

1. Record Nr.	UNINA9910150187003321
Titolo	Boundaries of state, boundaries of rights : human rights, private actors, and positive obligations // edited by Tsvi Kahana, Anat Scolnicov [[electronic resource]]
Pubbl/distr/stampa	Cambridge : , : Cambridge University Press, , 2016
ISBN	1-316-56415-0 1-316-56619-6 1-316-56653-6 1-316-56687-0 1-316-56721-4 1-316-56857-1 1-107-58894-4
Descrizione fisica	1 online resource (x, 330 pages) : digital, PDF file(s)
Disciplina	341.4/8
Soggetti	Human rights Liability for human rights violations Privatization - Law and legislation State action (Civil rights)
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Title from publisher's bibliographic system (viewed on 06 Sep 2016).
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Machine generated contents note: Introduction Tsvi Kahana and Anat Scolnicov; 1. Our rights, but whose duties? Re-conceptualizing rights in the era of globalization Jean Thomas; 2. On suffering and societal constitutionalism: at the border of international investment and arbitration David Schneiderman; 3. Beware: boundary crossings Jose; E. Alvarez; 4. Dialogue and constitutional duty Mark Tushnet; 5. Positive obligations, positive rights and constitutional amendment Vicki C. Jackson; 6. Privatizing public rights: common law and state action in the United States Helen Hershkoff; 7. Abdications of sovereignty in state action and horizontal effect jurisprudence Johan van der Walt; 8. Hybrid state accountability and hybrid rights: positive rights, exclusion, and state action in Canada Tsvi Kahana; 9. Human rights and derivative

rights : the European Convention on Human Rights and the rights of corporations Anat Scolnicov; 10. Judicial review and Human Rights Act review in contracted-out public services: options for litigation in English law A.C.L. Davies; 11. Privatization and human rights in the United Kingdom Stephanie Palmer; 12. Principles of public fiduciary administration Paul B. Miller; 13. Human rights indicators and boundaries of accountability and opportunity Megan Dersnah and Ron Levi.

Sommario/riassunto

This collection of essays draws together innovative scholars to examine the relationship between two legal and political phenomena: the shrinking of the state as a monopoly of power in favour of the expansion of power over individuals in private hands, and the change in the nature of rights. The authors expertly discuss the implications of the changing boundaries of state power, the legal responses to this development, its application to human rights, and re-conceptualizations of public life as obligations are handed over to private hands. This innovative book deals with an important set of problems and offers a fresh perspective of different legal themes in an integrated fashion.
