

# Rights

NATURAL?



CIVIL?

# Rights

Before Hobbes, perhaps the best short summation of rights is that nobility had a divine right to rule, and the lower classes had a right to be ruled.

## Divine Right of Kings

### A Citizen Has the Right to Obey

Because there are none on earth, after God, greater than sovereign princes, whom God establishes as his His lieutenants to command the rest of mankind, . . . We [must] respect and revere their majesty in all due obedience, speak and think of them with all due honour. He who contemns his sovereign, contemns God whose image he is. . . . If the prince can only make law with the consent . . . Of an inferior, whether it be a council of magnates or the people, it is not he who is sovereign." (Bodin, 1576)

## Thomas Hobbes -- 1588-1679

### The Social Contract

Hobbes, in the Leviathan, 1651, wrote of humans as mere "matter in motion," rejecting the notion of the "divine right of kings." He explained the origins of governments and rights as coming about from a "social contract," in which people had mutually agreed to be governed and to extend rights to each other.

## Social Contract Theory of Rights

Theorists:

Thomas Hobbes,  
Immanuel Kant,  
Jean-Jacques  
Rousseau,  
John Rawls

Rights are established by mutual consent, relying upon reason to determine how much power we would wish others to have over us, how much liberty we would wish to surrender for the advantages of living securely in a body politic.

## John Locke -- 1632-1704

John Locke, in the Second Treatise of Government, 1690, rejected Hobbes's views. He held that even in a natural state, humans had God-given, natural, inalienable rights to life, liberty and to property. In fact, he asserted, governments were developed in order to protect those natural rights.

## The Theory of Natural Rights

Theorists: John  
Locke, Thomas  
Jefferson,  
Thoreau, Robert  
Nozick

Individuals are born with certain rights from nature or from God which can not be rightfully taken away by any sovereign, nor by majority rule, nor could individuals willfully transfer such rights to others.

## Philosophical Structure of a Claim-Right

- A has a right to X against B by virtue of Y
- Example: A child (A) has a right to nourishment (X) against its parents (B) by virtue of their giving it birth (Y).
- Example: A wife (A) has a right to fidelity (X) against her spouse (B) by virtue of his marital oath (Y).

## Rights

Natural

– Inalienable

Civil

– Determined by  
Social Contract

## Rights?

- life
- liberty
- property
- religion
- speech
- press
- abortion
- choice to die
- procreative rights
- privacy
- sexual preference
- gambling
- health care
- employment
- an A in this class