

HUMAN RIGHTS LAW IN PERSPECTIVE

Human Rights, Culture and the Rule of Law

Jessica Minquist

Rights Culture And The Law

**University of California, Davis. School
of Law**

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Cultural Human Rights Francesco Francioni, Martin Scheinin, 2008 What is the relationship between culture and human rights Can the idea of cultural rights which are predicated on the distinctiveness and exclusivity of a community's beliefs and traditions be compatible with the concept of human rights which are universal and inherent to all human beings If we accept such compatibility what is the actual content of cultural rights Who are their beneficiaries individuals or peoples or groups as collective entities And what precise obligations do cultural rights pose upon states or other actors in international law or for the international community as a whole International instruments on the protection of human rights do not provide self-evident answers to these questions This book seeks to analyse these dilemmas and to assess the impact that they are having on international law and the development of a coherent category of cultural human rights

Human Rights, Culture, and the Rule of Law Jessica Almquist, 2005 This new book examines the relationship between culture and respect for human rights It departs from the oft-made assumption that culture is closely linked to ideas about community Instead it reveals culture as a quality possessed by the individual with a serious impact on her ability to enjoy the rights and freedoms as recognised in international human rights law in meaningful and effective ways This understanding redirects attention towards a range of issues that have long been marginalised but which warrant a central place in human rights research and on the international human rights agenda Special attention is given to the circumstances induced by cultural differences between people and the laws by which they are expected to live The circumstances are created by differing tools, know-how and skills, cultural equipment, diverse settlements on matters that are ultimately indifferent from the standpoint of cosmopolitan moral law, adiaphora and conflicts having their source in conflicting doctrines, ethical, religious and philosophical, addressing deep questions about the ultimate purpose of human life, comprehensive doctrines Each of the circumstances shifts the focus with the aim of securing effective and adequate protection of individual freedom as societies become increasingly diversified in cultural terms and issues arise of access to laws and public institutions, exemption from legal obligations for reasons of conscience, fair resolution of conflicts having their source in differing ethical, religious and philosophical outlooks and excuse for breach of law in case of involuntary ignorance Bloomsbury Publishing

Culture and International Economic Law Valentina Vadi, Bruno de Witte, 2015-02-11 Globalization and international economic governance offer unprecedented opportunities for cultural exchange Foreign direct investments can promote cultural diversity and provide the funds needed to locate, recover and preserve cultural heritage Nonetheless globalization and international economic governance can also jeopardize cultural diversity and determine the erosion of the cultural wealth of nations Has an international economic culture emerged that emphasizes productivity and economic development at the expense of the common wealth This book explores the clash of cultures between international law and international cultural law and asks whether States can promote economic development without infringing their cultural wealth The book contains

original chapters by experts in the field Key issues include how international courts and tribunals are adjudicating culture related cases the interplay between indigenous peoples rights and economic globalization and the relationships between culture human rights and economic activities The book will be of great interest and use to researchers and students of international trade law cultural heritage law and public international law *Rights, Culture, and the Law* Lukas H. Meyer, Stanley L. Paulson, Thomas Winfried Menko Pogge, 2003 This volume brings together a collection of original papers on some of the main tenets of Joseph Raz s legal and political philosophy legal positivism and the nature of law practical reason authority group rights and multiculturalism

Cultural Law James A. R. Nafziger, Robert Kirkwood Paterson, Alison Dundes Renteln, 2010-11-01 Cultural law is a new and exciting field of study and practice The core themes of linguistic and other cultural rights cultural heritage traditional crafts and knowledge the performing arts sports and religion are of fundamental importance to people around the world engaging them at the grass roots and often commanding their daily attention The related legal processes are both significant and complex This unique collection of materials and commentary on cultural law covers a broad range of themes Opening chapters explore critical issues involving cultural activities artifacts and status as well as the fundamental concepts of culture and law Subsequent chapters examine the dynamic interplay of law and culture with respect to each of the core themes The materials demonstrate the reality and efficacy of comparative international and indigenous law and legal practices in the dynamic context of culture related issues Throughout the book these issues are presented at multiple levels of legal authority international national and subnational

Repatriation of Sacred Indigenous Cultural Heritage and the Law Vanessa Tünsmeier, 2022-01-25 This book examines the ways in which law can be used to structure the return of indigenous sacred cultural heritage to indigenous communities referred to as repatriation in this volume In particular it aims at developing legal structures that align repatriation with contemporary international human rights standards To do so it gathers the most valuable lessons learned from different repatriation laws and frameworks adopted in the United States and Canada In both countries very different ways of approaching repatriation have been used for several decades highlighting the context dependent nature of repatriation The volume is divided into four parts looking first at international law then at the national legal landscape in the United States followed by Canada before the different repatriation models are evaluated against the backdrop of human rights law standards Emphasis is placed not only on repatriation specific legislation but also on the legal context in which it was developed and operates In turn the fourth part develops various models on the basis of these experiences that can be aligned with contemporary indigenous and cultural rights The book ends by considering the models suitability for international repatriation and the lessons that can be learned from them The primary audience includes those addressing the legal hurdles to repatriation be they researchers policymakers communities or museums

Liberal Democracies and the Torture of Their Citizens Cynthia Banham, 2017-02-09 This book analyses and compares how the USA s liberal allies responded to the use of torture against

their citizens after 9 11 Did they resist tolerate or support the Bush Administration s policies concerning the mistreatment of detainees when their own citizens were implicated and what were the reasons for their actions Australia the UK and Canada are liberal democracies sharing similar political cultures values and alliances with America yet they behaved differently when their citizens caught up in the War on Terror were tortured How states responded to citizens human rights claims and predicaments was shaped in part by demands for accountability placed on the executive government by domestic actors This book argues that civil society actors in particular were influenced by nuanced differences in their national political and legal contexts that enabled or constrained human rights activism It maps the conditions under which individuals and groups were more or less likely to become engaged when fellow citizens were tortured focusing on national rights culture the domestic legal and political human rights framework and political opportunities **Readings in Law and Society** ,1999

Chapman Law Review ,2004 *Human Rights Law, Human Rights Culture* Rene V. Sarmiento,2017 **Decisions of the Department of the Interior and General Land Office in Cases Relating to Lands and Land Claims** USA Department of the Interior,1884 *The American Settler's Guide* Henry Norris Copp,1880 Cultural Rights in International Law and Discourse Stephenson Chow,2018-01-22 Challenging questions arise in the effort to adequately protect the cultural rights of individuals and communities worldwide not the least of which are questions concerning the very understanding of culture In *Cultural Rights in International Law and Discourse Contemporary Challenges and Interdisciplinary Perspectives* Pok Yin S Chow offers an account of the present day challenges to the articulation and implementation of cultural rights in international law Through examining how culture is conceptualised in different stages of contemporary anthropology the book explores how these understandings of culture enable us to more accurately put issues of cultural rights into perspective The book attempts to provide analytical exits to existing conundrums and dilemmas concerning the protections of culture cultural heritage and cultural identity The Human Rights Culture Lawrence Meir Friedman, Lawrence M. Friedman,2011 Lawrence M Friedman s newest book explores the sheer phenomenon of a near global arc favoring the idea and sometimes even the practice of human rights Not the usual legal or philosophical examination of rights this book instead asks Why is it as a social and historical matter that rights discourse is so prevalent and compelling to the current world Reams of books and articles have been written about human rights but THE HUMAN RIGHTS CULTURE is unique It is the first comprehensive sociological study of human rights in the contemporary period With his characteristic erudition and graceful style Lawrence Friedman addresses all the central topics women s rights minority rights privacy social rights cultural rights the role of courts whether human rights are universal and much more This surprisingly compact book presents a balanced discussion of each issue filled with fascinating details and examples Friedman s core argument is that the recent rise of human rights discourse around the globe is the product of modernity in particular the spread of the cultural belief that people are unique individuals entitled to respect and the opportunity to flourish This

terrific book will be informative not only to human rights experts and practitioners but also to people who wish to read a clear and sophisticated introduction to the field Brian Z Tamanaha Professor of Law Washington UniversityQuality ebook formatting from Quid Pro Books features active Contents linked footnotes linked textual cross references and active URLs in references Professor Friedman s latest book joins Quid Pro s Contemporary Society Series **The Yale Journal of International Law** ,2001 *Senate documents* ,1885 **U.C. Davis Law Review** University of California, Davis. School of Law,1999 *History of Woman Suffrage* Susan Brownell Anthony,Elizabeth Cady Stanton,Matilda Joslyn Gage,1886
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