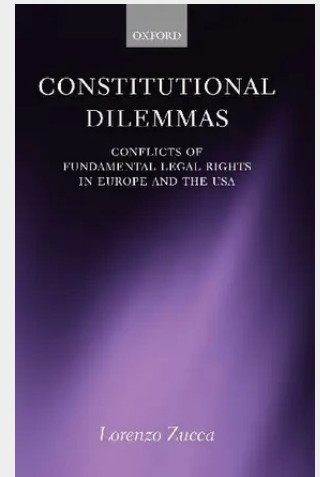


Constitutional Dilemmas

Conflicts of Fundamental Legal Rights in Europe and the USA

This book deals with one of the most important issues of philosophy of law and constitutional thought: how to understand clashes of fundamental rights, such as the conflict between free speech and privacy. The main argument of this book is that much can be learned about the nature of fundamental legal rights by examining them through the lens of conflicts among such rights, and criticizing the views of scholars and jurists who have discussed both fundamental legal rights and the nature of conflicts among them. Theories of rights are necessarily abstract, aiming at providing the best possible answers to pressing social problems. Yet such theories must also respond to the real and changing dilemmas of the day. Taking up the problem of conflicting rights, Zucca seeks a theory of rights that can guide us to a richer, more responsive approach to rights discourse. The idea of constitutional rights is one of the most powerful tools to advance justice in the Western tradition. But as this book demonstrates, even the most ambitious theory of rights cannot satisfactorily address questions of conflicting rights. How, for instance, can we fully secure privacy when it clashes with free speech? To what extent can our societies assist people in dying without compromising the protection of life? Exploring the limitations of the rights discourse in these areas, Zucca questions the role of law in settling ethical dilemmas helping to clarify thinking about the limitations of rights discourse.

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149,60 €

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Lieferfrist: bis zu 10 Tage

Artikelnummer: 9780199204977

Medium: Buch

ISBN: 978-0-19-920497-7

Verlag: OUP Oxford

Erscheinungstermin: 01.08.2007

Sprache(n): Englisch

Auflage: Erscheinungsjahr 2007

Produktform: Gebunden

Gewicht: 479 g

Seiten: 206

Format (B x H): 161 x 240 mm

