

Index

| A v. Home Secretary, 181 | authority |
|--------------------------------------------|-----------------------------------------|
| 'accidental' citizens, 81 | as power, 30-2 |
| ACLU (American Civil Liberties Union), | in juridical sub-field, 32-40 |
| 66, 88 | |
| activist sub-field, 45-9 | banal nationalism, 109 |
| justifications, 65–7 | 'bare life'/zoe, 76-8 |
| Address to a Joint Session of Congress and | Beck, U., 174 |
| the American People on | Bellamy, R., 44 |
| September 20th 2001, 81-2 | Belmarsh detainees, 189 |
| Administrative Review Board (Guantanamo | Belmarsh prison, 93, 171 |
| Bay), 85 | Billig, M., 109 |
| aesthetic cosmopolitanism, 164 | bios/'political life', 76-8 |
| Agamben, G., 76-7 | Blair, Tony |
| Alien Tort Claims Act (ATCA), 26-7, | combining morality and enlightened |
| 110–11, 112–13, 171 | self-interest, 162–3 |
| and cosmopolitan nationalism, 129 | human rights as obstacles, 99 |
| as cosmopolitan law, 172 | media influence on, 57 |
| as undemocratic, 121-2 | positioned as leader of Make Poverty |
| imagined community of global citizens, | History campaign, 155 |
| 115–16 | Boltanski, L., 58-60, 145 |
| 'living amongst us', 118-19 | Bono, 146, 152, 156-7 |
| Alien Tort Statute Reform Act, 131-2 | Boumediene v. Bush, 84, 85 |
| American Civil Liberties Union (ACLU), | Bourdieu, P., 30-1, 32 |
| 66, 88 | Brown, Gordon, and Make Poverty History |
| American Exceptionalism and Human | campaign, 155–6 |
| Rights (Ignatieff), 21-2 | Bush, George W. |
| American revolution, 105-7, 112 | announcement of global war on terror, |
| Amnesty International, 66, 87-8, 114, | 81–2 |
| see also Khan, I. | Executive Powers, 73 |
| Anderson, B., 108 | Guantanamo Bay, 79 |
| An-Na'im, A., 150 | justification of Guantanamo Bay, 80–1 |
| Anti-Terrorism, Crime and Security Act | nationalistic agenda at G8 summit, 160 |
| 2001 (ATCSA), Law Lords | 'pride in our strength' position, 89-90 |
| decision, 95 | 'torture memos', 42-3, see also |
| Arendt, H., 19, 76–7 | Boumediene v. Bush; Center for |
| ATCA (Alien Tort Claims Act), see Alien | Constitutional Rights, campaign to |
| Tort Claims Act (ATCA) | impeach Bush; Rasul v. Bush |
| ATCSA (Anti-Terrorism, Crime and | |
| Security Act 2001), Law Lords | Calhoun, C., 8-12, 106-8 |

Center for Constitutional Rights, 66

campaign to impeach Bush, 90

decision, 95

Austin, John, 30-1



INDEX 205

Center for Social and Economic Rights, 151 in UK law, 94, see also European Court Cheney, Dick, 82 of Human Rights civic nationalism, and ethnic nationalism, economic rights, see social and economic 108 rights Cohen, S., 154 effective speech, 30-1 Combatant Status Review Tribunal, 85 enemies of all mankind (hostis humani conservative justifications, of re-imagined generis) (inter)national community, 122-3 definition, 111 Convention Against Torture, 35 human rights cases involving, 110-13 Convention on the Elimination of All Forms ethnic nationalism, and civic nationalism, of Discrimination Against Women, 108 European Convention of Human Rights Convention on the Rights of the Child (ECHR), in UK law, 94 (CRC), UK reservation against, 42 European Court of Human Rights, 35, 93-4 cosmopolitan law, making of, 39-40 extra-legal commentaries, 63 cosmopolitan national citizenship, 127-33 extra-legal cultural politics, 33-4 cosmopolitan state extreme exceptions, 73 as an ideal for human rights activists, 14 future realisation of, 186-9 Feinstein, Dianne, 131-2 ideal-type, 13 field, definition of, 30 transformation from national states, Filartiga v. Pena-Irala, 111 Financial Times, 70, 146 10 - 16cosmopolitanism Flanigan, T.E., 82 cosmopolitanism-from-below, 134-6, foreign policy, and human rights, 123-4 Forsythe, David, 71 relationship with nationalism, 105-9 Fraser, Nancy, 15 Couldry, N., 50 French revolution, 105-7 'frequent flyer' cosmopolitanism, 105, 134 Council of American-Islamic Relations, 66 Council of Europe, 21 'friends of the court'/amici curiae CRC (Convention on the Rights of the interventions, 43-4, 170 Child), UK reservation against, 42 cultural politics Gans, H., 67 and sovereign decisions, 74-5 Garzon, B., 118 definitions, 1, 41 Gates, Bill, 146 GCAAP (Global Call to Action Against customary international law and creation of human rights law, 35-7 Poverty), 142 uses of, 112-13 Gearty, C., 170 Geldof, Bob, 144-5, 147, 153, 162 Daily Mail, 70, 146 Global Call to Action Against Poverty Daily Telegraph, 70, 146 (GCAAP), 142 Dayan, Daniel, 53 global citizens' community democratic human rights, 173-8 as imagined in Pinochet/ATCA cases, 113-20 denationalization, 11 Dissent, 69 global solidarity Doe v. Unocal, 63-4, 110-11, 113, 123, 124-5 in popular campaigns, 142-7 possibility of, 137-42 'Drop the Debt' movement, 151-2, 154 globalisation, and human rights, 2 governmental sub-field, 40-5 Earthrights International, 66 ECHR (European Convention of Human human rights organisations, 49 justification, 64-5 Rights)



206 INDEX

| Graham-Levin amendment (Detainee | human rights law |
|----------------------------------------|--------------------------------------------|
| Treatment Act 2005), 84-5 | making of, 34-8 |
| Guantanamo Bay | transition from international to |
| and American identity, 89-93 | cosmopolitan law, 38-40 |
| detainee numbers, 80 | human rights organisations, see activist |
| international human rights, 86-9 | sub-field |
| justifications of, 80–2 | Human Rights Watch, 66, 87-8 |
| legal challenges to, 82-5 | Hurwitz, D., 128-9 |
| legal status, 78–80 | |
| Guardian, 70, 128, 146 | ICC (International Criminal Court), 137 |
| | ICCPR (International Convention of |
| Habermas, J., 55 | Civil and Political Rights), |
| habeus corpus | see International Convention of |
| President's right to suspend, 73 | Civil and Political Rights (ICCPR) |
| suspension always illegal, 86 | ICESCR (International Convention on |
| US legal challenges of Guantanamo | Economic, Social and Cultural |
| Bay, 82-5 | Rights), 7-9, 34-5, 139 |
| Hamdan v. Rumsfeld, 84-5, 180 | intermestic, definition, 14 |
| Hamdi, Yasser Esam, 81 | International Bill of Human Rights, 142 |
| hard law, 36-7 | International Convention of Civil and |
| Held, D., 18 | Political Rights (ICCPR), 7-9, 34-5 |
| Hirsh, D., 71 | detention without trial, 86 |
| Hoffmann, Lord, 63, 97-8 | similarity in form to US constitution, 37 |
| hostis humani generis (enemies of all | US reservation against, 22, 42, 87 |
| mankind) | International Convention on Economic, |
| definition, 111 | Social and Cultural Rights |
| human rights cases involving, | (ICESCR), 7-9, 34-5, 139 |
| 110–13 | International Criminal Court (ICC), 137 |
| HRA (Human Rights Act, UK), 22-3 | international human rights agreements, 7-9 |
| campaign to repeal, 99 | investigative journalism, 68 |
| human rights | |
| as cosmopolitan ethical framework, | Jacobson, D., 18 |
| 182–5 | Jubilee 2000 UK, 66, 151-2 |
| as globalising, 9–10 | Jubilee 2000 USA, 66 |
| as intermestic, 14–15 | Jubilee USA, 151–2 |
| in global war on terror, 179-81 | juridical sub-field |
| institutional realisation, 173-8 | authority within, 32-4 |
| Human Rights Act, UK (HRA), 22-3 | human rights organisations, 48-9 |
| campaign to repeal, 99 | justifications, 62-4 |
| human rights culture | legalisation, 34-8, 168-73 |
| 'cultural politics of human rights' as | making cosmopolitan law, 38-40 |
| alternative to, 7–9 | making human rights law, 34-8 |
| human rights field | justice, v. charity, 153-60 |
| advantages of, 30 | justification |
| concept of, 23-4 | and emotion, 61-2 |
| domains of, 24-5, see also activist | and institutional settings, 60 |
| sub-field; governmental sub-field; | concept of, 58-60 |
| juridical sub-field; mediated public | of human rights, 60, 62 |
| sub-field | justifications |
| Human Rights First, 66 | activist, 65–7 |
| | |



INDEX 207

```
analysis of, 63-4, 65, 66-7, 70
                                               narcissistic sentimentalism, 153-60
    governmental, 64-5
                                               nation
    juridical, 62-4
                                                    cosmopolitanism's suspicion of, 107
    left-wing, 69
                                                    definition of, 106
    mediated, 67-70
                                               Nation, 69
                                               national constitutions, 37
                                               National Council for Civil Liberties, 66-7
Kant, Immanuel, 18
Kennedy, H., 6
                                               national pride
Khan, I., 88-9
                                                    in international human rights, 26
Kurasawa, F., 141
                                                    'pride in our country because we are
                                                        right' position, 90-1
law of nations, 113
                                                    'pride in our strength' position, 89-90
Lawson, G., 122
                                                    'pride in our values' position, 90,
Lawyers for Human Rights, 66
                                                        see also ONE campaign, appeal to
legal cultural politics, 33
                                                        pride not conscience
                                               national shame, 76
Liberty, 66
Live, 8, 143, 147
                                               national states
'living amongst us', 117-19
                                                    as necessary for the realisation
Los Angeles Times, 70, 123
                                                        of human rights, 2-3
                                                    contention with universal human
Mail on Sunday, 70
                                                        rights, 1
Make Poverty History campaign, 28, 142,
                                                    ideal-type, 12-13
        143-6, 147
                                                    v. nation-states, 15
    credibility, 66
                                               nationalism
    lack of dialogue with Africa, 158-9
                                                    and sovereign decisions, 75-8
    non-use of vocabulary of social and
                                                    limits of, 91-2, see also patriotism
        economic rights, 151, 152, see also
                                               neutrality of the press, 69
        GCAAP (Global Call to Action
                                               New York Daily News, 70, 147
                                               New York Post, 70, 147
        Against Poverty)
Mandela, Nelson, 144-5, 152-3
                                               New York Times, 70, 91-2, 93, 123-4,
                                                        147, 157
McCain, John, 'pride in our country
        because we are right'
                                               newly-arrived citizens, 176-7
        position, 90-1
                                               Nuremberg principles, 38-9
media, the, influence of, 54-5
mediated public sub-field, 49-58
                                               O'Shaughnessy, H., 118
    and citizen/non-citizen distinction,
                                                Observer, 70, 146
                                               ONE campaign, 28, 142, 143-7
    human rights organisations, 49
                                                    appeal to pride not conscience, 156-7
    justifications, 67-70
                                                    credibility, 66
mediated publicness, 50
                                                    lack of dialogue with Africa, 158-9
Merry, S., 98
                                                    non-use of vocabulary of social
Mertus, J., 5-6
                                                        and economic rights, 151, 152,
                                                        see also GCAAP (Global Call to
Military Commission Trials (Guantanamo
        Bay), 85
                                                        Action Against Poverty)
Military Commissions Act (2006),
        85, 103
                                                Padilla, Jose, 81
Mirror, 70
                                               patriotism
Mother Jones, 69
                                                    and Guantanamo Bay, 82, see also
multilateral Conventions, 34-5
                                                        nationalism
Muslim Public Affairs Committee, 66
                                               Pettifor, A., 152
```



208 INDEX

| Pinochet case | ideal-type of cosmopolitan state, 13 |
|-----------------------------------------------|---------------------------------------------|
| and commitment to cosmopolitan law, | ideal-type of national state, 12 |
| 171–2 | in UK, 95 |
| and cosmopolitan nationalism, 130-1, | Soysal, Yasemin, 18-19 |
| 133 | Specter, Arlen, 131-2 |
| and foreign policy interests, 125-6 | spiral model, 46-8 |
| as unconventional, 115 | state of emergency, see sovereign decisions |
| imagined community of global citizens, | Stephens, B., 118-19, 128-9 |
| 114–15, 118 | Steyn, Lord, 63-4, 79 |
| Law Lords' judgements, 113, 130 | Story, Justice, 122 |
| media coverage, 50 | Sun, 70 |
| overview, 110 | Sunday Telegraph, 70 |
| 'political life'/bios, 76-8 | |
| poverty, see social and economic rights | Thatcher, Margaret, 125-6 |
| Presidential Military Order 2001, 80-1, | Thevenot, L., 58-60 |
| see also Presidential Military | Thompson, J., 50 |
| Order 2001 | torture evidence, UK, 96 |
| Prevention of Terrorism Act 2005 (PTA), | 'torture memos', 42–3 |
| 95–6, 103 | Treaty of Westphalia (1648), 11-12 |
| 'pride in our country because we are right' | Turner, B., 139–40 |
| position, 90–1 | , , |
| 'pride in our strength' position, Bush, G.W., | UDHR (Universal Declaration of Human |
| 89–90 | Rights), vii, 7–9, 39, 40, 148, 175 |
| 'pride in our values' position, 90 | UK |
| 1 | and cosmopolitan nationalism, 132-3 |
| Rasul v. Bush, 83-4, 180 | and international human rights law, |
| Ratner, M., 118–19 | 93–7 |
| Robertson, G., 118 | contestation of Executive power, 181 |
| ,, | human rights v. civil liberties, 97–100 |
| Sassen, Saskia, 11, 13, 18, 167 | justifications of re-imagined (inter) |
| Schmitt, C., 72–3, 109 | national community, 125–6 |
| secrecy, in government, 42–3 | Law Lords' decision on state of |
| Sen, A., 150 | emergency, 94–5 |
| Slaughter, Anne-Marie, 11, 13, 18, 167 | legal challenges of sovereign decisions, |
| social and economic rights, 148–53, 160–5 | 78 |
| soft law, 36-7 | newspapers, 69 |
| solidarity, definitions, 138 | political implications of lead to end |
| Sosa v. Alvarez-Machain, 63, 110–11, | world poverty, 155–6 |
| 115–16, 128–9, 179–80 | reputation for international human |
| Souter, Justice, 63, 116 | rights, 22–3 |
| South Africa, social and economic rights | reservation against Convention on the |
| implementation, 149–50 | Rights of the Child, 42 |
| sovereign decisions, 71–5 | sovereign decisions, 73, 101–2, see also |
| and nationalism, 75–8 | Pinochet case |
| UK, 73, 101–2 | UN, as world-state, 108–9 |
| US, 73, 101–2 US, 73, 101 | Unocal, Doe v., 63–4, 110–11, 113, 123, |
| sovereignty | 124–5 |
| and Guantanamo and Belmarsh, 100–1 | US |
| erosion by human rights, 71 | and cosmopolitan nationalism, 131–2 |
| | |



INDEX 209

and international human rights law,
87, 92
contestation of Executive power,
179–81
justifications of re-imagined (inter)
national community, 121–5
legal challenges of sovereign decisions,
78
newspapers, 69
reputation for international human
rights, 21–2
reservation against International
Convention of Civil and Political
Rights, 22, 42, 87
reservation against International
Criminal Court, 137

sovereign decisions, 73, 101, see also American revolution; Guantanamo Bay USA Today, 70, 146–7

Washington Post, 70, 147
welfare states, 138–40, 139–40
white wrist bands, 143–4
Woodhill prison, 93
World Conference on Human Rights (1993,
Vienna), 151
World Social Forum, and emergent
solidarity, 141
wrist bands, 143–4

zoe/'bare life', 76-8