# Contents

Foreword by Helena Kennedy xi , Acknowledgements xvi Table: Three Waves of Rights – Major Features xx List of Abbreviations xxii

### INTRODUCTION

Human Rights: An Idea Whose Time Has Come 1
From Kosovo to Pinochet 2
From civil liberties to human rights in the UK 5
The three waves of rights 9
This book's main goals 13
The chapters of this book 14
A debate without end 17

### CHAPTER I

The Quiet Revolution: The UK's New Bill of Rights 19
Bills of rights and political contexts 21
Preparations for the Human Rights Act 24
The new Bill of Rights as a set of core values 28
A new legal culture for protecting rights 33
Some illustrations of how our right to challenge authority will be strengthened 40
New 'positive obligations' on public authorities to respect human rights 45

### CHAPTER 2

A Curious Mixture: Rights, Responsibilities and the Third Way? 50
The politics of rights 51
Rights and morality 52

#### Contents

Communitarianism and the new politics 55 New Labour and the ascendancy of duties 59 The Human Rights Act and the third way 61

# CHAPTER 3

The Quest for Freedom: First-Wave Rights 67
The evolution of rights 68
First-wave rights 71
The British contribution 76
The first rights backlash in the UK 82
The UK's Left rights backlash 84

### CHAPTER 4

From Liberty to Community: Second-Wave Rights 89

PART I: THE REVIVAL OF RIGHTS 89

The fallow years 91

The UN Charter and human rights 93

The Universal Declaration of Human Rights 94

The shadow of the Holocaust 96

Dignity 98

Equality 106

Community and responsibilities 111

PART II: RIGHTS ENFORCEMENT AND THE MORAL MAZE 117

The communitarian vision of the International Covenants 118

The highs and lows of the ECHR 120

Contrasts with the American Bill of Rights 127

First- and second-wave rights compared 132

## CHAPTER 5

Globalization and Third-Wave Rights 135

The end of the Cold War 135

Globalization 136

The quest for common values 138

The widening net of who is responsible for upholding human rights 140

Globalization and mainstreaming 142

Understanding human rights as a set of ethical values 145

Mutuality and participation 150

viii

### CHAPTER 6

The Human Rights Act: A Third-Wave or Third-Way Bill of Rights? 152

The campaign for a UK Bill of Rights 152
The unique features of the Human Rights Act 164
The role of the state under the Human Rights Act 167
Mainstreaming compliance under the Human Rights Act 169
The values of the Human Rights Act 173
Identifying obstacles to cultural change through a bill of rights 175
Dialogue and debate through the Human Rights Act 179
Third wave or third way? 186

### CONCLUSION

Human Rights in an Era of Failed Utopias 189
The Human Rights Act explained 189
The Human Rights Act defended 190
Ethical and political debates 192
The three waves of rights revisited 194
The UK's new Bill of Rights as a source of common, ethical values 196
Human rights and a new progressive politics 201
Objections to a rights-based politics 205
Democratization of rights 212
What is the foundation of human rights? 213

Appendix I: Text of the Human Rights Act 1998, Schedule 1 The Articles,
Part I The Convention, Rights and Freedoms 217
Appendix II: Universal Declaration of Human Rights 227
Notes 235
Index 272