

The Constitution of Rights: Human Dignity and American Values

Meyer, Michael J.

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The Constitution Of Rights Human Dignity And American Values

Austin Sarat, Thomas R. Kearns



The Constitution Of Rights Human Dignity And American Values:

The Constitution of Rights Michael J. Meyer, William Allan Parent, 1992 This volume presents essays on the place of dignity or human dignity in the moral and juridical universe of the U S Constitution It is dedicated to William J Brennan Jr whose tenure as a Supreme Court associate justice marks the high point of efforts to include the idea of dignity as implicit in the scheme of ordered liberty that is part of the deepest held conviction of a civilized people The essays are of two kinds efforts to define human dignity or studies of human dignity as a principle in the structure of liberty found in the Bill of Rights and the Civil War amendments The essays argue for the recognition of the idea of dignity as part of the very foundation of the constitution of rights liberties and obligations celebrated in the 1991 bicentennial of the Bill of Rights An exception is a vintage piece by Raoul Berger in which he rejects Brennan s approach to constitutional interpretation ISBN 0 8014 2650 2 32 50

Human Dignity Aharon Barak, 2015-01-26 Human dignity is now a central feature of many modern constitutions and international documents As a constitutional value human dignity involves a person s free will autonomy and ability to write a life story within the framework of society As a constitutional right it gives full expression to the value of human dignity subject to the specific demands of constitutional architecture This analytical study of human dignity as both a constitutional value and a constitutional right adopts a legal interpretive perspective It explores the sources of human dignity as a legal concept its role in constitutional documents its content and its scope The analysis is augmented by examples from comparative legal experience including chapters devoted to the role of human dignity in American Canadian German South African and Israeli constitutional law

Perspectives on Human Dignity: A Conversation Jeff Malpas, Norelle Lickiss, 2007-10-06 The Honourable William Cox AC RFD ED Governor of Tasmania The issue of human dignity was given a new impetus at the end of the Second World War as a reaction to the horrors of the Jewish holocaust and other Nazi atrocities The immediate consequence was its recognition in such international documents as the Charter of the United Nations 1945 and the Universal Declaration of Human Rights 1948 Several new national constitutions likewise gave it recognition Though undefined it was seen as a supreme value possessed by all human beings and one giving rise to rights and obligations in and upon them In recent decades the existence of these rights has led to acceptance of procedures whereby they may be enforced and to the overthrow of such doctrines constraining them as that of Sovereign Immunity In domestic law too there have been ramifications while advances in medical science have raised ethical issues in respect of genetics human cloning and the termination or officious prolongation of life It was timely then that consideration should be given to human dignity by a wide range of researchers and practitioners in disciplines such as law philosophy history political science medicine the arts and theology at the Colloquium in Hobart in 2004 organized by the editors of this volume

Handbook of Economics and Ethics Jan Peil, Irene van Staveren, 2009-01-01 This volume pulls together a remarkable collection of contributors designed to challenge the positive normative dichotomy in economic methodology The intent of this

publication is to provide a reference manual for those seeking insights into the connections between economics and ethics. It succeeds in that goal and should become a starting point for anyone who believes that mainstream economics needs methodological reorientation. Anyone interested in ethics and economic methodology would do well to have this reference book handy. Highly recommended. J Halteman Choice. This new Handbook of Economics and Ethics makes a substantial contribution as a wide ranging up to date reference work including original developments on these two fundamentally interconnected fields. This contribution is particularly timely given the increasing attention being paid to economics as a moral science. The Handbook contains seventy five expert entries on subjects ranging from the history of economics and philosophy to conceptual analysis of ethics in various aspects of modern economics while representing a diversity of views. Sheila Dow University of Stirling UK. The Handbook of Economics and Ethics portrays an understanding of economic methodology in which facts and values though distinct are closely interconnected in a variety of ways. From theory building to data collection and from modelling to policy evaluation this encyclopaedic Handbook is at the intersection of economics and ethics. Irene van Staveren and Jan Peil bring together 75 unique and original papers to provide up to date insights on topics such as markets globalization human development rationality efficiency and corporate social responsibility. The book presents contributions from an array of international scholars using methodological and theoretical approaches and convincingly demonstrates the death of the positive normative dichotomy that so long held economics in its grip. This invaluable resource will strongly appeal to students of economics and economic methodology philosophy of science and ethics. It will also be of great benefit to academics and policy makers involved in economic policies and ethics. Interdisciplinary Perspectives on Human Dignity and Human Rights Hoda Mahmoudi, Michael L. Penn, 2019-11-18. This timely collection brings together a diverse array of field leading contributors in order to offer an interdisciplinary investigation into a discourse research and action agenda in pursuit of the universal application of human dignity. **Legal Rights** Austin Sarat, Thomas R. Kearns, 2009-11-10. The idea of legal rights today enjoys virtually universal appeal yet all too often the meaning and significance of rights are poorly understood. The purpose of this volume is to clarify the subject of legal rights by drawing on both historical and philosophical legal scholarship to bridge the gap between these two genres a gap that has divorced abstract and normative treatments of rights from an understanding of their particular social and cultural contexts. Legal Rights Historical and Philosophical Perspectives shows that the meaning and extent of rights has been dramatically expanded in this century though along with the widespread and flourishing popularity of rights voices of criticism have increasingly been raised. The authors take up the question of the foundation of rights and explore the postmodern challenges to efforts to ground rights outside of history and language. Drawing rich historical analysis and careful philosophical inquiry into productive dialogue this book explores the many facets of rights at the end of the twentieth century. In these essays potentially abstract debates come alive as they are related to the struggles of real people attempting to cope with and

improve their living conditions The significance of legal rights is measured not just in terms of philosophical categories or as a collection of histories but as they are experienced in the lives of men and women seeking to come to terms with rights in contemporary life Contributors are Hadley Arkes William E Cain Thomas Haskell Morton J Horwitz Annabel Patterson Michael J Perry Pierre Schlag and Jeremy Waldron Austin Sarat is William Nelson Cromwell Professor of Jurisprudence and Political Science Amherst College Thomas R Kearns is William H Hastie Professor of Philosophy Amherst College The Judge in a Democracy Aharon Barak, 2009-01-10 Whether examining election outcomes the legal status of terrorism suspects or if or how people can be sentenced to death a judge in a modern democracy assumes a role that raises some of the most contentious political issues of our day But do judges even have a role beyond deciding the disputes before them under law What are the criteria for judging the justices who write opinions for the United States Supreme Court or constitutional courts in other democracies These are the questions that one of the world's foremost judges and legal theorists Aharon Barak poses in this book In fluent prose Barak sets forth a powerful vision of the role of the judge He argues that this role comprises two central elements beyond dispute resolution bridging the gap between the law and society and protecting the constitution and democracy The former involves balancing the need to adapt the law to social change against the need for stability the latter judges ultimate accountability not to public opinion or to politicians but to the internal morality of democracy Barak's vigorous support of purposive interpretation interpreting legal texts for example statutes and constitutions in light of their purpose contrasts sharply with the influential originalism advocated by U S Supreme Court Justice Antonin Scalia As he explores these questions Barak also traces how supreme courts in major democracies have evolved since World War II and he guides us through many of his own decisions to show how he has tried to put these principles into action even under the burden of judging on terrorism *The Oxford Handbook of Comparative Constitutional Law* Michel Rosenfeld, András Sajó, 2012-05-17 The field of comparative constitutional law has grown immensely over the past couple of decades Once a minor and obscure adjunct to the field of domestic constitutional law comparative constitutional law has now moved front and centre Driven by the global spread of democratic government and the expansion of international human rights law the prominence and visibility of the field among judges politicians and scholars has grown exponentially Even in the United States where domestic constitutional exclusivism has traditionally held a firm grip use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U S Supreme Court The trend towards harmonization and international borrowing has been controversial Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts that seems far from the case in constitutional law Can a parliamentary democracy be compared to a presidential one A federal republic to a unitary one Moreover what about differences in ideology or national identity Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context Is it perilous to

compare minority rights in a multi ethnic state to those in its ethnically homogeneous counterparts These controversies form the background to the field of comparative constitutional law challenging not only legal scholars but also those in other fields such as philosophy and political theory Providing the first single volume comprehensive reference resource the Oxford Handbook of Comparative Constitutional Law will be an essential road map to the field for all those working within it or encountering it for the first time Leading experts in the field examine the history and methodology of the discipline the central concepts of constitutional law constitutional processes and institutions from legislative reform to judicial interpretation rights and emerging trends European and US Constitutionalism Georg Nolte,European Commission for Democracy through Law,2005-01-01 This book compiles the papers and comments delivered at the Conference on European and American constitutionalism which took place in Göttingen in 2003 Through topics like freedom of speech human dignity the protective function of the state adjudication and democracy and international influences the conference papers identify salient features of the constitutional systems on both sides of the Atlantic and address recent developments following the end of the soviet era in eastern Europe and the terrorists attacks of 11 September 2001 **Governmental Automated**

Decision-Making and Human Rights Stefan Schäferling,2023-12-07 With the growing capabilities of artificial intelligence governments are integrating AI technologies into administrative and even judicial decision making aiding and in some cases even replacing human decision makers Predictive policing automated benefits administration and automated risk assessment in criminal sentencing are but a few prominent examples of a general trend While the turn towards governmental automated decision making promises to reduce the impact of human biases and produce efficiency gains reducing the human element in governmental decision making also entails significant risks This book analyses these risks through a comparative constitutional law and human rights lens examining US law German law and international human rights law It also highlights the structural challenges that automation poses for legal systems built on the assumption of exclusively human decision making Special attention is paid to the question whether existing law can adequately address the lack of transparency in governmental automated decision making its discriminatory processes and outcomes as well as its fundamental challenge to human agency Building on that analysis it proposes a path towards securing the values of human dignity and agency at the heart of democratic societies and the rule of law in an increasingly automated world This book will be of interest to researchers and scholars focusing on the evolving relationship of law and technology as well as human rights scholars Further it represents a valuable contribution to the debate on the regulation of artificial intelligence and the role human rights can play in that process **Freedom of Expression** Ioanna Tourkochoriti,2021-11-11 A comparison of French and American approaches to freedom of expression with reference to the historical social and philosophical contexts

Freedom of Religion Or Belief Heiner Bielefeldt,Nazila Ghanea-Hercock,Michael Wiener,2016 This commentary on freedom of religion or belief provides a comprehensive overview of the pressing issues of freedom of religion or belief from

an international law perspective Exploring Personhood in Contemporary Times Lemuel W. Watson, 2023-03-01 With the dawn of research into leader behaviors scholars differentiated between being task oriented which is important and also being people oriented People matter And we tend to guard against leader attitudes that treat persons as objects as passive or inert as instruments as so much clay to be shaped and molded Hannah Arendt 1958 rejected the idea that leadership is like work in which a craftsman picks up the raw materials and the requisite tools in order to create a product according to an image in his head No she said leadership is social action in which we all participate each with his or her unique and creative spontaneity collaborating in an erratic cascade toward the future Leadership is something people do together And to achieve that vision we must acknowledge each other as persons and not as figures in a ledger or pieces on a chessboard This volume is intended as a call to be curious about what we take for granted as individuals educators and leaders In essence to ask ourselves the more difficult questions about who we are as we recognize our need for others within a community What does it mean to be a person and to recognize another s personhood Nathan Harter 2021 draws us into a space to dialogue with ourselves about the notion of personhood as leaders So what does it mean to be a person And what does it mean to treat someone as a person What does anyone owe another person p 4 In what way then do leaders contend with such questions as they are becoming becoming better leaders becoming better individuals becoming their sacred selves A person centered ethic would be universal in scope yet adapted to local conditions that many leaders must deal with on a daily basis Nearly every religion already addresses both what it means to become a person and what one owes a person ethically regardless of race ethnicity nationality or other affiliation Regardless if organizations deal directly with the notion of personhood leaders deal with the workplace challenges of which the human bring him or her entire self to the unit Hence a comprehensive and integrate context forces us to revisit our assumptions about who exactly is a person and what they might deserve This volume would bring those voices into conversation In addition we intend to complicate the question by extending similar questions into emerging areas of increasing relevance in a technological age that crosses geographic boundaries such as online presences corporate entities and the prospects of Artificial Intelligence If anything an expanded interdisciplinary and global context makes this volume relevant and timely for leaders and leadership studies across multiple fields of study and professions **Judicial Cosmopolitanism** Giuseppe Franco Ferrari, 2019-09-24 Judicial Cosmopolitanism The Use of Foreign Law in Contemporary Constitutional Systems offers a detailed account of the use of foreign law by supreme and constitutional Courts of Europe America and East Asia The individual contributions highlight the ways in which the use of foreign law is carried out by the individual courts and the path that led the various Courts to recognize the relevance for the purpose of the decision to foreign law The authors try to highlight reasons and types of the more and more frequent circulation of foreign precedents in the case law of most high courts At the same time they show the importance of this practice in the so called neo constitutionalism **The Ex Post Facto Clause** Wayne A. Logan, 2022 The Ex Post Facto

Clause one of the few civil liberty protections found in the body of the US Constitution reflects the Framers acute concern over the tendency of legislatures to enact burdensome retroactive laws targeting unpopular individuals In The Ex Post Facto Clause Wayne A Logan provides the first book length examination of the history of the Clause and its potential for tempering the punitive impulses of modern American legislatures Drawing on Framing Era history seminal Supreme Court decisions and the global embrace of the values underlying the Ex Post Facto Clause Logan provides a blueprint for how the Clause can play a reinvigorated and more robust role in guarding against the penal populism besetting modern American legislatures

Law and Language Michael D. A. Freeman, Fiona Smith, 2013-02-21 Offers a broad overview of the interaction between law and language and the way they influence each other Contains papers from the 15th annual interdisciplinary colloquium held in the Law School of UCL in July 2011 Human Rights: Universality and Diversity Eva Brems, 2021-10-18 Human rights are by definition universal Yet in a world characterized by enormous diversity there is no consensus about the implications of the universality of human rights In several regions of the world human rights conceptions are promoted that challenge the mainstream largely Western dominated discourse on this subject This volume offers an analysis of context specific human rights discourses from East Asia Sub-Saharan Africa and the Muslim World Rather than interpreting these as threats to universality the author examines how and to what extent the claims that are advanced can and should be accommodated in order to further the universality of human rights A theory of inclusive universality is developed and its implications are translated into legal techniques On the one hand there are flexibility techniques allowing for contextual diversity in the interpretation and application of human rights norms On the other hand giving credit to non Western views also implies that there should be room for transformation of those human rights norms **Identities, Politics, and Rights** Austin Sarat, Thomas R. Kearns, 2010-05-06 The subject of rights occupies a central place in liberal political thought This tradition posits that rights are entitlements of individuals by virtue of their personhood and that rights stand apart from politics that rights in fact hold at bay intrusions of state policy The essays in Identities Politics and Rights question these assumptions and examine how rights constitute us as subjects and are at the same time implicated in political struggles In contrast to the liberal notion of rights universality these essays emphasize the context specific nature of rights as well as their constitutive effects Recognizing that political disputes throughout the world have increasingly been cast as arguments about rights the essays in this volume examine the varied roles that rights play in political movements and contests They argue that rights talk is used by many different groups primarily because of its fluidity Certainly rights can empower individuals and protect them from their societies but they also constrain them in other areas Frequently empowerment for one group means disabling rights for another group Moreover focusing on rights can both liberate and limit the imagination of the possible By alerting us to this paradox of rights empowerment and limitation Identities Politics and Rights illuminates ongoing challenges to rights and reminds us that rights can both energize political engagement and provide a resource for

defenders of the status quo Contributors are Richard Abel Bruce Ackerman Wendy Brown John Comaroff Drucilla Cornell Jane Gaines Thomas R Kearns Elizabeth Kiss Kirstie McClure Sally Merry Martha Minow Austin Sarat and Steven Shiffrin Austin Sarat is William Nelson Cromwell Professor of Jurisprudence and Political Science Amherst College Thomas R Kearns is William H Hastie Professor of Philosophy Amherst College Mental Disability and the Death Penalty Michael L. Perlin, 2013-01-17 There is no question that the death penalty is disproportionately imposed in cases involving defendants with mental disabilities There is clear systemic bias at all stages of the prosecution and the sentencing process in determining who is competent to be executed in the assessment of mitigation evidence in the ways that counsel is assigned in the ways that jury determinations are often contaminated by stereotyped preconceptions of persons with mental disabilities in the ways that cynical expert testimony reflects a propensity on the part of some experts to purposely distort their testimony in order to achieve desired ends These questions are shockingly ignored at all levels of the criminal justice system and by society in general Here Michael Perlin explores the relationship between mental disabilities and the death penalty and explains why and how this state of affairs has come to be to explore why it is necessary to identify the factors that have contributed to this scandalous and shameful policy morass to highlight the series of policy choices that need immediate remediation and to offer some suggestions that might meaningfully ameliorate the situation Using real cases to illustrate the ways in which the persons with mental disabilities are unable to receive fair treatment during death penalty trials he demonstrates the depth of the problem and the way it s been institutionalized so as to be an accepted part of our system He calls for a new approach and greater attention to the issues that have gone overlooked for so long Rights-Based Ethics Marcus Düwell, Johannes Graf Keyserlingk, Philipp Richter, 2025-09-16 Rights based ethics offer a conceptual framework to address the complex ethical issues of our time This volume combines systematic and historical perspectives on rights based ethics with discussions of a broad range of topics in applied ethics to assess the achievements and limits of rights based approaches The normative concepts of fundamental human rights and human dignity play an essential role in considerations about global justice and international politics However these concepts have not been taken up sufficiently in the standard approaches to normative ethics This volume contends that rights based approaches in ethics not only offer a theoretical framework to explain complex normative concepts but they can also offer answers to some of today s most complex moral questions First the book addresses the conceptual and foundational questions of rights based ethics Second it offers historical and cultural perspectives on rights Third it explores how rights based ethics can address applied issues related to climate change health systems global supply chains and the finance industry This volume will be of interest to scholars and graduate students working in ethics political philosophy philosophy of law and the social sciences The Open Access version of this book available at www.taylorfrancis.com has been made available under a Creative Commons Attribution ShareAlike CC BY SA 4.0 International license This publication was made possible by generous support of the Open Access monograph

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In some sort of taken by displays and the ceaseless chatter of instantaneous conversation, the melodic splendor and emotional symphony produced by the published word frequently diminish into the background, eclipsed by the relentless sound and disturbances that permeate our lives. But, situated within the pages of **The Constitution Of Rights Human Dignity And American Values** a wonderful literary prize brimming with organic feelings, lies an immersive symphony waiting to be embraced. Crafted by an outstanding composer of language, this fascinating masterpiece conducts readers on a mental journey, skillfully unraveling the hidden songs and profound impact resonating within each cautiously constructed phrase. Within the depths of the emotional evaluation, we shall investigate the book is key harmonies, analyze its enthralling publishing design, and submit ourselves to the profound resonance that echoes in the depths of readers souls.

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