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G Psacharopoulos



Rights From Wrongs:

Rights from Wrongs Alan M. Dershowitz, 2009-04-20 This is a wholly new and compelling answer to one of the most persistent dilemmas in both law and moral philosophy If rights are natural if in the words of the Declaration of Independence it is self evident that all men are endowed with certain inalienable rights where do these rights come from Does natural law really exist outside the formal structure of humanly enacted law On the other hand if rights are nothing more than the product of human law what argument is there for allowing the rights of a few people to outweigh the preferences of the majority In this book renowned legal scholar Alan Dershowitz offers a fresh resolution to this age old dilemma Rights he argues do not come from God nature logic or law alone They arise out of particular experiences with injustice While justice is an elusive concept hard to define and subject to conflicting interpretations injustice is immediate intuitive widely agreed upon and very tangible This is a timely book that will have an immediate impact on our political dialogue from the intersection of religion and law to recent quandaries surrounding the right to privacy voting rights and the right to marry More than that it is a passionate case for the recognition of human rights in a rigorously secular framework Rights from Wrongs will be the first book to propose a theory of rights that emerges not from some theory of perfect justice but from its opposite from the bottom up from trial and error and from our collective experience of injustice *Rights, Wrongs, and Injustices* Stephen A. Smith, 2019-11-12 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

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