entitlements the appropriateness of compensation as a means of rectifying mishaps and misdeeds the extent of individuals responsibility for the consequences of their choices and the culpability of failed attempts to commit crimes Together the eight principal essays in *Rights Wrongs and Responsibilities* shed philosophical light on public law criminal law and most areas of private law as they explore the bearings of the three key concepts in the volume's title **Damages and Human Rights** Jason NE Varuhas, 2016-05-19 Winner of the 2018 Inner Temple New Authors Book Prize and the 2016 SLS Peter Birks Prize for Outstanding Legal Scholarship *Damages and Human Rights* is a major work on awards of damages for violations of human rights that will be of compelling interest to practitioners judges and academics alike Damages for breaches of human rights is emerging as an important and practically significant field of law yet the rules and principles governing such awards and their theoretical foundations remain underexplored while courts continue to struggle to articulate a coherent law of human rights damages The book's focus is English law but it draws heavily on comparative material from a range of common law jurisdictions as well as the jurisprudence of international courts The current law on when damages can be obtained and how they are assessed is set out in detail and analysed comprehensively The theoretical foundations of human rights damages are examined with a view to enhancing our understanding of the remedy and resolving the currently troubled state of human rights damages jurisprudence The book argues that in awarding damages in human rights cases the courts should adopt a vindictory approach modelled on those rules and principles applied in tort cases when basic rights are violated Other approaches are considered in detail including the current mirror approach which ties the domestic approach to damages to the European Court of Human Rights approach to monetary compensation an interest balancing approach where the damages are dependent on a judicial balancing of individual and public interests and approaches drawn from the law of state liability in EU law and United States constitutional law The analysis has important implications for our understanding of fundamental issues including the interrelationship between public law and private law the theoretical and conceptual foundations of human rights law and the law of torts the nature and functions of the damages remedy the connection between rights and remedies the intersection of domestic and international law and the impact of damages liability on public funds and public administration The book was the winner of the 2016 SLS Peter Birks Prize for Outstanding Legal Scholarship and the 2018 Inner Temple New Authors Book Prize **Rights and Reason** Jonathan

Gorman,2014-12-18 In *Rights and Reason* Jonathan Gorman sets discussion of the rights debate within a wide ranging philosophical and historical framework Drawing on positions in epistemology metaphysics and the theory of human nature as well as on the ideas of canonical thinkers Gorman provides an introduction to the philosophy of rights that is firmly grounded in the history of philosophy as well as the concerns of contemporary political and legal philosophy The book gives readers a clear sense that just as there are arguments about the content of rights and just as there are myriad claims to rights so there are pluralities of theories of rights that offer some understanding of the moral and legal realm and of the place rights may hold within it Gorman argues that in a pluralist context of inconsistent rights we require pragmatic procedures rather than universal principles of justice to resolve conflicting claims *Rights, Wrongs, and Injustices* Stephen A. Smith,2019-11-07

Rights Wrongs and Injustices is the first comprehensive account of the scope foundations and structure of remedial law in common law jurisdictions The rules governing the kinds of complaints that common law courts will accept are generally well understood However the rules governing when and how they respond to such complaints are not This book provides that understanding It argues that remedies are judicial rulings and that remedial law is the law governing their availability and content Focusing on rulings that resolve private law disputes for example damages injunctions and restitutionary orders this book explains why remedial law is distinctive how it relates to substantive law and what its foundational principles are The book advances four main arguments First the question of what courts should do when individuals seek their assistance the focus of remedial law is different from the question of how individuals should treat one another in their day to day lives the focus of substantive law Second remedies provide distinctive reasons to perform the actions they command in particular they provide reasons different from those provided by either rules or sanctions Third remedial law has a complex relationship to substantive law Some remedies are responses to rights threats others to wrongs and yet others to injustices Further remedies respond to these events in different ways while many remedies merely replicate substantive duties others modify substantive duties and some create entirely new duties Finally remedial law is underpinned by general principles principles that cut across the traditional distinctions between so called legal and equitable remedies Together these arguments provide an understanding of remedial law that takes the concept of a remedy seriously classifies remedies according to their grounds and content illuminates the relationship between remedies and substantive law and presents remedial law as a body of principles rather than a historical category *Right, Wrong and Science* Evandro Agazzi,2004 Solving the problem of the negative impact of science and technology on society and the environment is indeed the greatest challenge of our time To date this challenge has been taken up by few professional philosophers of science making this volume a welcome contribution to the general debate Agazzi s treatment involves viewing modern science and technology as each constituting systems Against the background of this approach he provides a penetrating analysis of science technology and ethics and their interrelations Agazzi sees the solution to the problem as lying in the moral sphere and including a multilateral

assumption of responsibility on the part of decision makers both within and outside of science **Rights: Concepts and Contexts** Horacio Spector, 2017-05-15 Rights Concepts and Contexts contains the central works of recent scholarship on the nature of rights with contributions by some of the most prominent contemporary theorists in moral legal and political philosophy including Joseph Raz Robert Alexy Jeremy Waldron Morton Horwitz Stephen Darwall Margaret Gilbert David Lyons and Aharon Barak With approaches ranging from the political to the historical and from the analytical to the critical this collection touches on the major conceptual and practical questions of this important field what is the nature and grounding of human rights How should conflicts of rights best be analyzed Are rights best understood in terms of choice benefits or some hybrid of the two What are the connections between rights and duties and between rights and justice The collection also offers useful introductions to emerging issues in rights theory such as the purported bipolarity of rights

Crime, Punishment, and Responsibility Rowan Cruft, Matthew H. Kramer, Mark R. Reiff, 2011-07-14 For many years Antony Duff has been one of the world's foremost philosophers of criminal law This volume collects essays by leading criminal law theorists to explore the principal themes in his work In a response to the essays Duff clarifies and develops his position on central problems in criminal law theory Some of the essays concentrate on the topic of criminalization That is they examine what forms of conduct including attempts offensiveness and negligence can aptly qualify as criminal offences and what principled limits if any should be placed on the reach of the criminal law Several of the other essays assess the thesis that punishment is justifiable as a form of communication between offenders and their community Those essays examine the presuppositions about the nature and function of community and about the moral structure of atonement that must be embraced if communication is to be a primary role for punishment The remaining essays examine the nature and limits of responsibility in the law as they engage with philosophical debates over moral luck by investigating the ways in which the law can legitimately hold people responsible for events that were not within their control These chapters tie the first and third parts of the book together as they explore the relationship between the principles that determine a person's responsibility and the principles that determine which types of actions can appropriately be criminalized Finally Duff responds with comments that seek to defend and clarify his views while also acknowledging the correctness of some of the critics' objections **The Blackwell Guide to the Philosophy of Law and Legal Theory** Martin P. Golding, William A.

Edmundson, 2008-04-15 The Blackwell Guide to the Philosophy of Law and Legal Theory is a handy guide to the state of play in contemporary philosophy of law and legal theory Comprises 23 essays critical essays on the central themes and issues of the philosophy of law today written by an international assembly of distinguished philosophers and legal theorists Each essay incorporates essential background material on the history and logic of the topic as well as advancing the arguments Represents a wide variety of perspectives on current legal theory **The Debate Over Corporate Social Responsibility** Steve Kent May, George Cheney, Juliet Roper, 2007 Should business strive to be socially responsible and if so how This book

updates and broadens the discussion of these questions by bringing together in one volume a variety of practical and theoretical perspectives on corporate social responsibility

Rights and Private Law Donal Nolan, Andrew Robertson, 2011-12-02 In recent years a strand of thinking has developed in private law scholarship which has come to be known as rights or rights based analysis Rights analysis seeks to develop an understanding of private law obligations that is driven primarily or exclusively by the recognition of the rights we have against each other rather than by other influences on private law such as the pursuit of community welfare goals Notions of rights are also assuming greater importance in private law in other respects Human rights instruments are having an increasing influence on private law doctrines And in the law of unjust enrichment an important debate has recently begun on the relationship between restitution of rights and restitution of value This collection is a significant contribution to debate about the role of rights in private law It includes essays by leading private law scholars addressing fundamental questions about the role of rights in private law as a whole and within particular areas of private law The collection includes contributions by advocates and critics of rights based approaches and provides a thorough and balanced analysis of the relationship between rights and private law

Moral Responsibility and Ontology A. van den Beld, 2013-03-14 Ton van den Beld This book is one of the results of the international conference on Moral Responsibility and Ontology which was held at Utrecht University in 1 June 1998 It contains a selection of the revised versions of the papers discussed at the conference The theme is in need of some clarification In the first place responsibility is an ambiguous term Although addition of the adjective moral reduces the variety of its meanings for example moral responsibility cannot be confused with causal responsibility different interpretations are still possible Thus the care of dependent children is a parental moral responsibility That is parents have the moral obligation to care for their children It is their moral task or role to do so If they fail to fulfil this obligation they might be morally responsible for the result of this failure Here another meaning of moral responsibility is involved the children's misery might be imputed to their parents They may be liable to blame Moral responsibility in this sense is what the conference was and this book is about It is about the conditions which must be met for a person to be justly held responsible for his or her moral faults and failures

Home Equity and Ageing Owners Lorna Fox O'Mahony, 2012-01-06 The growing use of housing equity to support a range of activities and needs raises complex issues particularly for older owners In an environment in which older owners are pushed towards housing equity transactions to meet income and welfare costs they are required to make choices from a complex and sometimes bewildering range of options The transactions which facilitate the use of home equity as a resource to spend in later life from trading down and ordinary secured and unsecured debt to targeted products including reverse lifetime mortgages home reversion plans and sale and rentback agreements raise important legal and regulatory issues This book provides a contextual analysis of the financial transactions that older people enter into using their housing equity It traces the protections afforded to older owners through the ordinary law of property and contract as well as the development of

specific regulatory protections focused on targeted products The book employs the notion of risk to highlight the nature and causes of the situational vulnerabilities to which older people are now subject as consumers of housing equity showing that the older owner's personal situation is crucial in determining whether and why they may seek to release equity the options and products available to them and the impact of harms resulting from adverse transactions The book critically evaluates the extent to which this context is incorporated in the legal frameworks through which these transactions are governed as a measure of the appropriateness of existing legal provision as well as considering the arguments surrounding special protection for older owners in housing equity transactions *Wronging Rights?* Aakash Singh Rathore, Alex

Cistelecan, 2012-03-12 This book brings together two of the most powerful and relevant philosophical critiques of human rights the post colonialist and the post Althusserian its balanced internal structure not just throwing these two critiques together but actually forcing them to enter into confrontation and dialogue The book is organised in three parts at each end the post colonialist and the post Althusserian critiques are represented by some of their main thinkers Ratna Kapur G C Spivak Upendra Baxi Slavoj Žižek Jacques Rancière while in the middle an American intermezzo Richard Rorty Wendy Brown functions as a genuine Derridian supplement always already contaminating the purity of the two theoretical schools preventing their enclosure and hence fuelling and complicating further their mutual confrontation As in any authentic dialogue the introduction and the conclusion each claim victory for one of the sides by changing the very terms and rules of the dialogue picturing it as a confrontation between emancipatory universalism and inefficient particularism from the perspective of the post Althusserians or as a split between hypocrisy and truth from the perspective of the post colonialists

New Directions in Private Law Theory Fabiana Bettini, Martin Fischer, Charles Mitchell, Prince Saprai, 2023-10-16 New Directions in Private Law Theory brings together some of the best new work on private law theory reflecting the breadth of this increasingly important field The contributions interrogate a wide range of topics including aspects of private law doctrine its development ordering and application The authors adopt a variety of different approaches and contribute to ongoing and important debates about the moral foundations of private law the individuation of areas of private law and the connections between private law and everyday moral experience Questions addressed include Does the diversity identified amongst claims in unjust enrichment mean that the category is incoherent Are claims in tort law always about compensating for wrongs How should we understand parties agreement in contract The contributions shed new light on these and other topics and the ways in which they intersect and open up new lines of scholarly enquiry The book will be of interest to researchers working in private law and legal theory but it will also appeal to those outside of law most notably researchers with an interest in moral and political philosophy economics and history **Responsibility Collapses** Stephen Kershnar, 2023-12-01 Our worldview assumes that people are morally responsible Our emotions beliefs and values assume that a person is responsible for what she thinks and does and that this is a good thing This book argues that this worldview is

false It provides four arguments for this conclusion that build on the free will and responsibility literatures in original and insightful ways Foundation No one is responsible because there is no foundation for responsibility A foundation for responsibility is something for which a person is responsible but not by being responsible for something else Epistemic Condition No one is responsible because no one fulfills the epistemic condition necessary for blameworthiness Internalism If a person were responsible then she would be responsible for and only for what goes on in her head Most of the evidence for responsibility says the opposite Amount No one is responsible because we cannot make sense of what makes a person more or less praiseworthy or blameworthy There is no other book that argues against moral responsibility based on foundationalism the epistemic condition and internalism and shows that these arguments cohere The book's arguments for internalism and quantifying responsibility are new to the literature Ultimately the book's conclusions undermine our commonsense view of the world and the most common philosophical understanding of God morality and relationships Responsibility Collapses Why Moral Responsibility Is Impossible is essential reading for scholars and advanced students in philosophy religious studies and political science who are interested in debates about agency free will and moral responsibility *Schools for Misrule* Walter K. Olson, 2011 Some imagine that the law schools possess a finer purer moral sensitivity than the everyday America outside their walls Welcome to the Republic of Conscience Yale Law dean Harold Koh announced to incoming students But as this book shows the pipe dream of training philosopher monarchs not only leads to one policy disaster after another but distracts law schools from the most useful function they can serve training competent ethical and suitably humble lawyers for tomorrow Book Jacket *The Role of Mental Illness in Criminal Trials: The insanity defense* Jane Campbell Moriarty, 2001 First Published in 2002 Routledge is an imprint of Taylor Francis an informa company

Standing in Private Law Timothy Liao, 2023-06-21 Standing in Private Law Powers of Enforcement in the Law of Obligations and Trusts develops the idea that we should attend more to standing conceived as a power to hold another accountable before a court as a distinct private law concept Prominent lawyers have claimed that private law does not have or need standing rules yet this seems implausible If private law is obligation imposing we need rules about who can sue on these obligations to hold their bearers accountable This book argues that a reason why standing has been relatively overlooked and under conceptualized receiving meagre attention from private lawyers is because it has been obscured from plain sight it has been swallowed up by the more dominant and capacious concept of a right However standing is a distinct and separable private law concept that can and should be distinguished more clearly from right Doing so is necessary for the continued rational development of private law doctrine It is also necessary for a deeper theoretical understanding of standing's significance and its place within the remedial apparatus of private law This book argues that an implicit standing rule exists across the law of obligations It examines its justifiability and the justifiability of exceptions to the rule It also shows how and why recognising standing's distinctiveness can help us to interpret develop and resolve debates within different areas of

private law including the laws of contract torts unjust enrichments and relatedly the law of trusts **The Insanity Defense: American Developments** Jane Moriarty, 2014-04-04 Whether the accused is competent to stand trial whether the plaintiff is competent to accuse or whether a witness is competent to testify has had a long legal history Such questions draw legal reasoning into areas of ethical reflection and scientific debate deeply rooted in the moral history of the United States Mental competence has come to play a central and controversial role in proving guilt and in evaluating the severity of a crime and its corresponding punishment This compendium brings together the major legal precedents and legal commentaries that have defined the role of mental illness in criminal trials throughout U S history The reprint collection considers among other issues the evolution of the Supreme Court's position on the insanity defense and mental retardation how these affect one's competency to stand trial or be executed and how these affect culpability and punishment Each volume begins with an introductory essay and includes both cases and commentary Scholars as well as students will find these volumes a useful research tool **Private Law in the 21st Century** Kit Barker, Karen Fairweather, Ross Grantham, 2017-01-26 This book brings together a wide range of contributors from across the common law world to identify and debate the principal moral and systemic challenges facing private law in the remaining part of the twenty first century The various contributions identify serious problems relating to complexity and overload threats to research and education the law's unintelligibility the unsatisfactory nature of the law reform process and a general lack of public engagement They consider the respective future roles of statutes codes and judge made law in the form of both common law and equitable rules They consider how best to organise the private law system internally and how to co ordinate it externally with other public and economic systems human rights regulation insurance markets and social security frameworks They address the challenges for private law presented by new forms of technology and by modern demands for the protection of new and intangible forms of moral interest such as interests in privacy vindication and personal choice They also engage with the critical contemporary debates about access to and the privatisation of civil justice The work is designed as a source of inspiration and reference for private lawyers as well as legislators policy makers and students

Rights Wrongs And Responsibilities Book Review: Unveiling the Power of Words

In a global driven by information and connectivity, the energy of words has be evident than ever. They have the capacity to inspire, provoke, and ignite change. Such is the essence of the book **Rights Wrongs And Responsibilities**, a literary masterpiece that delves deep to the significance of words and their affect our lives. Written by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we shall explore the book is key themes, examine its writing style, and analyze its overall effect on readers.

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