

EQUALITY,  
RESPONSIBILITY,  
AND THE LAW

ARTHUR RIPSTEIN

CAMBRIDGE STUDIES IN  
PHILOSOPHY AND LAW

# Equality Responsibility And The Law

**Martín Hevia**



## **Equality Responsibility And The Law:**

*Equality, Responsibility, and the Law* Arthur Ripstein, 2001-03-12 Examines responsibility and luck as these issues arise in tort law criminal law and distributive justice

*Equality, Responsibility, and the Law* Arthur Ripstein, 1998-10-28 This book examines responsibility and luck as these issues arise in tort law criminal law and distributive justice The central question is whose bad luck is a particular piece of misfortune Arthur Ripstein argues that there is a general set of principles to be found that clarifies responsibility in those cases where luck is most obviously an issue accidents mistakes emergencies and failed attempts at crime In revealing how the problems that arise in tort and criminal law as well as distributive justice invite structurally parallel solutions the author also shows the deep connection between individual responsibility and social equality This is a challenging and provocative book that will be of special interest to moral and political philosophers legal theorists and political scientists

**Torts and Other Wrongs** John Gardner, 2019-12-18 Torts and other Wrongs is a collection of eleven of the author's essays on the theory of the law of torts and its place in the law more generally Two new essays accompany nine previously published pieces a number of which are already established classics of theoretical writing on private law Together they range across the distinction between torts and other wrongs the moral significance of outcomes the nature and role of corrective and distributive justice the justification

Reasonableness and Responsibility: A Theory of Contract Law Martín Hevia, 2012-09-14 If as John Rawls famously suggests justice is the first virtue of social institutions how are we to understand the institution of contract law This book proposes a Rawlsian theory of contract law It argues that justice requires that we understand contract rules in terms of the idea of reasonable terms of interaction that is terms that would be accepted by reasonable persons moved by a desire for a social world in which they as free and equal can cooperate with others on terms they accept On that basis the book explains the main doctrines of contract law including those governing third parties in both the Common Law and the Civil Law

**Responsibility and Distributive Justice** Carl Knight, Zofia Stemplowska, 2011-03-03 This volume presents new essays investigating a difficult theoretical and practical problem how do we find a place for individual responsibility in a theory of distributive justice Does what we choose affect what we deserve Would making justice sensitive to responsibility give people what they deserve Would it advance or hinder equality

**The Criminal Law's Person** Claes Lernerstedt, Matt Matravers, 2022-02-10 The state's use of the threat and imposition of punishments to regulate conduct is thought or at least said by many to be legitimised by the idea that the criminal law's burdens only fall on those who are blameworthy for their conduct However the formal concept of blameworthiness needs to be made substantive This puts various ideas regarding the criminal law's person at the heart of debates about blame guilt and responsibility How is the criminal law's person constructed by whom and with what disciplinary norms How is it threatened by new knowledge and how do those threats play out amongst the various stakeholders who claim the criminal law's person as theirs To address these and cognate questions this volume brings

together an international group of academics to engage with the criminal law s person from a range of disciplinary perspectives

**Neuroscience and Legal Responsibility** Nicole A Vincent,2013-01-08 Adopting a broadly compatibilist approach this volume s authors argue that the behavioral and mind sciences do not threaten the moral foundations of legal responsibility Rather these sciences provide fresh insight into human agency and updated criteria as well as powerful diagnostic and intervention tools for assessing and altering minds

*Wrongs, Harms, and Compensation* Adam Slavny,2023 In this work Adam Slavny explores our moral duties to respond to wrongs and harms and defends the significance of these duties for the normative foundations of tort law

**Sovereignty and the Responsibility to Protect** Theresa Reinold,2013 This book explores how the bedrock institution of today s global order sovereignty is undergoing transformation as a result of complex interactions between power and norms between politics and international law This book analyses a series of controversial military interventions into the internal affairs of irresponsible sovereigns and discusses their consequences for the rules on the use of force and the principle of sovereign equality Featuring case studies on Kosovo Darfur and Afghanistan It shows that frames from one discourse for example the debate over the responsibility to protect have been imported into other discourses on counter terrorism and nuclear non proliferation in an attempt to legitimize a bold challenge to the global legal order Although the demise of sovereignty is widely debated this book instead seeks to deconstruct sovereignty by explaining how this institution has been reconstituted by global powers whose hegemonic law making activities have popularized the notion of sovereignty as responsibility Drawing on international relations theory international law and sociology *Sovereignty and the Responsibility to Protect* develops a truly interdisciplinary perspective on the transformation of sovereignty and will be of strong interest to students and scholars in these fields

**Politics, Ethics and Social Responsibility of Business:** Murthy,2009 Spread over 30 chapters in six units Politics Ethics and Social Responsibility of Business is a comprehensive guide to corporate social responsibility CSR It explains how the bases of CSR are politics and ethics without which the role of business in society cannot be understood Though designed for the students of B Com University of Delhi this book will be useful for all students of management as well as practicing managers and professionals

*Corporate Social Responsibility and Discrimination* Christina Keinert-Kisin,2016-04-27 This book presents and deconstructs the existing explanations for the differential career development of qualified men and women It reframes the problem of discrimination in the workplace as a matter of organizational ethics social responsibility and compliance with existing equal opportunity laws Sensitive points are identified where social biases decision makers individual economic interests and shortcomings of organizational incentive policies may lead to discrimination against qualified women The ideas put forward are empirically tested in an original laboratory experiment that examines personnel selection in the male dominated field of science and technology It contrasts the selection of applicants with gendered and gender blind applications available to subjects under controlled conditions 30% of participants were high level decision makers which is

unprecedented in this field of research The results highly relevant for organizational practice are explained and discussed in detail

**Responsibility and Justice** Matt Matravers,2013-04-24 In this lively and accessible book Matt Matravers considers the role of responsibility in politics morality and the law In recent years responsibility has taken a central place in our lives In politics both Tony Blair and George W Bush have claimed that individual responsibility is at the centre of their policy agendas In morality and the law it seems just that people should be rewarded or punished only for things for which they are responsible Yet responsibility is a hotly contested concept Some philosophers claim that it is impossible while others insist on both its possibility and importance This debate has become increasingly technical in the philosophical literature but it is seldom connected to our practices of politics and the law Matravers asks What are we doing when we hold people responsible in deciding questions of distributive justice or of punishment By addressing this question he not only shows how philosophy can help in thinking about current political and legal controversies but also how we can keep hold of the idea of responsibility in an age in which we are increasingly impressed by the roles of genetics and environment in shaping us and our characters

Fairness, Responsibility, and Welfare Marc Fleurbaey,2008-06-26 Develops a theory of fairness incorporating a concern for personal responsibility opportunities and freedom and makes accessible the recent developments in economics and philosophy that define social justice in terms of equal opportunities

Hillel Steiner and the Anatomy of Justice Stephen De Wijze,Matthew H. Kramer,Ian Carter,2009-06-02 In this volume essays by an international roster of contributors evaluate the political philosophy of contemporary philosopher Hillel Steiner The study concludes with a response by Steiner himself

**The Global Justice Reader** Thom Brooks,2023-03-06 A unique compendium of foundational and contemporary writings in global justice newly revised and expanded The Global Justice Reader is the first resource of its kind to focus exclusively on this important topic in moral and political philosophy providing an expertly curated selection of both classic and contemporary work in one comprehensive volume Purpose built for course work this collection brings together the best in the field to help students appreciate the philosophical dimensions of critical global issues and chart the development of diverse concepts of justice and morality Newly revised and expanded the Reader presents key writings of the most influential writers on global justice including Thomas Hobbes Immanuel Kant John Stuart Mill Martha C Nussbaum and Peter Singer Thirty nine chapters across eleven thematically organized sections explore sovereignty rights to self determination human rights nationalism and patriotism cosmopolitanism global poverty women and global justice climate change and more Features seminal works from the moral and political philosophers of the past as well as important writings from leading contemporary thinkers Explores critical topics in current discourses surrounding immigration and citizenship global poverty just war terrorism and international environmental justice Highlights the need for shared philosophical resources to help address global problems Includes a brief introduction in each section setting out the issues of concern to global justice theorists Contains complete references in each chapter and a fully up to date extended bibliography to

supplement further readings The revised edition of The Global Justice Reader remains an ideal textbook for undergraduate and graduate courses in global justice and human rights cosmopolitanism and nationalism environmental justice and social justice and citizenship and an excellent supplement for general courses in political philosophy political science social science and law

*Law, Responsibility and Vulnerability* James Gallen, Tanya Ni Mhuirthile, 2021-09-30 This book addresses how law and public policy cause or exacerbate vulnerability in individuals and groups Bringing together scholars judges and practitioners it identifies how individuals and groups can become vulnerabilised through the operation of law and examines how the State can acknowledge and remedy that impact The book offers not only a theoretical ethical and normative conception of vulnerability in law but also an evaluation of the diverse practices of responding to vulnerability in law through accountability mechanisms and public campaigns The analysis of vulnerability contained in this volume is enhanced by the common use of Ireland as a case study Despite the robust rights protections available at national regional and international level Ireland remains a State where at risk people have experienced vulnerability across a range of thematic areas such as criminal law migration and asylum historical abuse LGBTI rights and austerity Drawing on comparative analyses and a consideration of the role of international law in domestic settings this book offers a comparison of diverse national and transnational attempts to ensure State accountability and responsiveness to legally created vulnerabilities The book demonstrates lessons learned from theory and practice regarding how vulnerability can be experienced by individuals and groups structured by law and addressed through legal and political action This book will be of considerable interest to socio legal and law and society scholars as well as others working in international human rights jurisprudence philosophy legal theory political theory feminist theory and ethics

*Causation in Negligence* Sarah Green, 2015-01-15 The principal objective of this book is simple to provide a timely and effective means of navigating the current maze of case law on causation in order that the solutions to causal problems might more easily be reached and the law relating to them more easily understood The need for this has been increasingly evident in recent judgments dealing with causal issues in particular it seems to be ever harder to distinguish between the different categories of causation and consequently to identify the legal test to be applied on any given set of facts Causation in Negligence will make such identification easier both by clarifying the parameters of each category and mapping the current key cases accordingly and by providing one basic means of analysis which will make the resolution of even the thorniest of causal issues a straightforward process The causal inquiry in negligence seems to have become a highly complicated and confused area of the law As this book demonstrates this is unnecessary and easily remedied

**Corporate Social Responsibility and Governance** Panagiotis Dimitropoulos, Efthalia (Elia) Chatzigianni, 2022-03-10 Corporate social responsibility CSR has developed into a crucial corporate and organizational issue around the world It has been incorporated into various sectors and countries and includes many types of activities and dimensions It is a common notion that organizations are more inclined today to broaden and shift their performance focus

from short term goals towards long term social environmental and value added perspectives Under the framework of corporate governance organizations and companies are motivated to promote fairness transparency ethics and accountability in their transactions while concurrently maintaining enhanced standards of governance This means that organizations and corporations must align their activities with community aspirations which is an issue falling within the sphere of CSR Increased attention has been placed on the organizations regarding their approach towards the needs of various stakeholders However a crucial issue that this book attempts to address is the association intersection and inter relationship between governance and CSR within the EU region which are not adequately established in the existing literature The book will show that governance and CSR are highly connected With the purpose of studying the association of CSR with legal managerial and empirical aspects of governance in corporations and not for profit organizations in various sectors of the economy the book also intends to provide useful policy implications as well as to offer constructive directions for future research This book will be of value to researchers academics practitioners policymakers and students in the fields of CRS and governance organizational theory marketing management business ethics and human resource management

In Search of Corporate Accountability Stefan H. C. Lo, 2016-01-14 There is currently much debate over corporate social responsibility on whether business companies should look beyond shareholder primacy and profit maximisation to act for the benefit of others It is generally agreed however even amongst advocates of shareholder primacy that profit maximisation should only be achieved within the framework of external laws regulating the conduct of individuals and companies generally If the objectives of such external laws are not to be defeated then it is important for controllers of companies to ensure corporate compliance with the law Despite this controversies have arisen where corporate enterprises may have improperly flouted or evaded liabilities under the law Against this background it is argued in this book that it is necessary to ensure that responsible persons are accountable under the law so as to promote compliance with legal regulations in the corporate context Individuals or entities behind the company who are responsible for wrongful conduct should be held liable under the law whether it be tort law or statutory regulation Some counter that the corporate law principles of limited liability and separate entity have the primacy to effectively shield those behind the company from at least certain types of liability However it is undesirable for corporate insiders to hide behind the company to avoid tortious or statutory liabilities This book adopts a theory of interactive corrective justice that is applied in the corporate context to justify the imposition of civil liability on responsible directors shareholders and other corporate participants under Anglo Australian law In light of this theoretical framework possibilities of rectifying deficiencies in the law through judicial development of existing legal principles are examined To the extent that appropriate directions in the law cannot be achieved via judicial development of the law the book also investigates possibilities of statutory reform

*Globalization and Social Responsibility* Kiyomet Tunca Caliyurt, David Crowther, 2008-12-11 Over the last decade the question of the relationship between organisations and society has been

subject to much debate often of a critical nature The decade has seen protests concerning the actions of organisations exposures of corporate exploitation and unfolding accounting scandals At the same time ethical behaviour and a concern for the environment have been shown to have a positive correlation with corporate performance The nature of corporate social responsibility is therefore a topical one for businesses and academics There are however many different perspectives upon what is meant by corporate social responsibility and how this might be applied within organisations This book explores some of these different perspectives based upon the experiences of different people in different parts of the world There has been much written about globalisation some of it positive and much of it negative It is a subject which arouses definite opinions Despite the fact that the word globalisation is part of the title of this book it is not our intention to contribute to this debate Instead we use the word globalisation in its original sense to represent the ubiquity of the concern for Corporate Social Responsibility CSR which is the subject matter of this book Specifically we are concerned with the social contract between an organisation and its stakeholders It is apparent that any actions which an organisation undertakes will have an effect not just upon itself but also upon the external environment within which that organisation resides In considering the effect of the organisation upon its external environment it must be recognised that this environment includes both the business environment in which the firm is operating the local societal environment in which the organisation is located and the wider global environment Effectively therefore there is a social contract between organizations and their stakeholders Recognition of the rights of all stakeholders and the duty of a business to be accountable in this wider context therefore has been largely a relatively recent phenomenon The economic view of accountability only to owners has only recently been subject to debate to any considerable extent In the current environment there is a need to debate this issue and its implications This book therefore recognises the international scope of the interest in corporate social responsibility both through the contributions made by the authors of the respective chapters who come from various parts of the world and also through the international importance of the perspectives offered by these contributors In doing so the various authors demonstrate that corporations are a part of society just as much as each of us is as a individual Furthermore they demonstrate that the issues and concerns are not local ones but are international in scope and concern us all The contributions to this book provide a representation of the range of concern for this relationship and the range of topics which fall within the subject matter of CSR Among the authors who have contributed to this book are representatives from every continent and from a wide range of disciplines The topics which are considered in the various chapters are equally diverse



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