A right is a justifiable claim or entitlement which one has or can assert against others. Anyone with a valid university parking permit has the right to (is entitled to) park in the university parking lots. If the lot is full because people are parking there without valid parking permits you can claim your right against them and the university would have to defend your right to park there by requiring them to leave. This right is not universal (since not everyone has the right to park there) nor is it permanent (you can purchase a new parking permit or you can give up yours when you leave the university). “Natural” or “human” rights, by contrast, are universal and permanent; they are those rights all human beings are said to have at all times from birth to death, simply by virtue of being human beings. They are thus universal and “unalienable”—everyone has them and they can’t be acquired or disposed of.

The theory of universal human or natural rights did not become widespread until the eighteenth century, forming toward the end of that century the theoretical justification for both the American and the French revolutions. In principle, all human beings, and only human beings, have certain unalienable rights, from birth, just by virtue of being human beings. But why do we tend to think that only human beings have these natural rights? What is so special or different about human beings that gives them these absolute entitlements? If we say, as many philosophers have said, that it is because all human beings are rational, we have to wonder if that includes very young children or the severely retarded. Similarly, if we say, as some philosophers have, that human beings are unique in being autonomous, that is, in their capacity to adopt and operate on a long-term life plan, and in that sense to have interests, it is not immediately clear whether this applies to all human beings (catatonic, autistic, the severely retarded, very young, those in irreversible “brain-dead” comas, and so on). Nor is it entirely clear why nonhu-
man animals (especially the higher mammals) cannot meet these criteria and so also have rights.

Assuming that there are natural as well as legal rights, and that all and only human beings have them, what are these rights? At first (in the seventeenth and eighteenth centuries) the list of human rights was very short—three or four, though different philosophers proposed different lists (Jefferson cagily says “among these [rights] are life, liberty and the pursuit of happiness” and John Locke spoke primarily of “life, liberty, and property”). The U.S. Bill of Rights includes many more (rights to free speech, assembly, and so on), and the United Nations list has swelled to thirty. Assuming we have rights, what are they? On what basis can we decide which list is the right one?

The doctrine of universal human rights was considerably expanded in the nineteenth century to include many universal human rights never considered in the eighteenth century. Many thoughtful people became concerned by the great disparities between the wealth of the upper classes and the staggering poverty of the newly emerging “working class” (those who left country farming to work for wages in new industries in big cities as a result of the Industrial Revolution) and began to extend the list of universal human or natural rights to include more “positive” rights to an adequate standard of living, food, housing, health care, education, and so on.

Obviously these two notions of rights are bound to clash. To provide everyone with adequate food, shelter, education, and health care, we must take money from the wealthy members of society, who are not likely to give it voluntarily, in order to meet the needs of those less well-off. But this means that social welfare rights are always at the expense of individual rights. Since one of the chief individual rights is the right to accumulate private property, any system of taxation for the purpose of economic redistribution will seem unfair and unjust from the point of view of eighteenth-century individual rights.

In the latter half of the twentieth century the issue of who or what has these rights was greatly extended to include the possibility of animals, future generations, and even plants, mountains, and rivers. The problem in attempting to justify the claim that all and only human beings have equal rights lies in determining the criteria on which that claim is based. Another interesting and important contemporary debate concerns the question of group rights, that is, the right of groups of people against their violation by other groups of people. Is discrimination against African Americans, Native Americans, or
women a violation of their individual rights to be treated equally or a violation of their rights as African Americans, Native Americans, women? A different, though related, concern is the supposed right of groups to preserve their group identity.

Now at the beginning of the twenty-first century, the language, if not the belief, in universal human rights has become the international standard to which all heads of state at least pay lip service. Enshrined as it is in the United Nations charter, every country in the world that wants to belong to the U.N. must promise to protect the human rights of its citizens and to support other nations in condemning fellow members who violate those rights. Some intellectuals from non-Western countries argue that this whole doctrine of universal human rights is a Western invention which should not really apply to them.

As you think about human rights you must come to your own conclusions—are there universal human rights or was this just a creation of Europeans in the eighteenth century to defend the capitalist middle class? Does everyone in the world have the right to food and shelter, and who is going to pay for that? Do animals and other nonhumans have rights?

SUGGESTED FURTHER READING
Straus, L. Natural Right and History. Chicago, 1953.