

HUMAN RIGHTS
and the
DIVERSITY of VALUE¹

Hillel Steiner
University of Manchester

One of the most common objections brought against human rights thinking is that we live in a world characterized by diversity of value. Theories of human rights necessarily ascribe rights universally to all humanity. Some people find that universalism implausible given the plurality of cultures, ideologies and religious beliefs to be found among human beings. Others find it objectionable. They see the assertion of human rights as an exercise in cultural (usually Western) domination or an all too convenient excuse for some states to meddle in the affairs of others. (Jones, 1996: 183)

[M]y argument will not show that men have any right (save the equal right of all to be free) which is ‘absolute’, ‘indefeasible’, or ‘imprescriptible’. This may for many reduce the importance of my contention, but I think that the principle that all men have an equal right to be free, meagre as it may seem, is probably all that the political philosophers of the liberal tradition need have claimed to support any programme of action even if they have claimed more. (Hart, 1967: 54)

Introduction

For many years now, Peter Jones’s work has set the standard for scholarly excellence on the subject of rights and value pluralism. In his essay which begins with the first passage quoted above, Jones presents a characteristically discerning – and, in my view, utterly successful – critique of John Rawls’s attempt to incorporate a ‘political’ or ‘free-standing’ conception of human rights into his more general just law of peoples: a conception which would be independent of comprehensive doctrines,

¹ Presented at a conference in honour of Peter Jones, *The Value and Limits of Rights*, University of Newcastle, February 2010.

which would regulate conduct compliant with them, and which would therefore be ‘appropriate for a society of political societies each of which has its own internal conception of justice’ (Jones, 1996: 187). As Rawls says, in *The Law of Peoples*:

Comprehensive doctrines, religious or non-religious, might base the idea of human rights on a theological, philosophical, or moral conception of the nature of the human person. That path the Law of Peoples does not follow. What I call human rights are, as I have said, a proper subset of the rights possessed by citizens in a liberal constitutional regime, or of the rights of members of a decent hierarchical society. (Rawls, 1999: 81)²

Somewhat similarly, H.L.A. Hart’s aspiration, in the celebrated article from which the second opening quotation above is taken, is to advance the conception of natural rights that he finds implicit in the works of political philosophers of, specifically, the liberal tradition.³

My own experience of thinking about what can count as human rights has led me to the conclusion that we get a lot more mileage out of staring at the word ‘rights’ than by staring at the word ‘human’. The aim of this paper is to suggest that Hart’s account more successfully accomplishes what Rawls aspires but fails to do, and what Jones convincingly argues is needed by any plausible theory of human rights. And it does so by virtue of the general *concept of rights* that it deploys.

Doctrinal Neutrality

In thinking about what our basic moral rights are, both Hart and, more arguably, Rawls deploy what Jones, following Dworkin, has identified as the *discontinuous strategy*.

² Jones’s 1996 critique is actually aimed at Rawls’s 1993 paper, also entitled ‘The Law of Peoples’, that anticipates the account subsequently advanced in his book of that title.

³ For purposes of this essay, whatever distinction may exist between the idea of human rights and that of natural rights is of no immediate importance. Jones notes that ‘Historically the idea of human rights descended from that of natural rights. Indeed some theorists recognise no difference between them; they regard ‘natural’ and ‘human’ as merely different labels for the same kind of right. Others are less happy with that simple conflation and, while acknowledging the historical link between the two sorts of right, want to free human rights from some of the features traditionally associated with natural rights’ (Jones, 1994: 72). Hart’s essay does indeed eschew those traditional features.

A continuous strategy would try to establish a continuity between the theory of human rights and the various doctrines to which people are committed. (Jones, 2001: 34)

But, as Jones persuasively demonstrates, if the kind of global moral consensus thereby required as the grounding for such a theory actually existed, it would be very difficult to find a conceptual space for human rights at all. At best, such theories would merely re-describe that pre-existing moral consensus in the language of human rights.

Accordingly, recourse must be had to the discontinuous approach.

The strategy of discontinuity aims to develop liberal principles which are categorically different from, and which are justified independently of, the conceptions of the good whose pursuit they are designed to regulate (Jones, 1995: 516). We are supposing that diversity of belief and value is a normal part of the human condition Given that state of affairs, we can look to a theory of human rights to provide for that diversity rather than simply add to it The task of a theory of human rights is not to add yet another voice to that cacophony of disagreement. Its task is to provide for a world in which there is that disagreement. But it is to provide for that world not by itself entering the lists of doctrinal controversy and attempting to declare which doctrine is true and which false. Instead, it should be concerned with how people ought to relate to one another as people with different beliefs. So its proper concern is with people who hold doctrines, rather than with the doctrines that they hold. (Jones, 2001: 37)

And, from this, Jones infers that a theory of human rights can best be modelled by distinguishing different *levels* of concern, whereby doctrines and the disagreements they generate constitute the first level of concern, while the theory of human rights places itself outside and above the arena of doctrinal disagreement and seeks only to regulate people's relations with one another given that they have to live in that arena of disagreement. (Jones, 2001: 37-38)

The level of concern inhabited by human rights theory – a level 'outside' and discontinuously removed from the one occupied by the cacophonous arena of doctrinal disagreement or rival conceptions of the good – is thus one where persons' moral entitlements are determined without essential reference to the comparative

merit of the doctrinal commitments conflictually pursued in that arena. So how *are* those entitlements to be characterized?

One part of the answer is to be found through reflecting on the question centrally addressed in Hart's famous lectures, *Law, Liberty and Morality*, where he asks

Is it morally permissible to enforce morality as such? [I]t is plain that the question is one *about* morality, but it is important to observe that it is also a question *of* morality. It is the question whether the enforcement of morality is morally justified; so morality enters into the question in two ways. (Hart, 1963: 4, 17)⁴

Or, as Jones might say, on two levels. For Hart's deployment of a discontinuous strategy rests upon the necessary truth that, whatever may be the set of moral rules under consideration for enforcement, a moral rule concerning their enforcement cannot be a member of that set.⁵ *A fortiori*, then, it cannot be a member of that set if the very membership of that set is itself a matter of doctrinal disagreement. The content of enforcement rules – the grounds on which some conduct is enforced – must be independent of the moral status of that conduct: it must be doctrinally *neutral*. How is this possible?

Consider the characteristic function of rights in our practical thinking.⁶ Their familiar role is that of items invoked in what can be called *adversarial circumstances*. What are adversarial circumstances? Well, one feature of them is certainly *disagreement*. If all of us always and everywhere agreed on what would be the best thing to do in any particular situation, it looks pretty undeniable that rights would quickly disappear from our language. If you and I and everyone else all agreed on the most appropriate destination for my latest salary increment - whether it be a particular charity or the Inland Revenue or my bank account - any talk about who has what rights with respect to that increment would be utterly superfluous.

⁴ Neil MacCormick has rightly suggested that Hart's natural rights essay forms the justifying ground of his liberal critique of legal moralism in *Law, Liberty and Morality* (MacCormick, 1981: 150).

⁵ This, because the contrary proposal – that an enforcement rule *is* a member of that set – generates an infinite regress: that enforcement rule becomes one of the rules to be enforced, under the auspices of a second-order enforcement rule which, in turn, becomes etc.

⁶ The next few paragraphs are largely taken from Steiner, 1998: 236-238.

But disagreement is only a necessary, not a sufficient, condition of adversarial circumstances. The sufficient condition is what I call *deadlock*. Suppose I disagree with the coach of the New York Yankees about the fielding strategy to be pursued when the bases are loaded and there's a fairly mediocre hitter up to bat. This is *not* an adversarial circumstance, though it is one of disagreement. It's not an adversarial one because there's nothing I can actually *do* to stop the coach's strategy from being deployed. It would be different - it *would be* adversarial - if, say, I were the Yankees' second-base man. Then I *could* escalate my disagreement into deadlock by refusing to deploy the coach's strategy and doing something else instead. Broadly speaking, then, deadlock occurs when two disagreeing persons' chosen courses of action *intersect*: that is, when what each proposes to do or have done would preclude the occurrence of what the other proposes. Their two courses of action are jointly unperformable or what I've elsewhere called *impossible* (cf. Steiner, 1994: 33-41, 86-101, 190-4, and 1998: 262-274).

It's in these circumstances that people begin to think about ringing up their solicitors to consult them about their rights. Of course, before they start reaching for their rights, each will presumably try to convince the other that his or her own proposed action is the better of the two. And sometimes, perhaps often, one of these attempts at persuasion will succeed. If it does succeed, *it eliminates the deadlock by eliminating the disagreement*. Presumably, if the coach and the second-base man share the same dominant aim – say, winning the game - a sufficiently detailed scrutiny of various bits of empirical data will result in one of them changing his mind and backing off. But what if two adversaries can't eliminate their disagreement? What if, agreeing on all the pertinent facts, they nevertheless don't share that aim or, even if they do, they don't prioritise it in the same way in relation to their other aims?

It's here, I think, that reflection on who has what rights really comes into its own. For the distinctive function of such thinking is to secure the elimination of deadlocks *without* eliminating the disagreements that generate them. Rights supply adversaries with reasons to back off from interference, when they have no other reason to allow the performance of the actions they're interfering with. One of the two contending adversaries becomes a (disapproving) observer of the other's conduct. The second-base man need concur with

neither the coach's dominant aim nor the fielding strategy motivated by it in order consistently to acknowledge the coach's right that he comply with that strategy.

If this suggestion is correct, if it accurately reflects a salient aspect of how we commonly think about rights, then - abstract and general as it admittedly is - one important inference that we can draw from it is this: the general content of such rights is not determined by any of the aims/priorities motivating the disagreement between the adversarial parties. For, *ex hypothesi*, they've already been down the road of searching for a consensus on these commitments, and have returned empty-handed. Their own values don't supply either of them with sufficient reasons to do the requisite backing off. So if appeals to rights are going to do any work in resolving their deadlock, without falsely presupposing the absence of their disagreement, the general content of those rights has to be (in some sense) *independent* of the content of adversaries' competing commitments.

The job of rights, then, is to demarcate *domains* - spheres of practical choice within which the choices made by designated individuals (and groups) must not be subjected to interference - and to specify those demarcations without reference to the content of the choices to be made within those spheres. It thus requires no very extended argument to show that rights, so conceived, amount to *normative allocations of freedom*. They reserve parts of the world to their owners' discretion and imply that, within those domains, such changes (or continuities) in the state of the world as those owners choose to occur must not be obstructed by others.⁷ Those others bear duties to refrain from such obstruction.

This construal of rights as freedom allocations is sufficient to explain why those duties are uncontroversially seen as permissibly *enforceable*. For, putting the matter as broadly as possible, we can say that to prevent someone's chosen disposition of elements within his or her domain is to diminish that person's allotted freedom: specifically, it makes that person unfree to secure whatever is aimed at in that disposition. A set of rights-creating

⁷ Which is *not* to imply that such conduct (changes or continuities) as owners choose to occur within their domains is therefore permissible on other (non-rights-based) grounds. Our Yankee second-base man's acknowledgement, of the rights-based permissibility of his coach's fielding strategy and of his own duty not to obstruct it, is perfectly consistent with his adamant insistence on other grounds that it is the wrong thing to do.

rules that lacked provision for the enforcement of those duties - that allowed, much less required, rights violations to stand unreversed - could not then consistently be described as doing what it purports to do: namely, assigning that discretionary domain to that person. 'No right without a remedy', as the legal maxim says.

Now it's evidently no great imaginative leap to substitute the contentious inhabitants of Jones's arena of disagreement for the Yankees' coach and second-base man. The diversity of their respective sets of doctrinal commitments, and the possible absence of any overlapping consensus between those sets, are precisely what create the conceptual space for human rights as Jones has characterised them. Those rights inhabit a level removed from the disagreement-arena, and are relevantly invocable only when that arena's inhabitants threaten to get in one another's way. And when they *are* invoked, they are not called upon to supply answers to questions of the form: 'Which one of these two impossible courses of action is morally better, services more vital human interests, delivers greater social utility, etc.?'. For these are questions which can be answered only doctrinally and, *ex hypothesi*, the disputants have already addressed them and have remained in disagreement over either the correct answers to them or, more likely, the weight attached to those questions themselves. Rather, the question posed by the invocation of rights is 'Which one of these disputants should have the *freedom* to pursue his or her chosen course of action?'. And this is a question which can be answered only by reference to some rule that distributes freedom, and that does so without regard to the doctrinal credentials of whatever actions constitute the exercise of that freedom.

Moral Primacy

In addition to that doctrinal neutrality, a freedom-distributing rule also possesses the other attribute which Jones ascribes to human rights: namely, that they stand 'above' the disagreement-arena and 'regulate' the actions that disputants can permissibly take in pursuit of their contending commitments. In other words, moral rights enjoy a *primacy* status in our moral reasoning.

Although the assignment of this status to moral rights has not gone unchallenged, it does seem to conform to widely held views. Such an assignment does, for instance, appear to be a necessary condition for making sense of the common notion of 'having

a right to do wrong' (cf. Waldron, 1981). Of course, and following Hohfeld, no one can ever be strictly said to have a *right* to do anything: at most, persons have *liberties* to act, and having a liberty to do something does not itself entail a duty in anyone else. But we can have rights – Hohfeldian claims – that others not interfere with our acting in certain ways, and those persons would thereby hold correlative duties of non-interference. Among the ways of acting that are protected by such claims may be ones which, in certain circumstances, are wrong on grounds other than disregard for rights.

Thus, one of morality's primary rules or values may well be *charity* – a norm which vests me with duties to transfer some of my resources to those more in need of them than I am. Assuming that I am justly entitled to those resources – that I hold moral rights that others not interfere with my disposition of them – this does *not* entail that I do no wrong in refusing to act charitably and insist on withholding those resources from needier persons. All that is entailed by assigning primacy to moral rights, is that others would be committing a *worse* wrong by forcing me to make that transfer. In other words, morality's assigning such primacy entails that the following three alternatives are listed in descending order of moral desirability: (a) my choosing to transfer my resources to the needy; (b) my withholding those resources; (c) my attempting to withhold those resources but being forced by others to transfer them. It is outcome (b) that represents having (i.e. exercising) a right to do wrong. The fact that my withholding is an exercise of my rights is insufficient morally to justify that act. All that it would suffice to justify are whatever actions might be necessary to prevent or remedy my being forced to transfer (cf. Steiner, 1996).

There is another, and previously noted, feature of our moral thinking that suggests primacy status for moral rights. In everyday moral discussions, we standardly don't invoke rights to resolve our disagreements except as a last resort. Thus, as members of a newspaper's editorial staff, we might disagree with one another about which candidate the paper should support in a current electoral contest. Typically, the way we would argue about the relative merits of each of the candidates is by ascertaining facts, clarifying conceptual ambiguities and appealing to one or another of the more fundamental moral rules or values that might severally be associated with each alternative. In other words, we would do our best to reach a consensus on which option is the morally optimal one. It's only when we find ourselves unable to reach that

consensus that I might fall back on asserting ‘Look, I’m the managing editor here - I’m the one with the moral right to decide whom the paper supports’. For me to offer that argument at the *outset* of our discussion would be not only churlish but also beside the point, since what that discussion is about is how best I can exercise my right: that it *is* my right is not in dispute. The resolving role of moral rights in moral disputes is not to dissolve disagreement but rather to determine *who* – in the face of indissoluble disagreement – is rightfully empowered to decide what is to be done. And it seems clear that moral rights can play this adjudicating role only if their status is one of having priority over whatever other moral norms may be in mutual contention in such disputes.

Equal Freedom

So, what is the freedom-distributing rule that generates human rights with the two Jonesian properties of doctrinal neutrality and moral primacy, of being *outside* and *above* the disagreement-arena? Hart, as that opening quotation indicates, believes it to be one distributing entitlements to freedom *equally*. And Jones concurs, remarking that

faced with first-level differences of belief, a theory of human rights should extend equal freedom to people to live according to their beliefs. (Jones, 2001: 45-46)

Indeed, the claim that what is ordained by basic moral rights (or justice) is an interpersonal distribution of freedom – and, moreover, an *equal* one - has a long and distinguished pedigree in political philosophy.⁸ In the light of what has been said about neutrality, this is very much to be expected. For whereas a rule distributing X equally can be logically determinate – can be complied with, without further interpretation – a rule distributing X *unequally* cannot. That is, it cannot be determinate in the absence of a supplementary criterion that selects some unequally possessed personal attribute in proportion to which that X is to be correspondingly distributed. But no such attribute is available to do this particular supplementing job, for neither persons’ neediness nor their productivity nor their virtue nor their desert – to say nothing of their religious, racial, and gender attributes – can serve this purpose *in a doctrinally neutral way*. None of them,

⁸ Cf. Locke, 1967: 287-289; Kant, 1965: 35-39; Spencer, 1851: ch. VI; George, 1931: ch. IX; Gewirth, 1978: ch. 3; Pollock, 1981: ch. 1. Rawls, 1971, famously offers ‘equal basic liberty’ as lexically prime among the *several* rules constitutive of his conception of justice. Steiner, 1987: 55-59, argues that an important premiss of Nozick’s theory of just holdings, in Nozick, 1974, implicitly invokes something like the equal freedom rule. Sidgwick, 1963: 274-278, supplies a critical discussion of the claim that justice prescribes a right to equal freedom.

nor any others, can be used to determine the amount of freedom to which disagreement-arena inhabitants are each entitled, without falsely presupposing the absence of their disagreement.

On this subject of determinacy, Jones does, it's true, remark that the claim that human rights vest individuals with a right to equal freedom

may leave room for different possibilities in how precisely we define each person's domain of equal freedom. Many of those who found themselves on different sides in the Rushdie Affair were not in dispute over whether people should enjoy freedom of belief; they disagreed only over the proper make-up of each person's domain of freedom. (Jones, 2001:46)

I myself am uncertain as to whether this is so. Much here depends on the precise contours of our conception of freedom and, thence, on whether the domains of freedom that rights bestow on us can be compossible, if they include uncontracted rights against such irreducibly intensionally-defined acts as offensive speech. For it's clear that any set of rights yielding contradictory judgements about the permissibility of a particular act either is unrealizable or (what comes to the same thing) must be modified to be realizable.⁹ Be this as it may, it remains true that only a right to equal freedom can possess both the doctrinal neutrality and the moral primacy that Jones regards as essential for human rights.

Now, to conceive of rights as entitlements to freedom – as entitlements to determine whether some change (or continuity) in the state of the world must or need not occur – is to embrace the Will Theory of rights, a theory of which Hart is the leading modern exponent and which his 1955 essay on natural rights is commonly taken to exemplify.¹⁰ In a deservedly famous passage from his classic statement of that theory, he identifies the fundamental structural components of the sort of discretionary domain sketched above. Since the existence of enforceable duties is an uncontested condition for the existence of rights, Hart suggests that these components are best understood as the

⁹ See Steiner, 1994: 86-101, and 1998: 262-274, for an argument that casts doubt on the compossibility – joint performability – of duties to perform actions the descriptions of which are not reducible to extensional terms. The impossibility of a set of duties implies the impossibility of the rights they correlatively entail: there is no possible world in which all of those rights are respected.

¹⁰ Cf. MacCormick, 1981:149.

several ingredients jointly constituting the *control* that one person can have over the duty of another:

In the area of conduct covered by that duty the individual who has the right is a small-scale sovereign to whom the duty is owed. The fullest measure of control comprises three distinguishable elements: (i) the right holder may waive or extinguish the duty or leave it in existence; (ii) after breach or threatened breach of duty he may leave it 'unenforced' or may 'enforce' it by suing for compensation or, in certain cases, for an injunction or mandatory order to restrain the continued or further breach of duty; and (iii) he may waive or extinguish the obligation to pay compensation to which the breach gives rise. (Hart, 1973:183-4)

These ingredients of control are each Hohfeldian *powers*. And the singular clarifying service rendered by this account is to have distilled the few basic forms, that all powers assume, from their myriad contents in any given set of rules. All powers can be exhaustively classified under one or another of these basic forms. It's the possession of these powers that endows their possessor, Blue, with a discretionary domain in the following sense. Where Red owes Blue a duty to do the act A, Blue has two options: (i) that the change (or continuity) in the state of the world implied by A's occurrence - or, in the event of Red's breach, by the occurrence of Red's remedial act - is deontically necessary or required; or (ii) that this change (or continuity) is deontically unnecessary or indifferent, i.e. that both its occurrence and non-occurrence are options for Red and neither is required. Will Theory rights confer freedoms on their holders by giving them the powers to demand/enforce or, alternatively, to waive performance of the entailed duty-acts correlatively owed to them.

As was indicated near the outset of this paper, Hart's natural rights essay develops the 'free-standing' or 'political' character of such rights by focusing on these conceptual properties of moral rights themselves.

[T]he concept of a right belongs to that branch of morality which is specifically concerned to determine when one person's freedom may be limited by another's Kant, in the *Rechtslehre*, discusses the obligations which arise in this branch of morality under the title of *officia juris*, 'which do not require that respect for duty shall be of itself the determining principle of the will', and contrasts them with *officia virtutis*, which have no moral

worth unless done for the sake of the moral principle. His point is, I think, that we must distinguish from the rest of morality those principles regulating the proper distribution of human freedom which alone make it morally legitimate for one human being to determine by his choice how another should act And it is I think a very important feature of a moral right that the possessor of it is conceived as having a moral justification for limiting the freedom of another and that he has this justification not because the action he is entitled to require of another has some moral quality but simply because in the circumstances a certain distribution of human freedom will be maintained if he by his choice is allowed to determine how that other shall act. (Hart, 1967: 55-56)

When an appeal goes up, from the cacophonous arena of doctrinal disagreement to the court of human rights, what the appellants are *not* allowed to submit to that court are briefs detailing the virtues of their own doctrinal commitments and the defects of those of their opponents. Such briefs are simply irrelevant to the decision on who has the entitlement – the rightful power – to determine which of the opposing courses of action should be allowed to proceed. All that is relevant are arguments to show which appellant’s being vested with that power is consonant with an equal distribution of freedom.

It follows fairly readily from this that the traditionally opposed conception of rights - the Interest Theory of rights - is incapable of sustaining such a brief. That theory’s central tenet is that the necessary and sufficient condition of one person’s duty’s being a correlative one - of its implying another person’s right - is that its fulfilment can generally be expected to serve that person’s important interests. As such, it is beset by the insurmountable difficulty that what is in a person’s interests is an object of doctrinal determination. Is it in my interest to wear a crash-helmet when driving a motorcycle? Or to refrain from eating meat on Fridays? Or to be denied the service of voluntary euthanasia? Or to refuse a lifesaving blood transfusion? Or to undergo circumcision? These, and countless other questions, can be answered only by reference to doctrines inhabiting the disagreement-arena. Accordingly, it’s not those answers that can inform the ruling of the aforesaid court. Even more disabling, of any human rights court that conceived of those rights along Interest Theory lines, would be cases where two (or more) persons’ undisputedly important interests cannot be

jointly served. And in that regard, Jeremy Waldron, an Interest Theorist, acknowledges that

if rights are understood along the lines of the Interest Theory then conflicts of rights must be regarded as more or less inevitable. (Waldron, 1989: 503)

Accordingly, rights must be understood in Will Theory terms – as entitlements to freedom – if human rights courts are to be appropriately empowered to adjudicate on disputes arising in the arena of doctrinal disagreement.

Elsewhere, I've tried to display the sorts of right that are immediately deriveable from a basic right to equal freedom.¹¹ This is not the place to rehearse that rather lengthy account. Suffice it to say, by way of a conclusion, that only this right, and the rights consonant with it, appear capable of satisfying the conditions of neutrality and primacy, which Jones has correctly identified as necessary conditions for any plausible theory of human rights.

¹¹ Cf. Steiner, 1994: chs. 7- 8.

References

- Caney, Simon, David George & Peter Jones (eds.). 1996. *National Rights, International Obligations*, (Boulder: Westview Press).
- Caney, Simon & Peter Jones (eds.). 2001. *Human Rights and Global Diversity*, (London: Frank Cass).
- George, Henry. 1931. *Social Problems*, (London: Henry George Foundation).
- Gewirth, Alan. 1978. *Reason and Morality*, (Chicago: University of Chicago Press).
- Hart, H.L.A. 1963. *Law, Liberty and Morality*, (Oxford: Oxford University Press).
- Hart, H.L.A. 1967. 'Are There Any Natural Rights?', in Quinton (ed.), reprinted from *Philosophical Review*, 64 (1955): 175-191.
- Hart, H.L.A. 1982. *Essays on Bentham: Jurisprudence and Political Theory*, ch. VII, (Oxford: Oxford University Press), reprinted from Simpson (ed.), 1973.
- Jones, Peter. 1994. *Rights*, (Houndmills: Palgrave).
- Jones, Peter. 1995. 'Two Conceptions of Liberalism, Two Conceptions of Justice', *British Journal of Political Science*, 25: 515-550.
- Jones, Peter. 1996. 'International Human Rights: Philosophical or Political?', in Caney, George & Jones (eds.).
- Jones, Peter. 2001. 'Human Rights and Diverse Cultures', in Caney & Jones (eds.).
- Kant, Immanuel. 1965. *The Metaphysical Elements of Justice*, (ed.) John Ladd, (Indianapolis: Bobbs-Merrill).

Kramer, Matthew, Nigel Simmonds & Hillel Steiner. 1998. *A Debate Over Rights: Philosophical Enquiries*, (Oxford: Oxford University Press).

Locke, John. 1967. *Two Treatises of Government*, (ed.) Peter Laslett, (Cambridge: Cambridge University Press).

MacCormick, Neil. 1981. *H.L.A. Hart*, (London: Edward Arnold).

Nozick, Robert. 1974. *Anarchy, State and Utopia*, (Oxford: Blackwell).

Pollock, Lansing. 1981. *The Freedom Principle*, (Buffalo: Prometheus Books).

Quinton, Anthony (ed.). 1967. *Political Philosophy*, (Oxford: Oxford University Press).

Rawls, John. 1971. *A Theory of Justice*, (Cambridge, Mass.: Harvard University Press).

Rawls, John. 1993. 'The Law of Peoples', in Shute & Hurley (eds.).

Rawls, John. 1999. *The Law of Peoples*, (Cambridge, Mass.: Harvard University Press).

Shute, Stephen & Susan Hurley (eds.). 1993. *On Human Rights: The Oxford Amnesty Lectures 1993*, (New York: Basic Books).

Sidgwick, Henry. 1963. *The Methods of Ethics*, 7th edn, (London: Macmillan).

Simpson, A.W.B. (ed.). 1973. *Oxford Essays in Jurisprudence*, 2nd series, (Oxford: Oxford University Press).

Spencer, Herbert. 1851. *Social Statics*, (London: John Chapman).

Steiner, Hillel. 1987. 'Capitalism, Justice and Equal Starts', *Social Philosophy & Policy*, 5: (1987), 49-71.

Steiner, Hillel. 1994. *An Essay on Rights*, (Oxford: Blackwell).

Steiner, Hillel. 1996. "Duty-Free Zones" *Aristotelian Society Proceedings*, xcvi: 231-244.

Steiner, Hillel. 1998. 'Working Rights', in Kramer, Simmonds & Steiner.

Waldron, Jeremy. 1981. 'A Right to Do Wrong', *Ethics*, 92: 21-39.

Waldron, Jeremy. 1989. 'Rights in Conflict', *Ethics*, 99: 503-519.