Allan Buchanan

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A practice-based account is contrasted with a purely moral or natural law theory of human rights according to which human rights are pre-legal moral entities. In the practice-based account developed here, human rights remain “a global moral lingua franca” (p. 7), but Buchanan strongly denies that human rights in international practice are primarily rhetorical. Buchanan’s account denies that the normative dimensions of human rights practice is necessarily or exclusively moral, and spends much of the critical energy of the book combatting this premise in many of his rival theories of human rights.


The international practice of human rights examined by Buchanan includes, amongst other international functions: a variety of international human rights treaties, a variety of constitutional legislation for multilateral organizations such as the UN and the EU, systems of human rights monitoring by NGOs, multilateral institutions, and treaty organizations, and appeals to human rights in the justification of humanitarian military interventions by multilateral organizations. These and other ‘functions’ of international human
rights law constitute a sophisticated practice that effectively enforces human rights compliance and monitoring, and employs diplomatic channels, NGOs, international treaties, and foreign policy to do so (pp. 5–6).

International human rights law and practice serves three central purposes, according to Buchanan. First, human rights practice constrains state sovereignty, including internal sovereignty, and it does so for the protection of individuals (p. 23). Secondly, human rights practice serves what Buchanan calls the “status egalitarian function” of human rights when it affirms and protects the equal basic status of all human beings (p. 28). Third and finally, human rights practice serves a familiar well-being function (p. 32). The well-being function is often emphasized in other theories of human rights. However, Buchanan argues that in virtue of its status egalitarian function, the existing international human rights practice is far more robust than one that merely protects the well-being of individuals. The result of Buchanan’s investigation is a clear and comprehensive argument for a practical conception of human rights, and a conception of human rights that avoids several familiar but devastating objections.

One familiar objection to human rights has been the lack of enforcement for human rights in the absence of a global state. The practice-based account that Buchanan advocates avoids this objection from the outset, given that the international human rights practice includes multiple levels of coercion: unilateral and multilateral sanctions such as social, economic and diplomatic sanctions for low-level offenders, and an escalating scale of economic and military interventions for egregious offenders. In this sense, there is a coercive backbone to international human rights practice, and the lack of enforcement objection does not connect with modern international human rights practice.

Buchanan makes a significant contribution to the dispute between natural law accounts of human rights and practice-based accounts of human rights when he responds to the ‘Mirroring View’. The ‘Mirroring View’ is the assumption that for every valid international human right, “there must be a corresponding, antecedently existing moral human right” (p. 14). Buchanan argues that corresponding moral rights are not necessary to the practice of international human rights, because independent non-moral justification is possible for many rights. For significant portions of the human rights content embodied in international law, prudential, social cohesion, or instrumental justifications are available. Hence, to the extent that human rights content corresponds to antecedent values, the content is not necessarily moral. Further, Buchanan argues that corresponding moral rights are not possible in many cases, but that the relevant human rights content is nonetheless justified. Legal rights to education, democratic governance, or due process realize prudential and social