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COLLECTIVE RIGHTS

In a departure from the mainstream methodology of a positivist-oriented jurisprudence, *Collective Rights* provides the first legal-theoretical treatment of this area. It advances a normative-moral standpoint of 'value collectivism' which goes against the traditional political philosophy of liberalism and the dominant ideas of liberal multiculturalism. Moreover, it places a theoretical account of collective rights within the larger debate between proponents of different rights theories. By exploring (1) why 'collective rights' should be differentiated from similar legal concepts, (2) the relationship between collective and individual rights and (3) why groups should be recognized as the third distinctive type of right-holders, it presents the topic as connected to the larger philosophical debate about international law of human rights, most notably to the problem of universality of rights.

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A LEGAL THEORY

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For more than ten years, I have been dealing with the topics of multiculturalism and collective rights. Whereas my doctoral thesis primarily dealt with the political-philosophical aspect of these issues, this book is the culmination of my efforts to offer a legal-theoretical account of the 'collective rights' concept. Meanwhile, I have enormously benefited from a number of academic events that helped me shape the final outlook of this book. The most fruitful part of the research was conducted during my 2007 and 2010 visits to the University of Heidelberg in the capacity of a Humboldt Foundation scholar. There, I managed to find necessary tranquillity and a shelter from the hectic life of daily commitments of a university professor. I found out that in the solitude of the library room of the Max Planck Institute for Comparative Public and International Law, one could most easily articulate and channel all the received scientific impulses into operative scholarly theses. Yet, once my ideas were refreshed and batteries recharged, I was more than glad to turn back to my Alma Mater, the Faculty of Law, University of Belgrade, and to re-engage in lecturing activities and inspiring discussions with both my fellow colleagues and students enrolled in the course on Jurisprudence. These sparkling exchanges of arguments provided me always with a fresh impetus to continue with this project.

The same could be said for several other public talks, lectures and conferences, where I had the opportunity over the past few years to test some of my ideas. At the June 2007 Joint Annual Meeting of the Law and Society Association (LSA) and the Research Committee on Sociology of Law (RCSL), which was organized at the Humboldt University, in Berlin, I presented a paper on the universality of collective rights. At the 2007 Internationale Vereinigung für Rechts- und Sozialphilosophie (International Association for Philosophy of Law and Social Philosophy (IVR)) Congress in Cracow, I delivered a paper on interdisciplinarity in jurisprudence, as applied in the research of collective rights. At the European Round Table in Salzburg and at the subsequent World

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Conference on Federalism, which took place in November 2007 in New Delhi, the topic of my paper was language rights and language policies. At the April 2009 conference *Interdisziplinarität in den Rechtswissenschaften – Innen- und Außenperspektiven*, which was organized at the Zentrum für Interdisziplinarität, in Bielefeld, I delivered a paper on philosophical and sociological problems of the conceptualization of collective rights. The May 2010 workshop *Constitutional Decentralisation in Europe: Problem or Solution?*, organized by the Cardiff Law School and the Law School of the Madrid Universidad Pontificia Comillas, provided me with the opportunity to present the paper ‘Constitutionalism and Collective Rights: The Question of Conceptual Compatibility’. In June 2010, I was invited to deliver the lecture ‘Collectives as Right-Holders?’ at the Jurisprudence Centre of the Carleton University in Ottawa. In August that year, I had a talk within the Discussion Group for Human Rights of the Max Planck Institute for Comparative Public and International Law on the topic ‘Individual and Collective Rights – Friends or Foes?’. Finally, in November 2010, I delivered the lecture ‘Was sind kollektive Rechte?’ at the Donau-Institut für interdisziplinäre Forschung of the Andrassy Gyula German-speaking University in Budapest.

As a result of these activities, I produced several publications, which served as an initial basis for the creation of this book. Sub-chapter 1.2 partly relies on the paper ‘Collective Rights – A Case Study of Interdisciplinary Approach in Jurisprudence’, which will be published in an upcoming special issue of *Archiv für Rechts- und Sozialphilosophie*. Sub-chapters 1.4 and 1.5 grew out of the paper ‘Conceptualizing Collective Rights – Philosophical and Sociological Issues’, which is forthcoming in an edited volume of contributions from the aforementioned Bielefeld conference on interdisciplinarity in legal theory. Chapter 3 is a substantially revised and enlarged version of the paper ‘Recognizing Minority Identities through Collective Rights’ *Human Rights Quarterly* 2 (2005) 27: 625–51, whereas Chapter 4 is a partly revised version of the article ‘Are There Universal Collective Rights?’ *Human Rights Review* 1 (2010) 11: 17–44.

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