

MICHAEL J. PERRY

Toward a Theory of Human Rights

Religion, Law, Courts

CAMBRIDGE

Toward A Theory Of Human Rights Religion Law Courts

Alison Brysk



Toward A Theory Of Human Rights Religion Law Courts:

Toward a Theory of Human Rights Michael J. Perry, 2006-11-13 Neither the morality of human rights nor its relation to the law of human rights is well understood In this book Michael Perry addresses three large issues There is undeniably a religious ground indeed more than one religious ground for the morality of human rights But is there a secular ground for the morality of human rights What is the relation between the morality of human rights and the law of human rights Perry here addresses the controversial issues of capital punishment abortion and same sex unions What is the proper role of courts in a liberal democracy in protecting and therefore in interpreting constitutionally entrenched human rights In considering this question special attention is paid to the Supreme Court and how it should rule on issues such as capital punishment and abortion Toward a Theory of Human Rights makes a significant contribution both to human rights studies and to constitutional theory

The Politics of the Globalization of Law Alison Brysk, 2013-05-02 How does the globalization of law the emergence of multiple and shifting venues of legal accountability enhance or evade the fulfillment of international human rights Alison Brysk's edited volume aims to assess the institutional and political factors that determine the influence of the globalization of law on the realization of human rights The globalization of law has the potential to move the international human rights regime from the generation of norms to the fulfillment of rights through direct enforcement reshaping state policy granting access to civil society and global governance of transnational forces In this volume an international and interdisciplinary team of scholars explores the development of new norms mechanisms and practices of international legal accountability for human rights abuse and tests their power in a series of hard cases The studies find that new norms and mechanisms have been surprisingly effective globally in terms of treaty adherence international courts regime change and even the diffusion of citizenship rights but this effect is conditioned by regional and domestic structures of influence and access However law has a more mixed impact on abuses in Mexico Israel Palestine and India Brysk concludes that the globalization of law is transforming sovereignty and fostering the shift from norms to fulfillment but that peripheral states and domains often remain beyond the reach of this transformation Theoretically framed but comprised of empirical case material this edited volume will be useful for both graduate students and academics in law political science human rights international relations global and international studies and law and society

When Law and Religion Meet April L. Bogle, Ginger Pyron, 2007-10-25 Law Religion Do they have anything to say to each other If so what and toward what end And is the notion of productive dialogue between these two fields not surprising but essential Long considered unlikely bedfellows at best and at worst outright opponents law and religion have been meeting in significant ways thanks to the seminal and ongoing work of Emory University's Center for the Study of Law and Religion CSLR where scholars worldwide come together for this express purpose Neither belligerently butting heads nor cozying up for a t t t e representatives of these two disciplines are daring to look at the big questions that bridge their domains and are daring to propose ways of

working together These encounters go way beyond verbal sparring and schmoozing Joining the ranks of law and religion professors at CSLR conferences are the leaders of major religions in the U S Judaism Islam and multifaceted Christianity along with psychologists sociologists biologists and policy makers Commemorating CSLR s twenty fifth anniversary When Law and Religion Meet traces what motivated the Center s beginnings what has impelled its work over the last quarter century and what fuels the trajectory of law and religion both separately and together as they continue in productive dialogue This pithy illustrated volume is one that a wide range of readers will want to skim explore and return to

Human Rights in the Constitutional Law of the United States Michael J. Perry, 2013-07-08 In the period since the end of the Second World War there has emerged what never before existed a truly global morality Some of that morality the morality of human rights has become entrenched in the constitutional law of the United States This book explicates the morality of human rights and elaborates three internationally recognized human rights that are embedded in US constitutional law the right not to be subjected to cruel inhuman or degrading punishment the right to moral equality and the right to religious and moral freedom The implications of one or more of these rights for three great constitutional controversies capital punishment same sex marriage and abortion are discussed in depth Along the way Michael J Perry addresses the question of the proper role of the Supreme Court of the United States in adjudicating these controversies

The Routledge Companion to Theism Charles Taliaferro, Victoria S. Harrison, Stewart Goetz, 2013 There are deep and pervasive disagreements today in universities and colleges and popular culture in general over the credibility and value of belief in God This has given rise to an urgent need for a balanced comprehensive accessible resource book that can inform the public and scholarly debate over theism While scholars with as diverse interests as Daniel Dennett Terry Eagleton Richard Dawkins Jrgen Habermas and Rowan Williams have recently contributed books to this debate theism as a concept remains poorly understood and requires a more thorough and systematic analysis than it has so far received in any single volume The Routledge Companion to Theism addresses this need by investigating theism s history as well as its relationship to inquiry in the sciences social sciences and humanities and to its wider cultural contexts The contents are not confined within the philosophy of religion or even within the more expansive borders of philosophy Rather The Routledge Companion to Theism investigates its subject through the lens of a wide variety of disciplines and explores the ramifications of theism considered as a way of life as well as an intellectual conviction The five parts of the volume indicate its inclusive scope I What is Theism II Theism and Inquiry III Theism and the Socio Political Realm IV Theism and Culture V Theism as a Way of Life The result is a well ordered and thorough collection that should provide a wide spectrum of readers with a better understanding of a subject that s much discussed but frequently misunderstood As the editors note in their Introduction while stimulating and informing the contemporary debate a key aim of the volume is to open new avenues of inquiry into theism and thereby to encourage further research into this vital topic Comprised of 54 essays by leading scholars in philosophy history theology religious studies

political science education and sociology The Routledge Companion to Theism promises to be the most useful comprehensive resource on an emerging subject of interest for students and scholars The Mystical as Political Aristotle

Papanikolaou,2012-10-30 Theosis or the principle of divine human communion sparks the theological imagination of Orthodox Christians and has been historically important to questions of political theology In The Mystical as Political Democracy and Non Radical Orthodoxy Aristotle Papanikolaou argues that a political theology grounded in the principle of divine human communion must be one that unequivocally endorses a political community that is democratic in a way that structures itself around the modern liberal principles of freedom of religion the protection of human rights and church state separation Papanikolaou hopes to forge a non radical Orthodox political theology that extends beyond a reflexive opposition to the West and a nostalgic return to a Byzantine like unified political religious culture His exploration is prompted by two trends the fall of communism in traditionally Orthodox countries has revealed an unpreparedness on the part of Orthodox Christianity to address the question of political theology in a way that is consistent with its core axiom of theosis and recent Christian political theology some of it evoking the notion of deification has been critical of liberal democracy implying a mutual incompatibility between a Christian worldview and that of modern liberal democracy The first comprehensive treatment from an Orthodox theological perspective of the issue of the compatibility between Orthodoxy and liberal democracy Papanikolaou s is an affirmation that Orthodox support for liberal forms of democracy is justified within the framework of Orthodox understandings of God and the human person His overtly theological approach shows that the basic principles of liberal democracy are not tied exclusively to the language and categories of Enlightenment philosophy and so are not inherently secular **The ECHR and Human Rights Theory** Alain Zysset,2016-10-04 The European Convention of Human Rights ECHR has been relatively neglected in the field of normative human rights theory This book aims to bridge the gap between human rights theory and the practice of the ECHR In order to do so it tests the two overarching approaches in human rights theory literature the ethical and the political against the practice of the ECHR system The book also addresses the history of the ECHR and the European Court of Human Rights ECtHR as an international legal and political institution The book offers a democratic defence of the authority of the ECtHR It illustrates how a conception of democracy more specifically the egalitarian argument for democracy developed by Thomas Christiano on the domestic level can illuminate the reasoning of the Court including the allocation of the margin of appreciation on a significant number of issues Alain Zysset argues that the justification of the authority of the ECtHR its prominent status in the domestic legal orders reinforces the democratic process within States Parties thereby consolidating our status as political equals in those legal and political orders **A Global Political Morality** Michael J. Perry,2017-04-03 An elaboration and defence of the first truly global political morality in human history the morality of human rights Persuasion and Legal Reasoning in the ECtHR Rulings Aleksandra Mężykowska,Anna Młynarska-Sobaczewska,2023-05-24 This book analyses the case law of the European Court of

Human Rights ECtHR from the point of view of argumentative tools used by the Court to persuade the audience States applicants and public opinion of the correctness of its rulings The ECtHR judgments selected by the authors concern justification of some of the most difficult issues These are matters related to human life human dignity and the right to self determination in matters concerning one s private life The authors looked for paths and repetitive patterns of argumentation and divided them into three categories of argumentative tools authority deontological and teleological The work tracks how ECtHR judges aim to find a consensual universal and at the same time pragmatic and axiologically neutral narrative on the collisions of rights and interests in the areas under discussion It analyses whether the voice of the ECtHR carries the overtones of an ethical statement and if so to which arguments it appeals The book will be of interest to academics and researchers working in the areas of jurisprudence human rights law and law and language *Faith in Politics* Bryan T. McGraw, 2010-06-10 No account of contemporary politics can ignore religion The liberal democratic tradition in political thought has long treated religion with some suspicion regarding it as a source of division and instability Faith in Politics shows how such arguments are unpersuasive and dependent on questionable empirical claims rather than being a serious threat to democracies legitimacy stability and freedom religion can be democratically constructive Using historical cases of important religious political movements to add empirical weight Bryan McGraw suggests that religion will remain a significant political force for the foreseeable future and that pluralist democracies would do well to welcome rather than marginalize it

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