

Ethics at a Glance

Rights and Rights-Based Ethics

As with many ethical perspectives, rights-based approaches also have their roots with ancient philosophers concerned with the concept of justice, as well as natural law philosophers who recognized a potential for certain rights inherent in human nature. **Natural rights** are generally held to be a gift of nature or God that cannot be taken away. Modern notions of natural rights are most closely associated with the seventeenth century British philosopher John Locke (Almond, 1993) and his contention that human beings are entitled to life, liberty and property. In contemporary theory, these and other moral claims have come to be referred to as **universal human rights** and form the basis for establishing and/or evaluating ethical standards within the social order.

Beauchamp and Childress (2001) define a **right** as a “justified claim that individuals and groups can make upon other individuals or upon society; to have a right is to be in a position to determine by one’s choices, what others should do or need not do”. In the case of a **legal right**, the claim must be justified by legal principles and rules. Likewise, a **moral right** must find grounding in moral principles and rules. One form of rights does not necessarily lead to another, although this distinction is not well recognized in contemporary society.

Beauchamp and Childress go on to point out that, while some rights may be argued to be absolute, most are better considered as **prima facie rights**. In other words, most rights should be observed in the absence of competing claims: however, all rights are likely to be subject to compelling, competing claims at some point. For example, the fundamental right to life is often deferred in situations involving self-defense or killing during war.

Another useful distinction is that of positive and negative rights. A **positive right** is “a right to receive a particular good or service from others” (Beauchamp & Childress, 2001). Therefore, a positive right assumes that someone (individual or agency) is obligated to do something for you. A **negative right** is “a right to be free from some action by others”, so a negative right obligates others to refrain from action. An important implication here is that a right places an obligation on another individual or social entity, as well as consideration of whether the associated duties are then interpreted to be absolute.

While the concept of rights is appealing as a basis for moral argument and justification in modern democratic societies, it is also open to a number of concerns (Almond, 1993). First, there is no general agreement on what or who

can be the subject of a right. A similar lack of agreement exists on what kinds of things there can be a right to. Finally there are questions about whether rights can ever be inalienable or absolute.

For more on rights and rights-based ethics see:

Catholic Encyclopedia. Right. <http://www.newadvent.org/cathen/13055c.htm>

Internet Encyclopedia of Philosophy. Human Rights.
<http://www.iep.utm.edu/h/hum-rts.htm>

Stanford Encyclopedia of Philosophy. Human Rights.
<http://plato.stanford.edu/entries/rights-human/>