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Peter Zwiebach on Human Rights: Concept and Context by Brian Orend. Petersburg, Ont: Broadview Press, 2002. 272pp.

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In Human Rights: Concept and Context, Brian Orend, a professor of philosophy at the University of Waterloo, offers a useful overview of current human rights thinking. Professor Orend's stated goal is to illustrate the philosophical grounding of human rights, and then place this philosophical grounding in historical context while providing the reader with a roadmap to essential documents and literature. Overall, Professor Orend succeeds admirably in his endeavor and the book is an extremely useful introductory guide to human rights theory and history.

The book is divided into two sections: Part One, entitled "Concept," offers a review and analysis of current human rights theory, and Part Two, entitled "Context," is a historical survey of the development of the idea of human rights. In "Concept" Professor Orend tackles the "who, what, where, when and why" of human rights theory. However, he does not merely summarize the theoretical debates, but rather carefully analyzes them and suggests his preferred resolution to each. In so doing Professor Orend does not shy away from presenting the strongest counter-arguments to his positions and he admits where conceptual difficulties remain. Indeed, perhaps the book's greatest strength is acknowledging that, while theoretical works often assert a single rationale for accepting an idea such as the centrality of human rights, it is important to realize that there are often multiple arguments for the establishment of universal human rights that may be equally valid or complementary.

After discussing the various methods of defining "human" and "rights" Professor Orend holds a human right to be "a high-priority claim, or authoritative entitlement, justified by sufficient reasons, to a set of objects that are owed to each human person as a matter of minimally decent treatment" (34). He then asserts that to hold human rights "one must be biologically human, one must avoid violating another's human rights, and one must have fundamental interests in, or vital needs for, living a life of minimal value." (65). Both formulations are valuable definitions and form a strong basis upon which to ground claims of rights. Even readers who disagree with Professor Orend's ultimate resolution of these issues, however, will profit from his succinct and careful discussion of the various issues surrounding the debate over the meaning of the terms "human" and "rights."

Agreeing that we must be able to give reasons for our entitlement to these rights, Professor Orend then analyzes how we could justify a human rights-claim. Next, he reviews the arguments over which basic rights should qualify as human rights, concluding that security, subsistence, freedom, equality and recognition as a rights holder are "foundational" rights, without which other rights are meaningless.

Professor Orend then proceeds to discuss who bears what duties in relation to human rights, questioning whether individuals or institutions are responsible for ensuring human rights. Professor Orend concludes that both institutions and individuals bear responsibility for ensuring human rights on both a national and international level. This duty, he argues, directly correlates to one's ability to affect human rights. So, while the duty of an individual is different from the duty of a multinational corporation, which in turn is different from the duty of a nation or international institution, all of these entities are responsible for ensuring that human rights are respected.

The historical chapters in the “Context” section, while informative and compelling, are not as strong as the philosophical discussions in the “Concepts” section, although this is due as much to the strength of the earlier chapters as to any shortcomings of the “Context” section. But the “Context” section does suffer from two minor problems. One is that Professor Orend gets some facts wrong. For example, FDR did not campaign on a tax and spend platform, but rather on a promise to balance the federal budget. This is not particularly egregious in context of what Professor Orend is attempting to argue, but such errors inevitably raise doubts regarding the accuracy of his other historical assertions.

Also, while Professor Orend is clearly constrained by space and simply cannot offer a complete world history, he pays no attention to non-western human rights history. This is particularly noticeable because he addresses the argument of the alleged Western bias of human rights theory quite eloquently in his philosophical chapters. Such difficulties are not fatal, however and Professor Orend’s book remains an excellent volume to introduce a reader to the concept and context of human rights or to provide a useful summary of where we stand to the more knowledgeable reader. This volume would be an excellent one for use in an undergraduate course designed to introduce students to the major philosophical discussions surrounding human rights. This book could also be valuable to human rights professionals who wish to reacquaint themselves with the philosophical and historical underpinnings of their work.

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* The views expressed are solely those of the author.