

Rights and Remedies in Law

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The law enables people to do controversial, harmful things in the name of rights: freeing people known to have committed horrible crimes, impoverishing or bankrupting injurers who acted blamelessly, urging lawyers to lie and slander people who did nothing wrong, and tolerating harmful and hateful communication.

What are these rights and how do they ground such apparent injustices? Does legal practice even have a single conception of the “rights” it endeavors to respect and promote? Is an injured victim’s right to recover damages the same sort of thing as a criminal defendant’s right to due process, or a teacher’s right to express her thoughts on Twitter?

Departing from the traditional humanities seminar format, we will begin by focusing on legal practice, emphasizing criminal and civil procedure in the U.S. and U.K. and the arguments of experts who scrutinize the practice. From there, in the final sessions, we will try to unearth some larger ideas about rights and how they interact with other types of considerations, including those of communitarians, religious traditions and critical theorists.