



Debating Social Rights (Debating Law)

Conor Gearty, Virginia Mantouvalou

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Debating Law is a new series with a unique style that gives scholarly experts the opportunity to offer contrasting perspectives on significant topics of contemporary general interest which provoke further debate and discussion. In this second volume of the series, author Virginia Mantouvalou argues that social rights, defined as entitlements to the satisfaction of basic needs, are essential for the well-being of the individual and the community as long-established civil and political rights. The real challenge, she suggests, is how best to give effect to social rights. Drawing on examples from around the world, she argues that judicial enforcement of social rights can advance, rather than undermine, democracy. Co-author Conor Gearty acknowledges the value of rights language in legal and political debate. He accepts that human rights are not solely civil and political, and that rights can have a progressive, emancipatory dimension. But, he argues, in order for rights to work effectively in the wider promotion of social justice, they need to be kept as far away as possible from the courts. Lawyers - even well-intentioned lawyers - damage the achievability of the kind of radical transformation in the priorities of States that a genuine commitment to social rights would surely necessitate.

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