



## FACT SHEET 3:

# Human rights philosophies

Throughout history, different countries, societies and cultures have defined or clarified 'human rights' to suit their own contexts. In some communities, 'human rights' include a specific set of laws and legislation. In others, 'human rights' are simply guidelines that reflect the morals and expectations of individuals within that community.

The concept of natural rights (as in those that are naturally given) arises from the belief that there is an instinctive human ability to distinguish right from wrong.

Philosophers who base their theories on natural rights are also referred to as natural law thinkers. For example, Hugo Grotius believed that people have a 'right reason' for doing things. Thomas Hobbes, John Locke and Immanuel Kant were supporters of natural rights theories, suggesting that we have basic fundamental rights because we are born human. Natural law thinkers see rights as universal (the same for everyone) and inalienable (meaning that they can't be taken away from us).

Such theories were discussed prior to the evolution of the Nation-State, the framework for political society as we know it today.

Natural rights theories inspired revolutionary ideas and democratic struggles - forcing politics to protect the rights of citizens. Natural rights theories imply that all human beings are equal and should be treated equally. The demand for equality before the law in individual states is synonymous with the development of international human rights law.

Philosophers such as Karl Marx and Jeremy Bentham criticised natural rights theories.

Jean-Jacques Rousseau, John Stuart Mill and Mary Wollstonecraft expanded on the beliefs of natural law theorists to discuss such issues as the social contract and the rights of women.

Philosophers such as Richard Rorty argue that the development of human rights and theories around human rights, have been developed largely in 'Western' thought. Many theories and philosophical approaches to human rights were developed in Europe during periods of imperialism and revolution.

**Hugo Grotius** (1583-1645), a Dutch lawyer, diplomat and philosopher, is considered the father of international law. Grotius considered *universal laws of nature* the foundation of international law. He wrote mostly about the rules governing interaction between states, including the law of war and the law of the sea, but was also the first scholar to use the word 'right' to mean a moral quality inherent in a person, which gave them certain entitlements. Grotius thought that the one aspect of the universal laws of nature was the right of all individuals and groups to self-preservation. He said that this right existed in all countries, regardless of their laws.

Human Rights Explained