# Index

<table>
<thead>
<tr>
<th>Abacha, Sani 67</th>
<th>Beitz, Charles 18–20, 80, 131, 136–7, 141</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbott, Tony 138</td>
<td><em>Idea of Human Rights, The</em> ix</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>Belarus 168</td>
</tr>
<tr>
<td>Operation Enduring Freedom (2001–) 244</td>
<td>Bentham, Jeremy 7–8, 221</td>
</tr>
<tr>
<td>agency</td>
<td>Bourdieu, Pierre 210–12, 215–16</td>
</tr>
<tr>
<td>human 79</td>
<td>concept of ‘doxa’ 210, 212</td>
</tr>
<tr>
<td>normative 79</td>
<td>concept of ‘habitus’ 203, 207–10, 212–15</td>
</tr>
<tr>
<td>political 78</td>
<td>Brandt, Willy 70</td>
</tr>
<tr>
<td>Amnesty International 223</td>
<td>Brown, Wendy 220</td>
</tr>
<tr>
<td>Aquinas, St Thomas</td>
<td>view of human rights activism 227–30, 234–5</td>
</tr>
<tr>
<td>view of natural law of property 133–4</td>
<td>Buddhism 252–3</td>
</tr>
<tr>
<td>Arendt, Hannah</td>
<td><em>Gender Trouble</em> 206</td>
</tr>
<tr>
<td><em>Origins of Totalitarianism, The</em> 80–81</td>
<td>Cameron, David 217–18</td>
</tr>
<tr>
<td>Argentina 64</td>
<td>economic policies of 219</td>
</tr>
<tr>
<td>Aristotle 160</td>
<td>Campbell, Tom 30–31, 34–6</td>
</tr>
<tr>
<td><em>Rhetoric</em> 179–80</td>
<td>view of rights 28–9, 33, 37–8</td>
</tr>
<tr>
<td>Topics 179</td>
<td>Canada</td>
</tr>
<tr>
<td>Australia 155</td>
<td>Charter of Rights and Freedoms 162</td>
</tr>
<tr>
<td>population of 138–40</td>
<td>capitalism 232</td>
</tr>
<tr>
<td>Austria</td>
<td>development of 226</td>
</tr>
<tr>
<td>Vienna 107</td>
<td>political economy of 219</td>
</tr>
<tr>
<td>autonomy-identity debate 203–4, 206–7, 211, 213</td>
<td>relationship with human rights 226, 247</td>
</tr>
<tr>
<td>cultural identity 203–5</td>
<td>Chakrabarti, Shami 225</td>
</tr>
<tr>
<td>role of language 206, 208</td>
<td>view of UK summer riots (2011) 218–19, 222, 235</td>
</tr>
<tr>
<td>self-creation 203–4, 208–16</td>
<td>China 62, 168</td>
</tr>
<tr>
<td>self-knowledge 201–3, 205, 208–16</td>
<td>Communist Party of 246</td>
</tr>
<tr>
<td>Bangkok Declaration (1993) 250–51</td>
<td>GDP per capita 64</td>
</tr>
<tr>
<td>Bangladesh 64</td>
<td>government of 246–7</td>
</tr>
<tr>
<td>Barthes, Roland 232</td>
<td>view of myths 230</td>
</tr>
</tbody>
</table>
246  
246  
Christianity 252  
citizenship 239  
Cohen, Joshua  
Purely Domestic Theory of Poverty (PDTP) 88  
Cold War 245  
colonization 138–40  
common rights protection 109  
Congo 67  
constitutionalism 169–72, 181–2, 191  
definitions of 180–81  
unitarian-identarian nature of 181–2  
Costa Rica 64  
Council of Europe 97  
crimes against humanity  
definitions of 86  
Critical Legal Studies Movement 164  
cultural fundamentalism  
concept of 250  
cynicism  
concept of 231  
Dallaire, General Roméo 47–8  
Darby, Derrick 32–6, 38  
Dembour, Marie-Bénédicte 250  
democracy 25, 151, 158, 167–72, 183, 185–6, 190–91, 196–7, 246  
conflict with human rights 145–7, 151–3, 157, 168  
democratic tyranny 168  
electoral systems 150  
human right to 196–7  
legitimacy in 184–7, 198  
proportional representation (PR) 155  
single transferable vote (STV) 155–6  
universal enfranchisement 156  
Denmark 69  
Dominican Republic 64  
Dworkin, Ronald 145, 156, 189–90, 196–7  
Justice for Hedgehogs ix  
view of democracy 152–5  
views of judicial review 154, 156  
Ecuador 64  
Elster, Jon 105  
Enlightenment 238  
European Convention of Human Rights  
ix, 147, 167, 245  
enforcement of (1953) 97  
jurisprudence of 24  
Protocol 11 97  
European Court of Human Rights 103, 111, 147–8  
case law of 242–3  
European Court of Justice 111  
European Parliament 184  
European Union (EU) 184  
Charter of Fundamental Rights ix, 109  
Feinberg, Joel 19–20, 31–2, 36  
criticisms of theories of 38  
France 69, 98, 223  
Paris 245  
Freedom House 168  
Frost, Rainer 81  
General Comment 12 46–7, 51  
Article 15 44  
human rights duties 46–8, 52–3  
Germany 69  
Geuss, Raymond  
views of human rights discourse 114–19, 131–2  
Gewirth, Alan 15  
global financial crisis (2007–9) 68  
Global Financial Integrity (GFI) 67  
globalization 54, 61–4, 68, 95, 232  
concept of 61  
contemporary 142  
democratizing of 66  
relationship with poverty 56–60, 62–3, 87  
Gracchus, Tiberius  
land reforms of 164  
Great Depression 64  
Green, Leslie 204, 211  
Griffin, James 15, 18, 76  
On Human Rights viii–ix, 78–9
Index

Group of Seven (G7) 61
Group of Twenty (G20) 61

group rights
concept of viii

Habermas, Jürgen 199
Hague, Ros 206

_Autonomy and Identity: The Politics of Who We Are_ 204–5

Helsinki Final Act
signing of 223

Hinduism 252

Hobbes, Thomas
concept of ‘state of nature’ 133–5

human flourishing 142

activism 227–30, 234–5

as legal rights 11, 16–17, 77

as moral rights 3–5, 12, 20, 22–3, 25–6, 39, 77, 82

as societal rights 11

basic 81–2

conflict with democracy 145–7, 151–3, 157, 168

idealism 238, 241–2, 249, 254

in human rights laws 3–5, 15

indivisibility of 143

inflation of claims 78–9, 85

legal-form 5

legal reductionist model of 7–9

moral basis of 17, 238–40

moral-form 5–6, 23, 25

pragmatism 238, 241, 244–5, 252, 254–5

practice of 19, 74, 236, 249

protection of 109–12, 141, 157, 223

relationship with capitalism 226, 247

role in legitimacy claims 188

role of human agency in 18

temporal relativization of 138

transnational 101, 107

universality of 2, 4, 90–93, 99–100, 102–4, 108–9, 111–12, 124, 129, 137–8, 140–41

human rights institutions 15

human rights laws 15, 23–4, 45–6, 242, 252

examples of 162–3, 165–6

human rights in 3–5, 15


causal responsibility by agents 42, 53–5

duties to facilitate 49

duties to protect 47–8, 76

duties to provide 47, 84

duties to respect 46–7

negative duties 83–5

non-fulfilment of human right 42–6, 53

Hungary 64

Ignatieff, Michael 227

India 72

individual rights

as moral rights 77

concept of viii

individualism 130

Indonesia 250

International Bill of Rights 96

International Criminal Court
establishment of 86

Iran 244

Iraq

_Operation Iraqi Freedom (2003–11)_ 244

Islam

Shari’a 251

Italy 69

Jamaica 64

Japan 72

Judaism 252

judicial review 5, 23, 154, 163

practice of 145

shortcomings of 166–7
Human rights

supporters of 164–5
jurisdictional power
human rights abstracted from 136
significance of 133

Kant, Immanuel 15, 92, 199, 240
On Perpetual Peace 198–9
Kazakhstan 168
Kennedy, David 234
Kent, Anne 99
Klein, Naomi
view of development of human rights movements 225–6
view of UK Summer Riots (2011) 218–19
Kosovo War (1998–9) 244
Kuznets Curve hypothesis 64
Kymlicka, Will
concept of ‘cultural identity’ 203, 205

legal reductionism 13, 16
legal rights 10, 27, 33
concept of vii
defence of 48
human rights as 11, 16–17, 77
legitimacy 171, 174–5, 178–9, 186–7, 195
concepts of 172
constitutional 185
democratic 184–7, 198
public 176–8
reasons to reject 175–7
role of human rights in 188

LeGuin, Ursula K.
Ones Who Walk Away from Omelas, The 172–4
liberal-communitarian debate 201–3, 215
concepts of self-knowledge 205–6
Libya
Civil War (2011) 244
Locke, John 159
theories of human rights 135–6, 158
Luxembourg 69

Madison, James 160
Mahathir, Mohamad 250
Malaysia 250
Martin, Rex 33
minority rights 202
Mercosur 110
Mobutu Sese Seko 67
moral rights 1–2, 10, 33–7, 39
as societal rights 10–11
concept of vii
disposable nature of 20–21
dysfunctional nature of 21–2
human rights as 3–5, 12, 20, 22–3, 25–6, 39, 77, 82
individual rights as 77
moral rights reductivism 14–15
concept of 11–12
Moyn, Samuel 103, 107, 220, 229
concept of rights 222
Last Utopia, The 223–5
myths 230–31
dangerous dark 231–2

natural law
of property 134
natural rights 18, 24
concept of 159–60
criticisms of 27–8, 33, 36
negative rights 87
concept of vii, 90
property rights as 77
Netherlands 69
New Zealand
Bill of Rights Act 162
News International
phone hacking scandal (2011–12) 236
Nickel, James 23, 25, 32
Nietzsche, Friedrich 116, 240
Nigeria 67
North American Free Trade Agreement (NAFTA) 110
North Korea 244
Norway 69
Nussbaum, Martha 248
official development assistance (ODA)
<table>
<thead>
<tr>
<th>spending on</th>
<th>concept of viii</th>
</tr>
</thead>
<tbody>
<tr>
<td>O’Neill, Onora</td>
<td>rights as universal</td>
</tr>
<tr>
<td>Organization for Security and</td>
<td>concept of vii</td>
</tr>
<tr>
<td>Co-operation in Europe</td>
<td>Rome Declaration on World Food</td>
</tr>
<tr>
<td>establishment of 223</td>
<td>Security 55</td>
</tr>
<tr>
<td>Paraguay 51–3</td>
<td>Roosevelt, Franklin D.</td>
</tr>
<tr>
<td>particularism 90–91, 93–4</td>
<td>New Deal 167</td>
</tr>
<tr>
<td>‘thick’ 93–5</td>
<td>Rwanda</td>
</tr>
<tr>
<td>Pogge, Thomas 87–8, 135</td>
<td>Genocide (1994) 47–8</td>
</tr>
<tr>
<td>Purely Domestic Theory of Poverty (PDTP) 88</td>
<td>Kigali 47</td>
</tr>
<tr>
<td>views of human rights violations</td>
<td>Second World War (1939–45) 45, 89, 98, 244</td>
</tr>
<tr>
<td>73–6, 82–8, 126</td>
<td>internment of US Japanese citizens</td>
</tr>
<tr>
<td>political modernity 89–91</td>
<td>during 165</td>
</tr>
<tr>
<td>institutional form of 99</td>
<td>Sen, Amartya 7, 25–6, 202, 243, 248</td>
</tr>
<tr>
<td>positive rights 34</td>
<td>Shue, Henry 46</td>
</tr>
<tr>
<td>concept of vii, 90</td>
<td>Basic Rights 44, 104–5</td>
</tr>
<tr>
<td>positivism 28–9, 32</td>
<td>Sierra Leone 53</td>
</tr>
<tr>
<td>Posner, Richard</td>
<td>Singapore 168, 250</td>
</tr>
<tr>
<td>concept of ‘academic moralists’ 35</td>
<td>Sloterdijk, Peter 231</td>
</tr>
<tr>
<td>debt 66–7</td>
<td>concept of 10</td>
</tr>
<tr>
<td>definitions of 40–41</td>
<td>human rights as 11</td>
</tr>
<tr>
<td>developed nation tax evasion 67</td>
<td>moral rights as 10–11</td>
</tr>
<tr>
<td>domestic roots of 62</td>
<td>Socrates 160</td>
</tr>
<tr>
<td>embezzlement of funds of developed nations 67</td>
<td>South Africa</td>
</tr>
<tr>
<td>exploitation of natural resources 66</td>
<td>apartheid regime 149</td>
</tr>
<tr>
<td>foreign aid 68–9</td>
<td>Parliament 162</td>
</tr>
<tr>
<td>household income 62–5, 70</td>
<td>Spain 69</td>
</tr>
<tr>
<td>pollution 67–8</td>
<td>subjective rights 77</td>
</tr>
<tr>
<td>relationship with globalization 56–60, 62–3, 87</td>
<td>Suharto 67, 250</td>
</tr>
<tr>
<td>systemic nature of 50</td>
<td>Sumner, L.W. 33</td>
</tr>
<tr>
<td>unfulfilment of living standards 42–5</td>
<td>supranational institutional schemes</td>
</tr>
<tr>
<td>Rawls, John 141</td>
<td>40–41, 55–7, 60, 62, 68, 71–2, 82, 84–5</td>
</tr>
<tr>
<td>A Theory of Justice 50–51</td>
<td>design of 58, 66</td>
</tr>
<tr>
<td>Raz, Joseph 194–5, 219, 225, 229, 232</td>
<td>unjust 54</td>
</tr>
<tr>
<td>concept of rights 150–51, 220–23</td>
<td>Sweden 69</td>
</tr>
<tr>
<td>Réaume, Denise 150–51</td>
<td>Sweet, Alec Stone 111</td>
</tr>
<tr>
<td>religion</td>
<td>system plurality 111</td>
</tr>
<tr>
<td>freedom of 253</td>
<td>Tasioulas, John 139</td>
</tr>
<tr>
<td>relationship with politics 251–2</td>
<td>view of human rights discourse</td>
</tr>
<tr>
<td>rights as primarily counter-majoritarian</td>
<td>116–18, 129, 138</td>
</tr>
<tr>
<td></td>
<td>view of modernity 129–30</td>
</tr>
<tr>
<td></td>
<td>Taylor, Charles 105–6</td>
</tr>
</tbody>
</table>
Third Reich (1933–45) 46, 70
Tunisia revolution (2010–11) 244
Turkey 51–3

United Kingdom 98, 146, 149, 168–9
Human Rights Act (1998) 162, 167
London 233–4
Race Relations Act (1966) 162
Racial and Religious Hatred Act (2006) 147
Scottish independence movement 190
summer riots (2011) 217–19, 222, 233–5
Westminster 190

United Nations 34, 96, 98, 101, 106, 223, 248
Charter of 96, 120–21, 128
Committee on Economic, Social and Cultural Rights 44, 243
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 121–2
Convention on the Elimination of All Forms of Racial Discrimination (CERD) 121–2
Convention on the Rights of the Child (CRC) 121–2
Food and Agriculture Organization 59
High Commissioner for Human Rights 96
High Commissioner for Refugees 239
Human Rights Committee 242
Human Rights Council 96, 245
International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities 121
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMRW) 121–2
International Covenant on Civil and Political Rights (ICCPR) 120–21, 146, 148, 157, 161, 241, 252–3
International Covenant on Economic, Social and Cultural Rights (ICESCR) 122–4, 127–8, 243, 245
members of 119–20, 123
Millennium Development Goals (MDGs) 57, 246–7
peacekeepers 47
United States of America 41, 55, 68–9, 163, 182, 223
9/11 attacks 236
Civil Rights Act (1871) 165
Civil Rights Act (1964) 162, 167
civil rights movement in 148–9, 162
Congress 161
Constitution of 146, 165–6
Declaration of Independence (1776) 98, 135
household income development in 64–6
Internal Revenue Service (IRS) 64
New York 163
Republican Party 232
slavery in 57, 165–6
Supreme Court 146, 163, 165
Article 23 78
Article 24 124
Article 25 43
Article 28 126–7
definition of poverty 41
language of 45
universal rights 29, 105, 124
limitations of 100–103
state tradition in 98
universality of 92
definitions of 93
‘thick’ 95, 108
‘thin’ 107

David Kinley, Wojciech Sadurski and Kevin Walton - 9781781002759
Downloaded from Elgar Online at 08/20/2019 06:51:18AM
via free access
Index

utilitarianism 21
shortcomings of 17

discussion of ‘Modified
Majoritarianism’ 193–4
Law and Disagreement 170–71, 192–3

Warner, Mariana
view of myths 230–31

World Conference on Human Rights
(1993)

Vienna Declaration 107
World Trade Organization (WTO) 63, 66, 110
Trade-Related Aspects of Intellectual
Property Rights (TRIPS)
Agreement (1994) 63

Yew, Lee Kwan 250

Zakaria, Fareed 168–9

263