Index

abortion 58–9, 65
  criminal bans on 75–84
  Dobbs v. Jackson Women’s Health Organization 82
  Doe v. Bolton 79, 82, 83
  pro-choice advocates 76–7
  religion and reproductive rights 75
  Roe v. Wade 77, 80, 82–3
agapistic justifications 27–32, 33, 73
Alston, Philip 105–6, 112, 113, 127, 128
American Convention on Human Rights 47, 67
animal rights 29
antipoverty rights 119
  International Covenant on
    Economic, Social and
    Cultural Rights 103–12, 118
  poverty in the United States 105–6, 107–8, 113
  Universal Declaration of Human
    Rights 102–3, 105
Augustine of Hippo 72
Benedict XVI (Pope) 90, 92
Bentham, Jeremy 14–15
Bergson, Henri 12, 30
Bonhoeffer, Dietrich 28
Boyd, David 132
“brotherhood” 20, 21, 105
Buddhism 27, 29
Camus, Albert 72
Canada 49
capital punishment 65
  international legal instruments 66–9
  legitimate aims of criminal
    punishment 69–70
  morality of human rights and 70–4
Cassin, René 12, 13
children’s rights 10, 121
Chile 112
Christianity 19, 20, 25, 31, 117, 122
  capital punishment and 71–2
  Catechism of the Catholic Church
    71–2
  same-sex couples and 87–8
  see also theism
Committee on Economic, Social and
  Cultural Rights (CESCR) 109–11
Confucianism 31–2
Conkle, Daniel O. 100
conscientious objectors 48
  constitutional entrenchment 97–8
  contraception 56
Convention on the Elimination of All
  Forms of Discrimination against
  Women 10
Convention on the Rights of the Child
  10, 11
criminal punishment 69–70
  see also capital punishment
Cushing, Richard (Cardinal) 56, 93
Dan-Cohen, Meir 73
death penalty see capital punishment
Dicey, Albert Venn 99
Dixon, Rosalind 112
Dostoevsky, Fyodor 71–2
duties 9
Dworkin, Ronald 27
Eberle, Chris 63
economic inequality 125–8
Elsayed-Ali, Sherif 130–1
egalitarianism 26
  see also equal protection; moral
equality; economic inequality
Ely, John Hart 80
enforceability 15, 17, 98–100
equal protection 35, 41–4
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Social Charter</td>
<td>103–4</td>
</tr>
<tr>
<td>extreme economic inequality</td>
<td>125–8</td>
</tr>
<tr>
<td>Fineman, Martha Albertson</td>
<td>114–23</td>
</tr>
<tr>
<td>Finnis, John</td>
<td>9, 16, 20–2, 37, 116</td>
</tr>
<tr>
<td>Foot, Philippa</td>
<td>26–7</td>
</tr>
<tr>
<td>Francis (Pope)</td>
<td>20, 25, 71, 73, 107, 118–19, 131, 134</td>
</tr>
<tr>
<td>Gaita, Raimond</td>
<td>30</td>
</tr>
<tr>
<td>Gandhi, Mahatma</td>
<td>102</td>
</tr>
<tr>
<td>gay couples see same-sex couples</td>
<td></td>
</tr>
<tr>
<td>Geuss, Raymond</td>
<td>15</td>
</tr>
<tr>
<td>Gilen, Martins</td>
<td>127–8</td>
</tr>
<tr>
<td>Glendon, Mary Ann</td>
<td>8, 16</td>
</tr>
<tr>
<td>global warming</td>
<td>129–34</td>
</tr>
<tr>
<td>Goldsworthy, Jeffrey</td>
<td>21</td>
</tr>
<tr>
<td>government actors</td>
<td>8, 9, 10</td>
</tr>
<tr>
<td>Greenawalt, Jeffrey</td>
<td>63</td>
</tr>
<tr>
<td>Griffey, Brian</td>
<td>110</td>
</tr>
<tr>
<td>Griffin, James</td>
<td>8, 16,17</td>
</tr>
<tr>
<td>Hampshire, Stuart</td>
<td>22–3</td>
</tr>
<tr>
<td>Hannum, Hurst</td>
<td>125, 130</td>
</tr>
<tr>
<td>Hollenbach, David</td>
<td>122</td>
</tr>
<tr>
<td>“human dignity”</td>
<td>23–7</td>
</tr>
<tr>
<td>human rights</td>
<td></td>
</tr>
<tr>
<td>abortion see abortion</td>
<td></td>
</tr>
<tr>
<td>capital punishment see capital punishment</td>
<td></td>
</tr>
<tr>
<td>constitutional entrenchment and judicial protection</td>
<td>97–8</td>
</tr>
<tr>
<td>definition</td>
<td>8–11</td>
</tr>
<tr>
<td>duties</td>
<td>9</td>
</tr>
<tr>
<td>enforcement</td>
<td>98–100</td>
</tr>
<tr>
<td>equal protection</td>
<td>35, 41–4</td>
</tr>
<tr>
<td>extreme economic inequality and</td>
<td>125–8</td>
</tr>
<tr>
<td>global warming and</td>
<td>129–34</td>
</tr>
<tr>
<td>justifications</td>
<td></td>
</tr>
<tr>
<td>agaporestic response</td>
<td>27–32, 33, 73</td>
</tr>
<tr>
<td>“human dignity”</td>
<td>23–7</td>
</tr>
<tr>
<td>“natural law”</td>
<td>20–3</td>
</tr>
<tr>
<td>theism</td>
<td>19–20, 25, 26</td>
</tr>
<tr>
<td>moral freedom see moral freedom</td>
<td></td>
</tr>
<tr>
<td>moral equality see moral equality</td>
<td></td>
</tr>
<tr>
<td>moral or legal rights</td>
<td>14–18</td>
</tr>
<tr>
<td>morality see morality of human rights (MHR)</td>
<td></td>
</tr>
<tr>
<td>poverty see antipoverty rights</td>
<td></td>
</tr>
<tr>
<td>privacy</td>
<td>58–62</td>
</tr>
<tr>
<td>rules of conduct</td>
<td>8</td>
</tr>
<tr>
<td>same-sex couples see same-sex couples</td>
<td></td>
</tr>
<tr>
<td>vulnerability theory see vulnerability theory (VF)</td>
<td></td>
</tr>
<tr>
<td>Human Rights Committee</td>
<td>48, 53, 54, 66</td>
</tr>
<tr>
<td>“human rights inflation”</td>
<td>124–5</td>
</tr>
<tr>
<td>Humphrey, John Peter</td>
<td>98–9</td>
</tr>
<tr>
<td>“impartiality”</td>
<td>20, 21, 22</td>
</tr>
<tr>
<td>inequality</td>
<td>125–8</td>
</tr>
<tr>
<td>International Bill of Human Rights see</td>
<td></td>
</tr>
<tr>
<td>International Covenant on Civil and Political Rights (ICCPR);</td>
<td></td>
</tr>
<tr>
<td>International Covenant on Economic, Social and Cultural Rights</td>
<td></td>
</tr>
<tr>
<td>Universal Declaration of Human Rights</td>
<td></td>
</tr>
<tr>
<td>(UDHR)</td>
<td></td>
</tr>
<tr>
<td>International Covenant on Civil and Political Rights (ICCPR)</td>
<td>104–5, 124</td>
</tr>
<tr>
<td>capital punishment</td>
<td>66</td>
</tr>
<tr>
<td>complete text</td>
<td>141–51</td>
</tr>
<tr>
<td>moral freedom</td>
<td>46–9</td>
</tr>
<tr>
<td>International Covenant on Economic, Social and Cultural Rights</td>
<td></td>
</tr>
<tr>
<td>(ICESR)</td>
<td>103–12, 118, 124</td>
</tr>
<tr>
<td>complete text</td>
<td>151–7</td>
</tr>
<tr>
<td>Optional Protocol</td>
<td>109–11</td>
</tr>
<tr>
<td>international humanitarian law</td>
<td>9</td>
</tr>
<tr>
<td>Ivanhoe, Philip J.</td>
<td>31</td>
</tr>
<tr>
<td>John XXIII (Pope)</td>
<td>19, 117, 122</td>
</tr>
<tr>
<td>John Paul II (Pope)</td>
<td>19, 117, 122</td>
</tr>
<tr>
<td>judicial review</td>
<td>98</td>
</tr>
<tr>
<td>Kant, Immanuel</td>
<td>30</td>
</tr>
<tr>
<td>Kar, Robin Bradley</td>
<td>44–5</td>
</tr>
<tr>
<td>Kelsen, Hans</td>
<td>37</td>
</tr>
<tr>
<td>Kennedy, Robert F.</td>
<td>28</td>
</tr>
<tr>
<td>Klarman, Michael</td>
<td>128</td>
</tr>
</tbody>
</table>
Kolakowski, Leszek 28, 29
Koppelman, Andrew 86, 94

Lawson, Gary 37
Laycock, Douglas 62
Lefebvre, Alexandre 11, 30
gleal rights 14–18
Leiter, Brian 26
legal and political theory 115–16,
118, 119, 121, 122
Lindo, John 44–5

MacCormick, Neil 37
MacIntyre, Alasdair 15
Maclure, Jocelyn 50, 54, 55, 57
McConnell, Michael W. 36–7, 55
military service 48
Monroe, Kristen Renwick 31–2
moral equality 35, 37–40
abortion and 75
same-sex couples 85–9
moral freedom
abortion and 75, 76
International Covenant on Civil and
Political Rights (ICCPR)
46–9
least-restrictive-alternative condition
52
legitimacy condition 52, 53
privacy and 58, 60, 61
proportionality condition 52
public morals and 52, 53–7
religious convictions and practice
49–51, 55, 56, 57–8, 60–2
same-sex couples 89–95
sectarian morals 54–7, 92
moral pluralism 54–6
moral rights 14–18
morality of human rights (MHR) 35, 114,
116–23
capital punishment and 70–4
“natural law” 14–15, 20–3
neoliberal ideology 103
Nietzsche, Friedrich 26
nongovernment actors 9
Novak, William J. 62

Page, Benjamin 127–8
papal encyclicals 19–20, 25, 73, 117, 131
Perry, Michael J. 32, 45
Petrasek, David 131
Piketty, Thomas 126
pluralism 54–6
Posner, Eric A. 108
Posner, Richard A. 80, 86
poverty see antipoverty rights
privacy 58–62
public morals 52, 53–7
punishment 69–70
see also capital punishment
Putnam, Hilary 19
racial discrimination 38–9, 41–4
Ratzinger, Joseph (Cardinal, later Pope
Benedict XVI) 90, 92
Reinbold, Jenna 25
religious convictions and practices
49–51, 55, 56, 57–8, 60–2
abortion and 75
same-sex couples and 87–8, 90–3
retribution 69–70
rights-based approaches 115–16, 119
Roman Catholic church
capital punishment and 71–2
Catechism 71–2
same-sex couples and 87–8, 90–3
social teaching 122
see also Christianity; theism
Roosevelt, Eleanor 12, 17, 25
Rorty, Richard 22, 23, 28, 29
rules of conduct 8
same-sex couples 59–60, 65
exclusion from civil marriage
moral equality and 85–9
moral freedom and 89–95
religious attitudes towards 87–8,
90–3
sectarian morals 54–7, 92
Index

secularism 54, 56
Sen, Amartya 15
Siegel, Reva 60
Singer, Peter 76
Siracusa Principles 53, 54
Smith, Adam 127
Smith, David Livingstone 13
social security 104
Solanke, Iyiola 98–9
South Korea 48

Tasioulas, John 11
Taylor, Charles 19, 50, 54, 55, 57, 117
theism 15, 19–20, 25, 26, 62
Tribe, Laurence 77

Underkuffler, Laura 20
unemployment 105
United States
Commission on Unalienable Rights 97
Constitution 35–7
right of privacy 58–62
right to equal protection 41–4
criminalization of abortion 75, 77–83
extreme economic inequality 127–8
poverty 105–6, 107–8, 113
Universal Declaration of Human Rights (UDHR) 8, 11–14, 66, 117, 124
antipoverty rights 102–3, 105
complete text 135–41
constitutional model 17–18
enforcement 98–9
“human dignity” 23–4, 25
legal rights 17–18
moral equality 38

Verdugo, Sergio 112
Vienna World Conference on Human Rights (1993) 110
vulnerability theory (VT) 114–16, 118, 119, 120–3

Weil, Simone 28
Whealon, John Francis (Archbishop) 88
Williams, Bernard 26
Wolterstorff, Nicholas 32–3