



Rights in Divided Societies (Human Rights Law in Perspective)

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This collection examines the role and value of rights in divided and post-conflict societies, approaching the subject from a comparative and theoretical perspective.

Societies emerging from violent conflict often opt for a bill of rights as part of a wider package of constitutional reform. Where conflict is fuelled by longstanding ethno-national divisions, these divisions are often addressed through group-differentiated rights. Recent constitutional settlements have highlighted the difficulties in drafting a bill of rights in divided/post-conflict societies, where the aim of promoting unity is frequently in tension with the need to accommodate difference. In such cases, a bill of rights might be a rallying point around which both minorities and the majority can articulate a common vision for a shared society. Conversely, a bill of rights might provide merely another venue in which to play out familiar conflicts, further dividing an already divided society.

The central questions that animate the collection are: (1) Can constitutional rights provide a basis for unity and a common 'human rights culture' in divided societies? If so, how? (2) To what extent should divided societies opt for a universalistic package of rights protections, or should the rights be tailored to the specific circumstances of a divided society, providing for special group-sensitive protections for minorities? (3) Is a divided society more or less likely to adopt a bill of rights? (4) How does the judiciary figure in the management or resolution of ethno-national conflict? (5) What are the general theoretical and philosophical issues at stake in a rights-based approach to the management or resolution of ethno-national divisions or other conflicts?

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