

Jason Palmeri

James Morrow

LA400-410-420

Assignment 8

### The Necessity of Rights

The Amendments to the Constitution, France's Declarations of Man and Citizen, and the United Nations' Universal Declaration of Human rights are three of the most important documents in the history of human rights. These documents reflect the aspirations and values of the people who created them and embody the ideals of freedom, equality, and justice. While all three documents contain many important rights for the protection of human dignity and well-being, three are common to all three documents and that I consider to be the most important: The right to life, liberty, and property.

The right to life is a fundamental human right enshrined in all three documents. The Amendments to the Constitution state that the right to life is protected by the due process of law, while the Declaration of Man and Citizen states that every man has the right to preserve his life and health. The Universal Declaration of Human Rights states that everyone has the right to life, liberty, and security. This right is essential for protecting human life and dignity and is the foundation of all other human rights. The right to liberty is another common right found in all three documents. The Amendments to the Constitution protect the right to liberty by guaranteeing that no person shall be deprived of life, liberty, or property without due process of law. "The preservation of liberty requires that the three great departments of power should be separate and distinct." (Madison, 1788). The Declaration of Man and Citizen states that every man has the right to liberty and that the law should only restrict this right in cases necessary for the general welfare. The Universal Declaration of Human Rights also protects the right to liberty, stating that everyone has the right to freedom of movement and thought. This right is essential for protecting human dignity and autonomy and is the basis of many other human rights, such

as freedom of speech and religion. Finally, there is the right to property, also found in all three documents and considered one of the most important human rights. The fourth Amendment to the Bill of Rights states, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause." (Archives, 1791). Similarly, in The Declaration of the Rights of Man and of the Citizen, Article 4 states, "Political liberty consists in the power of doing whatever does not injure another." (France, 1789). The Declaration of Man and Citizen states that every man has the right to own property and that the law should only restrict this right in cases necessary for the general welfare. The Universal Declaration of Human Rights also recognizes property rights, stating that everyone has the right to own property, either individually or collectively. This right is essential for protecting individual autonomy and economic freedom and for the development and prosperity of societies.

We read "Are Human Rights Universal" by Thomas M. Franck this week. In the reading, Franck argues that human rights are universal and applicable to all people, regardless of their culture, religion, or nationality. Franck asserts that human rights are a universal concept that transcends cultural and geographical boundaries and should be upheld and respected by all nations and peoples. It is something I feel we should all wish for, everyone deserves these basic human rights, and we should all strive for this equality no matter where we come from.

In conclusion, the right to life, liberty, and property are the three rights that are common to all three documents and are the most important human rights. These rights are essential for protecting human dignity and well-being and are the foundation of many other human rights. By guaranteeing these rights, these documents help to ensure that individuals have the freedom and autonomy to live their lives as they see fit, without interference from the state or other entities. While other rights, such as freedom of speech, religion, and assembly, are also important, the right to life, liberty, and property

are the most fundamental and essential human rights. They should be protected and upheld by all societies.

Madison, J. (1788). *Founders online: The federalist number 47, [30 January] 1788*. National Archives and Records Administration. Retrieved February 5, 2023, from <https://founders.archives.gov/documents/Madison/01-10-02-0266>

Archives, N. (1791). *The bill of rights: A transcription*. National Archives and Records Administration. Retrieved February 11, 2023, from <https://www.archives.gov/founding-docs/bill-of-rights-transcript>

Franck, T. M. (2001). *Jstor Home*. Are Human Rights Universal?, Retrieved February 11, 2023, from <https://www.jstor.org/stable/20050052>

France, N. A. of. (1789). *The Declaration of Man and of the Citizen*. Avalon Project - Declaration of the Rights of Man - 1789. Retrieved February 11, 2023, from [https://avalon.law.yale.edu/18th\\_century/rightsof.asp](https://avalon.law.yale.edu/18th_century/rightsof.asp)