

# TABLE OF CONTENTS

ACKNOWLEDGEMENTS	ix
SEEKING A THEORY OF RIGHTS	1
1. Preliminary questions and answers	1
2. Upholding rights	6
3. Legal rights	10
4. Human rights	12
5. The power to consent	16
6. Economic rights	22
7. The protection of rights	25
8. Possible right-holders	28
9. The grounds of moral rights	31
10. Human rights and judicial discretion	34
11. The definition of rights	36
12. Justice and rights	38
13. The interplay of moral and legal	40
14. A realistic description of rights	42
15. Alternative conceptions of rights	43
16. Powers and their grounds	44
17. A provisional appraisal	46
2. UPHOLDING LEGAL RIGHTS	49
1. The nature of rights	50
2. Motivation to uphold rights	54
3. Practical implications	57
4. Conclusion	61
3. LEGAL RIGHTS	63
4. A NEW CONCEPTION OF HUMAN RIGHTS	74
5. CONSENT OF MEDICAL RESEARCH ON CHILDREN	85
1. The relevance of consent	85
2. Consent as an ethical power	91
3. The consent of the child	97
4. The consent of the parent	100
5. Conclusion	103



6. TAKING ECONOMIC RIGHTS SERIOUSLY	105
1. Scarce resources	105
2. Specifying content	109
3. Identifying second parties	112
4. Locating the title	114
5. Conclusion	116
7. MORAL RIGHTS AND POSITIVE LAW	117
8. THE GROWTH OF CHILDREN'S RIGHTS	127
1. The right to freedom of movement	127
2. The right to special protection	132
3. Conclusion	139
9. TERRORISM AND MORAL RIGHTS	141
10. JUDICIAL DISCRETION AND CONSTITUTIONAL LAW	164
11. THE RIGHT TO PRIVACY AND PERSONAL AUTONOMY	177
12. SOCIAL JUSTICE AND HUMAN RIGHTS	187
13. VIOLENCE, LAW, AND BASIC RIGHTS	200
1. Does violence violate basic legal rights?	200
2. Does violence violate basic moral rights?	205
3. Do basic rights legally legitimate violence?	207
4. Do basic rights morally legitimate violence?	211
14. POLITICS AND CONSTITUTIONAL RIGHTS	217
1. The role of constitutional rights in politics	217
2. The role of politics in constitutional rights	223
3. Theoretical presuppositions	228
15. INTERPRETING THE BILL OF RIGHTS: ALTERNATIVE CONCEPTIONS OF RIGHTS	231
16. THE INALIENABLE RIGHT TO LIFE AND THE DURABLE POWER OF ATTORNEY	244
1. The rights to life	245
2. Inalienability	248
3. The rights to refuse treatment	254
4. The durable power of attorney	260



TABLE OF CONTENTS	vii
BIBLIOGRAPHY	264
INDEX OF NAMES	268
INDEX OF SUBJECTS	269