

Rights: Central Problems of Philosophy

Rights are a complex and multifaceted concept that has been the subject of much debate and discussion throughout history. There are many different theories about what rights are, who has them, and what they entail. Some of the most common theories of rights include natural rights theory, social contract theory, and legal positivism.

Natural Rights Theory

Natural rights theory is the view that rights are inherent to all human beings simply by virtue of being human. These rights are said to be universal, inalienable, and imprescriptible. This means that they cannot be taken away, transferred, or forfeited. Natural rights theorists argue that these rights are based on reason and morality, and that they are not dependent on any government or legal system.



Rights (Central Problems of Philosophy) by Duncan Ivison

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Some of the most well-known natural rights theorists include John Locke, Thomas Jefferson, and Immanuel Kant. Locke argued that all human

beings have the natural rights to life, liberty, and property. Jefferson wrote that all men are created equal, and that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. Kant argued that all human beings have the right to be treated as ends in themselves, and that their dignity should never be compromised.

Social Contract Theory

Social contract theory is the view that rights are created by a social contract between individuals. This contract is said to be implicit, and it is based on the idea that individuals agree to give up some of their natural rights in order to secure the benefits of living in a society. Social contract theorists argue that this contract is necessary in order to protect individuals from the dangers of the state of nature, and that it is the foundation of all legitimate government.

Some of the most well-known social contract theorists include Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. Hobbes argued that the state of nature is a state of war, and that individuals must give up their natural rights to a sovereign in order to secure their own safety. Locke argued that the social contract is based on the consent of the governed, and that it is only legitimate if it protects the natural rights of individuals. Rousseau argued that the social contract is a way for individuals to come together and form a general will, which is the will of the people as a whole.

Legal Positivism

Legal positivism is the view that rights are created by law. This view is based on the idea that law is the only source of rights, and that there are no natural or moral rights that exist independently of law. Legal positivists

argue that the content of the law is determined by the will of the sovereign, and that this will is not subject to any moral or ethical constraints.

Some of the most well-known legal positivists include Jeremy Bentham, John Austin, and H.L.A. Hart. Bentham argued that the purpose of the law is to promote the greatest happiness of the greatest number, and that rights are whatever the law says they are. Austin argued that the law is a command from the sovereign, and that it is not subject to any moral or ethical constraints. Hart argued that the law is a system of rules that is accepted by the community, and that it is not necessary for these rules to be based on morality.

The Central Problems of Rights

There are a number of central problems that arise when we think about rights. One of the most fundamental problems is the question of who has rights. Are rights only possessed by human beings? Or do animals or other entities also have rights? This is a complex question that has no easy answer.

Another central problem of rights is the question of what rights we have. Are there certain rights that are universal and that all human beings possess? Or are rights relative to different cultures and societies? This is another complex question that has been the subject of much debate.

Finally, there is the problem of how to protect rights. How can we ensure that rights are respected and enforced? This is a challenging problem, especially in societies where there is a lack of respect for the rule of law.

Rights are a complex and multifaceted concept that has been the subject of much debate and discussion throughout history. There are many different theories about what rights are, who has them, and what they entail. The central problems of rights include the question of who has rights, the question of what rights we have, and the problem of how to protect rights. These are challenging problems that have no easy answers. However, they are important problems to think about, because rights are essential for a just and equitable society.



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