



International Workshop and Publishing Project
sponsored by BYU International Center for Law and Religion Studies

Human Dignity from Judges' Perspectives

24-25 July 2019
Christ Church, Oxford University
Oxford, United Kingdom

CALL FOR PAPERS

Human dignity is one the biggest legal mysteries. Dignity as a value, a principle, a human right, a criterion for assessment of state interference with rights is implemented in many constitutions and human rights treatises; it permanently inspires philosophers of law, both religious and secular, Western and non-Western, to write new books; it serves as a starting point, the foundational concept for human rights courses in law schools, and courts employ human dignity as a tool for resolving the most controversial disputes on human life and death, same-sex marriages and bioethics, individual autonomy, and state power. However, Aharon Barak in his *Human Dignity: the Constitutional Value and the Constitutional Right* shows that different constitutional systems perceive and interpret human dignity in a variety of ways. In this regard, the famous truism that we do not know what human dignity is, but know very well what violates it, still makes sense, especially with respect to practical dimensions of law.

In this workshop we are seeking to research and conceptualize how human dignity relates to courts and justice. Particularly, we are interested in papers exploring, but not necessarily limited to, one of the following topics and questions:

(1) Philosophical and normative accounts of human dignity and justice. Why do courts need human dignity for resolving cases? What legal tools and interpretative techniques have been coined from this concept? Is it just one more way to enshrine inviolability and inalienability of fundamental rights, or does it play a special role extending beyond human rights issues? How does human dignity frame courts' perception of principles of law, such as equality or freedom?

(2) Human dignity and human rights
- Chapter 1 'Dignity' of the EU Charter of Fundamental Rights provides for the right to life and the right to the integrity of the person, as well as prohibitions on torture,

slavery, and forced labor. What about other rights? Do courts use human dignity argumentation to protect political, social, and economic rights?

- Could the value of principle of/ right to/ human dignity be argued and applied by courts within a constitutional system skeptical about human rights as they are understood in the West? Does the idea of human dignity include legal duties of a person, and, if so, how do these duties relate to individual rights?

- How does human dignity work in various legal systems, including international, European and religious law? Our aim here is to compare approaches to interpretation of human dignity or its equivalents by courts of different jurisdictions. Moreover, we want to find out whether in civil law countries, human dignity issues are an exclusive domain of constitutional and international courts or whether general courts also employ this concept (e. g., for resolving disputes between individuals and the state).

(2) Human dignity and the rule of law. Can one of these two concepts help judges to understand the other? Does recognition of dignity as an immanent feature of human beings play any role in arguing the rule of law as a constitutional value?

(3) Human dignity and democracy. Particularly we want to explore: Recognizing human rights on the grounds of human dignity (for example, the right to get recognition of one's family status in ECHR's case *Oliari and others v. Italy*), and how national and international courts influence statutory law? How do legislators and national governments respond to this?

We expect participants to submit applications primarily in the area of philosophy of law and human rights, constitutional, international and European law, and religious law, but we also welcome other applications on relevant problems.

All selected participants will be asked to prepare a thirty-minute presentation of key findings in their research. The organizers are planning to publish articles based on workshop papers as a separate volume with one of the leading publishing houses.

Organizers will cover travel and accommodation costs of presenters.

Important dates:

March 1, 2019 – Deadline for application submissions

March 10, 2019 – Notification of acceptance

July 1, 2019 – Deadline for first draft submissions (to be disseminated to the discussants).

November 1, 2019 – Submission of the final paper for peer-reviews

Applications should be sent to Dmytro Vovk (dmtr.vovk@gmail.com) and include (1) an abstract of no longer than 500 words and (2) a CV.

Conference leaders and editors of the volume:

– Brett G. Scharffs, Director of International Center for Law and Religion Studies, and Rex E. Lee Chair and Professor of Law at Brigham Young University Law School (USA).

– Dmytro Vovk, Visiting Scholar at BYU International Center for Law and Religion Studies, Director of the Center for Rule of Law and Religion at the Yaroslav the Wise National Law University (Ukraine).

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