Many people believe passionately in human rights. Others - Bentham, Marx, cultural relativists and some feminists amongst them - dismiss the concept of human rights as practically and conceptually inadequate. This book reviews these classical critiques and shows how their insights are reflected in the case law of the European Court of Human Rights. At one level an original, accessible and insightful legal commentary on the European Convention, this book is also a groundbreaking work of theory which challenges human rights orthodoxy. Its novel identification of four human rights schools proposes that we alternatively conceive of these rights as given (natural school), agreed upon (deliberative school), fought for (protest school) and talked about (discourse school). Which of these concepts we adopt is determined by particular ways in which we believe, or do not believe, in human rights.

- Reviews classical critiques of human rights in an accessible way which does not presume previous knowledge of theory
- Reviews and comments on selected case law of the European Court of Human Rights in an accessible and original way, and brings to the fore questions which are generally ignored. Offers a groundbreaking theoretical mapping of human rights scholarship, so the most sophisticated human rights expert/theoretician will find something new in the book.
- Directly links theory (in the form of classical critiques) and practice (in the form of Strasbourg case law), making it possible for readers to understand the practical significance of theoretical issues

Contents