

Sous la direction de
Géraldine AÏDAN et Émilie DEBAETS

L'identité juridique de la personne humaine

LOGIQUES
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Lidentiteacute Juridique De La Personne Humaine

Anaïg Le Noan



L'identité juridique De La Personne Humaine:

LA PERSONNE HUMAINE EN DROIT Catherine Levy, 2000 LA PERSONNE HUMAINE CONSTITUE EN DROIT UN CONCEPT CENTRAL ET INDEFINI CERTES LE DROIT CONNAIT DIFFERENTES NOTIONS COMME CELLES DE SUJET DE DROIT DE PERSONNALITE JURIDIQUE OU D ETAT DES PERSONNES POUR AUTANT LA NOTION DE PERSONNE MEME SI A L EXCEPTION DES PERSONNES MORALES RECOUPE A PEU PRES CELLE D ETRE HUMAIN REVELE UN CERTAIN FLOU DES QUE L ON S APPROCHE DES LIMITES DE LA VIE LA CONCEPTION ET LA MORT AINSI L ETRE SIMPLEMENT CONCU NE BENEFICIE PAS DES MEMES PREROGATIVES QUE LA PERSONNE NEE VIVANTE ET VIABLE ET CERTAINS DROITS SEMBLANT DEPASSER LA VIE HUMAINE NOTAMMENT LE RESPECT DE LA DIGNITE CETTE RECHERCHE PROPOSE UNE ANALYSE DES INSTRUMENTS AU SERVICE DE LA PERSONNE AFIN DE DETERMINER A TRAVERS LEUR FONCTIONNEMENT QUELLE NOTION DE PERSONNE EST A L OEUVRE DANS L ESPACE JURIDIQUE ELLE TEND ENCORE A S INTERROGER SUR L EXISTENCE D UN CONTENU SUBSTANTIEL A LA NOTION DE PERSONNE ET SUR L ARTICULATION ENTRE LA PERSONNE SUJET DE DROIT ET LA PERSONNE SUJET DE DIGNITE IL EN RESULTE EN PREMIER LIEU QUE LA NOTION DE PERSONNE EST UNE NOTION FONCTIONNELLE LA PERSONNE ETANT CONSTITUEE EN DROIT PAR LA SOMME DE SES DIFFERENTS ATTRIBUTS ET NE REPOND A UN CONTENU SUBSTANTIEL AUSSI LA PERSONNE RELEVET ELLE EN DERNIERE INSTANCE D UNE QUESTION DE POLITIQUE JURIDIQUE EN SECOND LIEU SI LE SUJET DE DROIT EST LE LIEU D IMPUTATION DES DROITS ET DES DEVOIRS LE SUJET DE DIGNITE SURGIT DANS L HYPOTHESE D UNE INEGALITE FONDAMENTALE ET A POUR FONCTION DE LIMITER L EFFICACITE DU CONSENTEMENT DE CE SUJET DE DROIT SOUMIS AU POUVOIR DE L AUTRE LE SUJET DE DIGNITE VIENT DONC DOUBLER LE SUJET DE DROIT ET LIMITER SA LIBERTE D ENGAGEMENT Le principe juridique de dignité de la personne humaine David Lambert, 1999 L'identité juridique de la personne humaine Géraldine Aïdan, Emilie Debaets, 2013-07-01 L identité juridique de la personne humaine n cesse aujourd hui d être revisitée aux critères objectifs traditionnels nom pr nom nationalité renforcés par des nouveaux critères biologiques et technologiques données biométriques empreintes génétiques s adjoignent de plus en plus des critères subjectifs volonté sexe psychique sentiment d appartenance pour déterminer l identité de la personne humaine Sur chacun des aspects de l identité de la personne humaine une double analyse juridique et extrajuridique a ainsi t men e **Le Principe juridique de dignité de la personne humaine** Michaël Varescon, 1998 *Le concept de personne humaine en droit public* Xavier Bioy, 2003 Le droit public international depuis 1945 et interne depuis 1986 multiplie au sommet de la hiérarchie des normes les références la personne humaine dignité primauté principes d ontologiques libre développement de la personnalité Cette thèse tente de définir les contours et la fonction de ce concept juridiques aussi puissant que souple Après avoir distingué et lié entre eux le concept de personne humaine et ceux de personnalité juridique et d être humain l auteur d monte le mécanisme de cette nouvelle

personnalité pour en montrer les effets Agissant comme support le concept de personne humaine valorise l'unité des dimensions individuelle, intime et liberté corporelles et sociale identité et liberté personnelles Les notions controversées de dignité et de corps font ainsi l'objet d'un éclairage intéressant qui prolonge le débat contemporain relatif à l'évolution du sujet de droit la façon dont notre système juridique protège une certaine image sociale de l'individu

L'identité juridique de la personne humaine Aidan[Emilie Debaets Geraldine Aidan (Debaets),2013 L'identité juridique de la personne humaine nécessite aujourd'hui d'être revisitée aux critères objectifs traditionnels nom pour nom nationalité renforcés par des nouveaux critères biologiques et technologiques données biométriques empreintes génétiques s'ajoutent de plus en plus des critères subjectifs volonté sexe psychique sentiment d'appartenance pour déterminer l'identité de la personne humaine Sur chacun des aspects de l'identité de la personne humaine une double analyse juridique et extrajuridique a ainsi été menée

Essai sur la notion de personne en droit privé Anaïg Le Noan,2004 Le droit a une vision exclusivement abstraite de la notion de personne tout individu humain n'étant vivant et viable va reconnaître la personnalité juridique dont la manifestation principale est de lui reconnaître une aptitude générale à être sujet de droits subjectifs et d'obligations Le droit ne se soucie dès lors de l'individu qu'en tant que support abstrait de droits qualitatifs qui lui autorisent à gérer le rapport juridique Dans cette hypothèse la présence du corps importe peu si son apparition est nécessaire en tant qu'il permet de partir duquel le droit va se saisir de l'individu nouvellement paru dans une perspective d'intégration juridique c'est en fonction du rôle qu'elle occupe sur la scène juridique qu'il se préoccupe de la personne Pour autant cette vision apparaît par trop restrictive au vu du contexte contemporain la société s'est emparée du corps l'unité de la personne juridique et de son support corporel est rompue Le corps humain est devenu de fait progressivement susceptible d'appropriation tant objet d'investigation scientifique tant livré aux rigueurs du progrès Plus encore c'est du processus de construction de la vie humaine dont on dispose et que l'on manipule sous le couvert d'intérêts divers Il importe dès lors de reconsidérer une notion classique de la personne qui s'avère impuissante à fendre le corps contre les assauts contemporains qu'il subit l'apparition des concepts de personne humaine et d'être humain en témoignent Il s'agit peut-être de renouer avec l'origine de ce concept d'en forcer la compréhension au vu des éléments nouveaux de fait et de droit dont on dispose On doit en effet prendre conscience d'une réalité toute atteinte qu'elle qu'en soit la nature qui est portée au corps humain se reporte sur la personne qu'il supporte Ainsi c'est de la conception du corps dont va dépendre la conception de la personne Plus encore il nous appartient de redécouvrir l'Humain dans le cadre d'un système juridique qui s'est asphyxié faute de s'en être souci Ce n'est plus le devenir de la personne individuelle dont il est question mais de celui de l'humanité toute entière Sa survie dépendra d'un constat si la personne est au service du droit celui-ci doit néanmoins s'incliner devant la nature humaine dont elle est porteuse qui se matérialise au moyen de l'apparition du corps et qui en tout état de cause devrait demeurer insaisissable

La dignité de la personne humaine et le droit Luc Perrouin,2000 La dignité de la personne humaine s'impose au droit plus que le droit ne l'impose parce qu'elle constitue l'un de ses fondements et l'une de ses finalités

La notion offre donc une résistance naturelle au raisonnement juridique ductif. Le respect essentiel de l'humanité de l'homme ne procède pas d'une norme positive fut-elle une norme suprême de droit constitutionnel. La norme de dignité ne s'inscrirait pas dans l'édifice d'une hiérarchie normative elle serait plutôt transversale. L'application de toute norme positive. En conséquence il fallait retenir l'hypothèse d'une norme non critiquée de dignité dont l'existence serait insaisissable du moment de l'application du droit manifeste dans une rationalité prudentielle de la fonction de juger attentive à écarter les solutions contraires au fondement personnaliste de l'ordre juridique.

La dignité de la personne humaine Charlotte Girard, Stéphanie Hennette-Vauchez, 2005. Depuis plusieurs années la notion de dignité de la personne humaine suscite un fort engouement au sein de la communauté juridique. De nombreux auteurs sont prompts à voir aujourd'hui le fondement de tous les droits fondamentaux ou encore le principe cardinal de l'ordre juridique dans sa globalité destinée paradoxale d'un principe qui il y a peu encore n'avait pas reçu de consécration explicite en droit positif français. Ce constat constitue le point de départ d'une réflexion sur les forces à l'œuvre dans la promotion d'un tel principe méconnu sinon ignoré hier et connu aujourd'hui comme tout fait essentiel. Le présent ouvrage vise donc à analyser le processus de juridicisation qui a affecté le principe de dignité de la personne humaine au moyen d'une confrontation la plus systématique possible entre les usages qu'en font les juges nationaux et la portée que lui confère la doctrine. Cette analyse produit des résultats tonnants par leur caractère démonstratif mettant en évidence une dimension massivement prescriptive du discours doctrinal sur ce sujet. Cette hypothèse interprétative est proposée au terme d'une recherche qui analyse de manière distincte le discours doctrinal dans ses différentes versions constitutionnaliste administrative civiliste de droit social et le discours juridictionnel analysé à partir d'un corpus de 337 décisions de justice. Elle est par ailleurs enrichie par les contributions d'auteurs qui des titres divers responsables associatifs professionnels médicaux ou encore historiens politistes philosophes et juristes ont réfléchi sur et manier le principe de dignité. L'ambition de cet ouvrage est la fois d'attirer l'attention sur certaines caractéristiques et certains effets de la prescription doctrinale en général et sur la multiplicité des sens et des évaluations applicables la notion de dignité en particulier.

Lidentiteacute Juridique De La Personne Humaine Book Review: Unveiling the Magic of Language

In an electronic digital era where connections and knowledge reign supreme, the enchanting power of language has become more apparent than ever. Its capability to stir emotions, provoke thought, and instigate transformation is truly remarkable. This extraordinary book, aptly titled "**Lidentiteacute Juridique De La Personne Humaine**," published by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound affect our existence. Throughout this critique, we shall delve into the book is central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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