

seminar on rights

1 natural rights doctorines

natural rights are addressed to the state emergent liberal political regimes during the C18th - orderly resolution of debated through rights a pandora's box

1.1 *rights are mediated*

1.2 *switch in register from transcendence to immanence*

1.3 *claiming universality beyond transcendent belief structures*

1.4 *mark the rise of the individual and new modes of social organisation and political demands*

1.5 *natural rights are not artificial and therefore can not be taken away*

1. facts of nature prior to government, governments must be based on rights.

1.5.1 natural rights lend themselves to a universality

1. the language of natural, i.e. possessed qua human, gives all people rights gradual universalising of rights and conflict of rights holders, multiplication of claimants and rights claimed

1.6 aspects of emergent rights...

1.6.1 life liberty and property - all on the individual

1.6.2 bourgeois rights

1.6.3 rights trumps consent - hence why property is a right, not a consented claim

1.6.4 liberal theory expresses capitalist ideas - liberty necessary for labour power

1.6.5 language of individualism disavows obligation and duty

2 rights

2.1 are positive

2.2 are claimed by an individual

2.3 rights based claim by an individual to something - positive

2.4 punishment in this life, from society

3 commandments

3.1 are negative

3.2 are transcendent

3.3 commandments from a transcendent figure - negative

3.4 punishment in the afterlife, from god

4 development from Mosaic society to Enlightenment

4.1 changes in social structure

4.2 shift in the grounds for moral claims

4.3 words signify grounds of claims

4.4 language of rights is hegemonic

4.5 language of thinking about moral and political claims

5 modern political language

5.1 political claims made in language of rights

5.2 shift in mode of rights from proscriptive to prescriptive

5.3 ubiquitous language - the language of making moral ethical claims

5.4 mutually antagonistic tendency of conflicting rights claims

5.5 rights were supposed to resolve conflict, yet they come into conflict with each other - so what happens?

6 skeptical of moral language of rights

6.1 natural rights are natural in order for them to be beyond the bounds of debate

6.2 can a moral language based on rights do what it tries to do?

7 UN Declaration of Human Rights

7.1 *there are more rights, rights beyond negativity, these are entitlements*

7.2 *containing socio-economic rights, pushed for by representatives from decolonising nations*

7.3 *not only protective rights, but directive rights*

8 liberal societies need and make communitarian appeals, social glue...

8.1 *an individual rights based doctrine is unable to do it*

9 Marx: rights is language in defence, in opposition, the language of personal egotism

9.1 *isolated individual*

9.2 *intimacy overrides individuality and rights*