

# Introduction to Politics

**Rights**

# Rights

## Defining Rights

- Simply speaking, a right is to get 'one's due', i.e. to get what is due to someone as a human, citizen, individual or as a member of a group, etc. To have a right, then, is to be entitled to do something or to have something done; for example, to vote, to speak, to avail of healthcare, etc.
- It is different from obligation, as on any occasion you have a choice whether or not to exercise your right. You are not obliged to do what you are entitled to do. For example, it is your right to vote, but you are not obliged to vote; you are free to exercise your choice, to vote or not.
- Rights express a certain kind of relationship between two parties: the right-holder and the right-observers. Rights thus have two faces, depending on whether they are viewed from the perspective of the holder of the right or from those with whom the right-holder is interacting. From the standpoint of the right-holder, a right is permission to act. But from the standpoint of the right-observers, the right usually imposes a correlative duty or obligation. This duty can be either negative (to refrain from interfering with the right-holder's exercise of the right) or positive (to assist in the successful exercise of the right).

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## Negative and Positive Rights

- Negative rights are rights that entail non-interference from the society at large. For example, the right to liberty, life, property, etc. The right to life prevents others from killing me but it does not obligate them to do anything positive to assist me in living my life to the full or to live happily.
- Positive rights are rights that impose obligations on other people or the state to do some- thing for a fuller enjoyment of our rights. For example, the right to health, basic subsistence, etc. requires positive interference to do something.
- Negative rights restrict us from doing something. Negative rights entail only negative obligations of non interference; positive rights entail positive obligations on the part of the right-observer to do something to assist in the right-holder's exercise of the right.

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## First Generation Rights

### Civil and Political Rights-

- These rights began to emerge as a theory during the seventeenth and eighteenth centuries and were based mostly on political concerns. It had begun to be recognised that there were certain things that the all-powerful rulers should not be able to do and that people should have some influence over the policies that affected them.
- The two central ideas were those of personal liberty, and of protecting the individual against violations by the state.



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## Second Generation Rights

### Social, Economic and Cultural Rights-

- These rights concern how people live and work together and the basic necessities of life. They are based on the ideas of equality and guaranteed access to essential social and economic goods, services, and opportunities. They became increasingly a subject of international recognition with the effects of early industrialisation and the rise of a working class. These led to new demands and new ideas about the meaning of a life of dignity. People realised that human dignity required more than the minimal lack of interference from the state as proposed by the civil and political rights.
- Social rights are those that are necessary for full participation in the life of society. . They include at least the right to education and the right to found and maintain a family.
- Economic rights are normally thought to include the right to work, to an adequate standard of living, to housing and the right to a pension if you are old or disabled.
- Cultural Rights refer to a community's cultural "way of life" They include the right to participate freely in the cultural life of the community.

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## Third Generation Rights

### Collective or Solidarity Rights-

- The idea at the basis of the third generation of rights is that of *solidarity*; and the rights embrace collective rights of society or peoples, such as the right to sustainable development, to peace or to a healthy environment.
- In much of the world, conditions such as extreme poverty, war, ecological and natural disasters have meant that there has been only very limited progress in respect of human rights. For that reason, many people have felt that the recognition of a new category of human rights is necessary: these rights would ensure the appropriate conditions for societies, particularly in the developing world, to be able to provide the first and second generation rights that have already been recognised.
- The specific rights that are most commonly included within the category of third generation rights are the rights to development, to peace, to a healthy environment, to humanitarian assistance.

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## Legal Rights

- Legal rights are rights which are enshrined in law and are therefore enforceable through the courts. Wesley Hohfeld (1923) identified four types of legal right.
- First, there are privileges or liberty-rights. These allow a person to do something in the simple sense that they have no obligation not to do it; they are ‘at liberty’ to do it – for instance, to use the public highway.
- Second, there are claim-rights, on the basis of which another person owes another a corresponding duty – for example, the right of one person not to be assaulted by another.
- Third, there are legal powers. These are best thought of as legal abilities, empowering someone to do something – for example, the right to get married or the right to vote.
- Fourth, there are immunities, according to which one person can avoid being subject to the power of another.

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## Human Rights

- Human rights are international moral and legal norms that aspire to protect all people everywhere from severe political, legal and social abuses.
- The main source of the contemporary conception of human rights is the Universal Declaration of Human Rights (1948) and the many human rights documents and treaties that have followed in its wake.
- The Universal Declaration of Human Rights (UDHR) sets out a list of over two dozen specific human rights that countries should respect and protect.



# Rights

## Human Rights

We may group these specific rights into six or more families:

- (i) *security rights* that protect people against crimes such as murder, massacre, torture and rape;
- (ii) *liberty rights* that protect freedom in areas such as belief, expression, association, assembly and movement;
- (iii) *political rights* that protect the liberty to participate in politics through actions such as communicating, assembling, protesting, voting and serving in public office;
- (iv) *due process rights* that protect against abuses of the legal system such as imprisonment without trial, secret trials and excessive punishments;
- (v) *equality rights* that guarantee equal citizenship, equality before the law and non-discrimination; and
- (vi) *welfare rights* (or ‘economic and social rights’) that require the provision of education to all children and protections against severe poverty and starvation.