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Can we implement human rights without incorporating the idea into culturally incongruent perspectives, to validate any common standards of ongoing moral-political dialogue on the scope and content of human rights. Track approach to cultural conflicts, combining legal regulation with an pursuit of gender equality. Ultimately, this book argues in favour of a dual-shares a common constitutional heritage and, in each, religious-cultural universalism and to discourses of human rights. Rejecting the troubled challenge, describing the gap between philosophical and normative principles of human rights on one side and the overall problems and critical issues of human rights at national and local levels on the other. Second, it considers the political problems in developing and setting culture. The political challenge addresses the ability (or inability) of the state to guarantee the rights of certain individuals and minority groups. Third, it examines the sociological challenge of majority-minority group relationships in human rights discourse and practices. This book describes the background of human rights in Indonesia and reviews the previous literature on the issue. It also presents a comprehensive review of the discourses about human rights and political changes in contemporary Indonesia. The analysis focuses on how human rights challenges affect the situation of religious minorities, looking in particular at the Ahmadiyya as a minority group that experiences human rights violations such as discrimination, persecution, and violence. The study fills out its treatment of these issues by examining the involvement of actors both from the state and society, addressing also the politics of human rights protection.

Gender, Culture and Human Rights - Siobhan Mullally 2006-05-26 In recent years, gender theory has increasingly defined itself in opposition to universalism and to discourses of human rights. Rejecting the troubled legacies of Enlightenment thinking, feminists have questioned the very premises upon which the international human rights movement is based. Rather than abandoning human rights discourse, however, this book argues that feminism should reclaim the universal and reconstruct the theory and practice of human rights. Discourse ethics and its post-metaphysical defence of universalism is offered as a key to this process of reconstruction. The implications of discourse ethics and the possibility of reclaiming universalism are explored in the context of the reservations debate in international human rights law and further examined in debates on women's human rights arising in Ireland, India and Pakistan. Each of these states shares a common constitutional heritage and, in each, religious-cultural claims, intertwined with processes of nation-building, have constrained the pursuit of gender equality. Ultimately, this book argues in favour of a dual-track approach to cultural conflicts, combining legal regulation with an ongoing moral-political dialogue on the scope and content of human rights.

Ethics, Human Rights and Culture - X. Li 2006-01-27 It is possible, given culturally incongruent perspectives, to validate any common standards of behaviour? Is cultural relativity a problem when cultures are porous? Can we implement human rights without incorporating the idea into the fabric of culture? This book addresses such questions with an inventive and original understanding of culture.

Human Rights - Makau Mutua 2013-07-03 In 1948 the United Nations adopted the Universal Declaration of Human Rights, and with it a profusion of norms, processes, and institutions to define, promote, and protect human rights. Today virtually every cause seeks to cloak itself in the righteous language of rights. But even so, this universal reliance on the rights idea has not succeeded in creating common ground and deep agreement as to the scope, content, and philosophical bases for human rights. Makau Mutua argues that the human rights enterprise inappropriately presents itself as a guarantor of eternal truths without which human civilization is impossible. Mutua contends that in fact the human rights corpus, though well meaning, is a Eurocentric construct for the reconstitution of non-Western societies and peoples with a set of culturally biased norms and practices. Mutua maintains that if the human rights movement is to succeed, it must move away from Eurocentrism as a civilization crusade and attack on non-European peoples. Only a genuine multicultural approach to human rights can make it truly universal. Indigenous, non-European traditions of Asia, Africa, the Pacific, and the Americas must be deployed to deconstruct—and to reconstruct—a universal bundle of rights that all human societies can claim as their own.

Mediating Human Rights - Lieve Gies 2014-07-11 Drawing on social-legal, cultural and media theory, this book is one of the first to examine the media politics of human rights. It examines how the media construct the story of human rights, investigating what lies behind the apparent media hostility to human rights and what has become of the original ambition to establish a human rights culture. The human rights regime has been high on the political agenda ever since the Human Rights Act 1998 was enacted. Often marginalized in sections of the press, the legislation has entered popular folklore as shorthand for an overbearing government, an overzealous judiciary and exploitative claimants. This book examines a range of significant factors in the mediation of human rights, including: Eurocentrism, the war on terror, the digital reordering of the media landscape, . press concerns about an emerging privacy law and civil liberties. Mediating Human Rights is a timely exploration of the relationship between law, politics and media. It will be of immense interest to those studying and researching across Law, Media Studies, Human Rights, and Politics.

The Oxford Handbook of International Cultural Heritage Law - Francesco Francioni 2020-07-30 This Handbook provides a cutting-edge study of the fast-developing field of international law on the protection of cultural heritage by taking stock of the recent developments and of the concepts and current challenges. The legal protection of cultural heritage has come under renewed focus from the international community and states since the 1990s. This is evidenced by the adoption of a range of international instruments. Countries are also enacting cultural heritage legislation or overhauling existing laws within their own national territory. Contributions address the protection of immovable and movable, tangible and intangible cultural heritage in peacetime and in the event of armed conflict as well as the interaction between specific regimes of cultural heritage protection with other fields of international law, including international criminal law, human rights and humanitarian law, environmental law, international trade, investments, and intellectual property. The last part of the Handbook covers diverse regional systems of heritage protection.

The European Human Rights Culture - A Paradox of Human Rights Protection in Europe? - Nina-Louisa Arold Lorenz 2013-11-25 The European Human Rights Culture - A Paradox of Human Rights Protection in Europe? analyses the political term “European Human Rights Culture”, a term first introduced by EU Commission President Barroso. Located in the fields of comparative law and European law, this book analyses, through first-hand interviews with the European judiciary, the judicial perspective on the European human rights culture and sets this in context to the political dimension of the culture. In addition, it looks at the challenges and procedures of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECHR), and explains the embedding of the Courts’ legal cultures. It offers an in-depth analysis of the margin of appreciation doctrine at both the CJEU and ECHR, and shows its value for addressing human rights grievances.


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Culture and Human Rights: The Wroclaw Commentaries-Andreas J.
Wiessand 2016-11-07 The WROCLAW COMMENTARIES address legal
questions as well as political consequences related to freedom of, and
access to, the arts and (old/new) media; questions of religious and language
rights; the protection of minorities and other vulnerable groups;
safeguarding cultural diversity and heritage, and further pertinent issues.
Specialists from all over Europe and the world summarise and comment on
core messages of legal instruments, the essence of case-law as well as
prevailing and important dissenting opinions in the literature, with the aim
of providing a user-friendly tool for the daily needs of decision or law-
makers at different juridical, administrative and political levels as well as
others working in the field of culture and human rights.

Women's Human Rights in Nineteenth-Century Literature and
Culture-Elena V. Shably 2020-08-30 Women’s Human Rights in
Nineteenth-Century Literature and Culture sheds light on women’s rights
advancements in the nineteenth century and early twentieth-century
through explorations of literature and culture from this time period. With an
international emphasis, contributors illuminate the range and diversity of
women’s work as novelists, journalists, and short story writers and analyze
the New Woman phenomenon, feminist impulse, and the diversity of the
women writers. Studying writing by authors such as Alice Meynell, Thomas
Hardy, Netta Syrett, Alice Dunbar-Nelson, Mary Seacole, Charlotte Brontë,
and Jean Rhys, the contributors analyze women’s voices and works on the
subject of women’s rights and the representation of the New Woman.

Women's Human Rights and Culture-Riki Holtmaat 2011 In all parts of
the world, the implementation of women's human rights is seriously being
hampered by gender stereotypes, religion, custom or tradition, in short by
‘culture’. Culture is increasingly being used as an excuse to commit serious
violations of these rights. It is also brought forward as the reason why
governments refuse to implement them, arguing that their culture forces
them to accept limited interpretations of international obligations in this
area, or to reject such obligations altogether. This book provides women’s
human rights advocates with dissusive arguments and effective strategies
to avoid a deadlock between on the one hand upholding the principle of
universalty of human rights, and on the other hand the right to preserve
and express one’s culture.

Cultural Heritage in Transit-Deborah Kapchan 2014-04-03 Are human
rights universal? The immediate response is ‘yes, of course.’ However, that
simple affirmation assumes agreement about definitions of the “human” as
well as what a human is entitled to under law, bringing us quickly to
concepts such as freedom, property, and the inalienability of both. The
assumption that we all mean the same things by these terms carries much political
import, especially given that different communities (national, ethnic, religious, gendered) enact some of the most basic categories of
human experience (self, home, freedom, sovereignty) differently. But
whereas legal definitions often seek to eliminate ambiguity in order to
define and protect the rights of humanity, ambiguity is in fact inherently human, especially in the nuances of heritage that
people use to imagine, and to claim cultural identities that resist circumscription are at
play. Cultural Heritage in Transit examines the intangibilities of human
rights in the realm of heritage production, focusing not only on the
ephemeral culture of those who perform it but also on the ambiguities
present in the idea of cultural property in general—who claims it? who may use it?
who should not but does? In this volume, folklorists, ethnologists,
and anthropologists analyze the practice and performance of culture in
particular contexts—including Roma wedding music, Trinidadian wining,
Moroccan verbal art, and Neopagan rituals—in order to draw apart the
social, political, and aesthetic materialities of heritage production, including
inequities and hierarchies that did not exist before. The authors collectively
craft theoretical frameworks to make sense of the ways the rights of nations
interact with the rights of individuals and communities when the public
value of artistic creations is constituted through international law.
Contributors: Valdimar Tr. Hafstein, Deborah Kapchan, Barbro Klein,
Sabina Magliocco, Dorothy Noyes, Philip W. Scher, Carol Silverman.

Indigenous Rights and United Nations Standards-Alexandra Xanthaki
2007-05-17 The debate on indigenous rights has revealed some serious
difficulties for current international law, posed mainly by different
understandings of important concepts. This book explores the extent to
which indigenous claims, as recorded in the United Nations forums, can be
accommodated by international law. By doing so, it also highlights how the
indigenous debate has stretched the contours and ultimately evolved
international human rights standards. The book first reflects on the
international law responses to the theoretical arguments on cultural
membership. After a comprehensive analysis of the existing instruments on
indigenous rights, the discussion turns to self-determination. Different
views are assessed and potentially reconciled on the right to self-
determination is outlined. Ultimately, the author refuses to shy away from
difficult questions and challenging issues and offers a comprehensive
discussion of indigenous rights and their contribution to international law.

Culture State Reporting Procedure Un H-Vincent Vleugel 2020-05-25
Ever since the adoption of the Universal Declaration of Human Rights in
1948 there has been a debate on the issue of universality and cultural
diversity. Nowadays, this debate is not so much framed in terms of
opposites, but more in terms of reconciliation.00Under the international
human rights framework, States are allowed to take cultural particularities
into account when implementing the treaties. The UN human rights treaty
bodies which monitor the implementation of the treaties by States have an
important role to play in ensuring a proper balance between safeguarding
the universality of the rights, while at the same time leaving room for
cultural particularities in the interpretation and implementation of those
rights by States. This book examines how the UN treaty bodies, in particular
the Human Rights Committee, the Committee on Economic, Social and
Cultural Rights and the Committee on the Elimination of Discrimination
against Women, fulfil this role.00The research shows that human rights are
used as a sword to protect and safeguard culture and cultural diversity, and
as a shield to protect against harmful aspects of culture. It also looks in-
dept at the dialogue between treaty bodies and States parties, and the way
cultural arguments are dealt with. The study concludes that the treaty
bodies are first and foremost guardians of the universality of human rights.
They use their monitoring role not so much (actively) to reconcile
universality and cultural diversity or to accommodate cultural variation, but
more to determine the limits of such cultural variation.

Human Rights, Culture and Context-Richard Wilson 1997 Drawing on
case studies from around the world - including Iran, Guatemala, USA and
Mexico - this collection documents how transnational human rights
discourses and legal institutions are materialised, imposed, resisted and
transformed in a variety of contexts.

The Utopian Human Right to Science and Culture-Anna Maria
Andersen Nawrot 2016-05-03 This book explores the question of whether
the ideal right to science and culture exists. It proposes that the human
right to science and culture is of a utopian character and argues for the
necessity of the existence of such a right by developing a philosophical
project situated in postmodernity, based on the assumption of ‘thinking in
terms of exceedence’. The book brings a novel and critical approach to
human rights in general and to the human right to science and culture in
particular. It offers a new way of thinking about the content of the human
right to science and culture and proposes a morality, dignity and solidarity
situated in a postanalogical, postmodern society. Inspired by twentieth-century critical
theorists such as Levinas, Gadamser, Bauman and Habermas, the book
begins by using exceedence as a way of thinking about the individual,
speech and text. It considers paradigms arising from postanalogical society,
reviewing the neglect of the substantive content of the human right to science
and culture and proposes a morality, dignity and solidarity situated in a
postmodern context. Finally the book concludes by responding to questions
on happiness, dignity and that which is social. Including an Annex which
presents the author’s private project related to thinking in the context of the
journey from ‘myth to reason’, this book is of interest to researchers in the
fields of philosophy and the theory of law, human rights, intellectual
property and social theory.

The Culturalization of Human Rights Law-Federico Lenzerini 2014
International human rights law was originally focused on universal
individual rights. This text examines the developments which have been seen
it change to a multi-cultural approach, one more sensitive to the cultures of
the people directly affected by them. It argues that this can provide
benefits, but that aspects of universalism must be retained.

Cultural Rights as Collective Rights-Andrzej Jakubowski 2016-07-21
Cultural Rights as Collective Rights offers a comprehensive analysis of the
conceptualisation and operationalisation of collective cultural rights in
distinct areas of international law. It also provides a wide panorama of
case-law from every region of the world.

The Legal Culture of the European Court of Human Rights-Nina
Louisa Arolf 2007-09-21 Without understanding the legal culture of the
judges a full understanding of Strasbourg’s rulings seems hardly possible.
Through interviews, field observations and case law analysis, this book fills

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this need and offers a fresh approach towards convergence in Europe.

_Human Rights and International Relations—Nicola Perugini 2015-05-27 At the turn of the millennium, a new phenomenon emerged: conservatives, who just decades before had rejected the expanding human rights culture, began to embrace human rights in order to advance their political goals. In this book, Nicola Perugini and Neve Gordon account for how human rights—generally conceived as a counter-hegemonic instrument for fighting historical injustices—are being deployed to further subjugate the weak and legitimize domination. Using Israel/Palestine as its main case study, The Human Right to Dominate describes the establishment of settler NGOs that appropriate human rights to dispossess indigenous Palestinians and military think-tanks that rationalize lethal violence by invoking human rights. The book underscores the increasing convergences between human rights NGOs, security agencies, settler organizations, and extreme right nationalists, showing how political actors of different stripes champion the dissemination of human rights and mirror each other’s political strategies. Indeed, Perugini and Gordon demonstrate the multifaceted role that this discourse is currently playing in the international arena: on the one hand, human rights have become the lingua franca of global moral speak, while on the other, they have become reconstructed as a tool for enhancing domination._

_Human Rights for the 21st Century—Helen M. Stacy 2009-02-05 A new moral, ethical, and legal framework is needed for international human rights law. Never in human history has there been such an elaborate international system for human rights, yet from massive disasters, such as the Darfur genocide, to everyday tragedies, such as female genital mutilation, human rights abuses continue at an alarming rate. As the world population increases and global trade brings new wealth as well as new problems, international law can and should respond better to those who live in poverty or violence. Various global human rights fall into three categories: sovereignty, culture, and civil society. These are not new problems, but have long been debated as part of the legal philosophical tradition. Taking lessons from tradition and recasting them in contemporary light, Helen Stacy proposes new approaches to fill the gaps in current approaches: relational sovereignty, reciprocal adjudication, and regional human rights. She forcefully argues that law and courts must play a vital role in forging a better human rights vision in the future._

_Human Rights and Asian Values—Ole Brunn 2003-09-02 The Asian challenge to the universality of human rights has sparked off intense debate. This volume takes a clear stand for universal rights, both theoretically and empirically, by analysing social and political processes in a number of East and Southeast Asian countries. On the national arenas, Asian values are linked to the struggle between authoritarian and democratic forces, which both tend to convey stereotyped images of the ‘west’, but with reversed meanings._

_Values in Translation—Galit Safary 2012-06-20 The World Bank is the largest lender to developing countries, making loans worth over $20 billion per year to finance development projects around the globe. To guide its investments, the Bank has adopted a number of social and environmental policies, yet it has never instituted any overarching policy on human rights. Despite the potential human rights impact of Bank projects—the forced displacement of indigenous peoples resulting from a Bank-financed dam project, for example—the issue of human rights remains marginal in the Bank’s operational practices. Values in Translation analyzes the organizational culture of the World Bank and addresses the question of why it has not adopted a human rights framework. Academics and social advocates have typically focused on legal restrictions in the Bank’s Articles of Agreement. This work’s anthropological analysis sheds light on internal obstacles including the employee incentive system and a clash of expertise between lawyers and economists over how to define human rights and justify their relevance to the Bank’s mission._

_Human Rights and Social Justice—Joseph M. Wronka 2016-08-05 Offering a unique perspective that views human rights as the foundation of social justice, Joseph Wronka’s groundbreaking Human Rights and Social Justice outlines human rights and social justice concerns as a powerful conceptual framework for policy and practice interventions for the helping and health professions. This highly accessible, interdisciplinary text urges the creation of a human rights culture as a “lived awareness” of human rights principles, including human dignity, nondiscrimination, civil and political rights, economic, social, and cultural rights, and solidarity rights. The Second Edition includes numerous social action activities and questions for discussion to help scholars, activists, and practitioners promote a human rights culture and the overall well-being of populations across the globe._

_Cultural Transformation and Human Rights in Africa—Abdullahi A. An-Na~im 2002-10-11 The authors of this volume seek to contribute to the clarification of the very difficult conceptual and practical questions surrounding the legitimation and permanent protection of human rights in non-Western cultural contexts, specifically in this case in Africa. The contributors try to clarify thinking about what ought to constitute human rights in an African context as well as strategies for realizing them within communities or larger cultural aggregates. These and other issues are particularly contentious when the specific point at issue is the promotion and protection of economic, social and cultural rights, and even more so in relation to the rights of women._

_World Heritage and Human Rights—Peter Bille Larsen 2017-11-20 The World Heritage community is currently adopting policies to mainstream human rights as part of a wider sustainability agenda. This interdisciplinary book combines a state of the art review of World Heritage policy and practice at the global level with ethnographic case studies from the Asia-Pacific region by leading scholars in the field. By joining legal reviews, anthropology and practitioner experience through in-depth case studies, it shows the diversity of human rights issues in both natural and cultural heritage sites. From site-designation to their conservation and management, the book explores the various rights issues and analyses the diverse social, cultural and legal challenges and responses at both regional and global level. Detailed case studies are included from Australia, Cambodia, China, Malaysia, Myanmar, Nepal, the Pacific, and Vietnam. The book will appeal to both natural and cultural heritage professionals and human rights and heritage scholars, and will serve as a useful compendium for courses use allowing students to compare, contrast and contextualize different contexts._

_The State of Law—Ulrich von Alemann 2017-09-30_
Gender, Justice, and the Problem of Culture-Dorothy L. Hodgson

2017-03-27 When, where, why, and by whom is law used to force desired social change in the name of justice? Why has culture come to be seen as inherently oppressive to women? In this finely crafted book, Dorothy L. Hodgson examines the history of legal ideas and institutions in Tanzania—from customary law to human rights—as specific forms of justice that often reflect elite ideas about gender, culture, and social change. Drawing on evidence from Maasai communities, she explores how the legacies of colonial law-making continue to influence contemporary efforts to create laws, codify marriage, criminalize FGM, and contest land grabs by state officials. Despite the easy dismissal by elites of the priorities and perspectives of grassroots women, she shows how Maasai women have always had powerful ways to confront and challenge injustice, express their priorities, and reveal the limits of rights-based legal ideals.