
MORAL, LEGAL, AND NATURAL RIGHTS

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Abstract:

This research paper explores the concept of moral, legal, and natural rights in depth. It discusses the origins, characteristics, and importance of each type of right. Moral rights are based on ethical principles and values, legal rights are recognized and protected by law, and natural rights are inherent in all human beings by virtue of their humanity. The paper also highlights some of the most commonly recognized rights within each category and emphasizes their crucial role in promoting a just and fair society. Overall, the research paper concludes that moral, legal, and natural rights are essential for the protection of human dignity and the well-being of individuals and communities.

Keywords: moral; legal; natural; law; rights-

Introduction:

Human rights are one of the most fundamental aspects of any democratic society. The concept of rights encompasses a wide range of principles and values that help to protect individuals and their communities. Human rights are often categorized into three main types: moral, legal, and natural rights. These three categories of rights have been debated and explored by philosophers, legal scholars, and political scientists for centuries. In this paper, we will explore the concept of moral, legal, and natural rights in depth.

Objectives of the study

The objectives of this research paper are:

1. To understand the moral, legal, and natural rights
2. To know various kinds of moral, legal, and natural rights
3. To provide deeper understanding of the concept moral, legal, and natural rights

Research methodology

The research methodology used is based on the analysis of existing information and sources related to the rights theory, which is a form of theoretical research. The research is analytical and descriptive in nature and follows a contextual approach, which involves analyzing already existing information. The methodology used for this research falls under the category of doctrinal and qualitative study, which is commonly used by researchers to collect qualitative data from secondary sources such as books, journals, articles, and other documents. This type of research can be valuable for gaining insights into existing theories and concepts



and for identifying gaps or areas for future research.

By analyzing existing information and sources, the paper may contribute to the ongoing discussion and development of the rights theory.

Sources of data :

The review of literature is from existing literature which is in the form of books, articles and other documents. The main sources are the articles and books such as: “interpreting natural rights” by richard humphreys [1], this article deals with the interpretation and criticism of the theory of rights by various scholars. “natural rights and the theory of the political institution” by george h. Mead [2], this article provides the deeper understanding of the rights theory and its impact on various political institutions. “natural rights” by adam hemsworth [3], this article has been used as source as it discusses about the locke’s view on the rights theory and gives the brief introduction about the theory of natural rights. “philosophy of law: an introduction” by mark tebbit [4], this book discusses about the relationship of natural law and natural rights. All these sources lack the importance, types and fundamentals of natural rights. Thus, the above said lacunas are covered upon and there is a necessity for more wide scope analogy.

This particular research the researcher depends on the secondary data from various sources such as articles, books related to philosophy, bibliographic reviews, philosophical and ethical journals, online research and various other secondary documents are used for a theoretical subject matter. The information for this particular research paper has been take from existing materials and information has been gathered and collected from the various other textbooks.

Moral, legal, and natural rights:

Moral rights: moral rights are often referred to as ethical rights. They are rights that are based on ethical principles and values, such as respect for human dignity, autonomy, and justice. Moral rights are not necessarily legally enforceable, but they are considered to be important for the well-being of individuals and society as a whole. Moral rights are often thought to be universal, meaning that they apply to all individuals regardless of their nationality, culture, or religion. Some of the most commonly recognized moral rights include the right to life, freedom from torture or cruel and inhumane treatment, and the right to a fair trial. These rights are considered to be essential for the protection of human dignity and the promotion of a just and fair society.

The following are some of the fundamental moral rights recognized by many legal systems and international human rights treaties:

1. Right to life
2. Right to freedom of thought and expression
3. Right to privacy
4. Right to religious freedom



5. Right to property
6. Right to a fair trial
7. Right to education.

legal rights: legal rights refer to the rights that an individual has under the law. These rights are enforceable by law, and they provide an individual with the power to take legal action against those who infringe upon their rights. Legal rights are an essential aspect of modern society, and they play a crucial role in ensuring that individuals are protected from harm and injustice.

Legal rights can be classified into several categories, depending on their nature and scope. Some of the most common types of legal rights are:

1. Civil rights
2. Human rights
3. Property rights
4. Constitutional rights

Natural rights: natural rights are often referred to as inalienable rights, meaning that they cannot be taken away or surrendered by the individual. Natural rights are rights that are believed to be inherent in all human beings by virtue of their humanity. They are not granted by any government or legal system, but are seen as universal and inherent. Some of the most commonly recognized natural rights include the right to life, liberty, and property. These rights are considered to be essential for the protection of individuals and their communities. Natural rights are often seen as the foundation of democratic societies and the rule of law.

Natural rights are rights that are inherent to all human beings, regardless of their nationality, race, or religion. There are several kinds of natural rights, including:

1. Right to life
2. Right to liberty
3. Right to property
4. Right to freedom
5. Right to freedom of religion
6. Right to equality
7. Right to due process

Origin of theory of moral, legal and natural rights:

The concept of rights has been a central theme in western philosophical thought since ancient times. However, the development of the distinct categories of moral, legal, and natural rights as we know them today can be traced to the enlightenment period of the 18th century. Moral rights: the concept of moral rights can be traced back to the ancient greeks, who believed that individuals had certain inherent moral virtues that should be respected by others. However, the modern theory of moral rights can be traced to the work of immanuel kant in the 18th



century. Kant argued that individuals have inherent moral worth and dignity and they should be treated as ends in themselves rather than as means to an end. He argued that individuals have a right to respect and that this respect should be extended to all individuals, regardless of their social status, race, or other characteristics.

Legal rights: the concept of legal rights can be traced back to the roman empire, which developed a system of laws and legal rights that became the basis for modern western legal systems. However, the modern theory of legal rights can be traced to the work of the english philosopher john locke in the 17th century. Locke argued that individuals have a natural right to life, liberty, and property and that these rights should be protected by the state. He also argued that the purpose of government is to protect these rights and that if a government fails to do so, individuals have a right to rebel.

Natural rights: the concept of natural rights can be traced back to the ancient greeks and romans, who believed that individuals had certain inherent rights that were not granted by the state. However, the modern theory of natural rights can be traced to the work of hugo grotius in the 17th century. Grotius argued that individuals have certain natural rights, such as the right to self-defense, which are inherent and cannot be taken away by the state. He also argued that these natural rights should be protected by the state and that if the state fails to do so, individuals have a right to rebel.

Different criticisms of moral, natural and legal rights:

While the concepts of moral, natural, and legal rights have been integral to western philosophy and the development of human rights law, they have also faced criticism from various perspectives. Some of the main criticisms of these types of rights are as follows:

Moral rights: critics of moral rights argue that they are vague and subjective, and that it is difficult to determine which moral principles should be considered fundamental rights. They also argue that moral rights are not legally enforceable, and that their existence depends on individual moral beliefs and cultural values.

Natural rights: critics of natural rights argue that the concept of natural rights is based on a false assumption that there are universal, inherent rights that apply to all human beings. They argue that the idea of natural rights is culturally and historically specific, and that different societies have different ideas about what rights are fundamental. According to plato, slaves are the inferior beings, the critiques of his theory stated that classifying slaves as an inferior class and non-slaves as superior class has developed into racism. It is also paternalistic argument to state that slavery is good for slaves [5]. Thomas jefferson was of the opinion that by treating every individual equally would resolve the issue slavery [6].

Legal rights: critics of legal rights argue that they are created and defined by the state, and that they are not necessarily reflective of individual or societal values. They also argue that legal rights are often contingent on the power dynamics of society, and that marginalized groups may not have access to the same legal rights as those in positions of power.



General criticisms: there are also general criticisms of the concept of rights, which argue that they are individualistic and promote a narrow focus on individual interests, rather than the common good. Critics argue that the concept of rights can be used to justify selfish behaviour and to undermine social responsibility and collective action.

Significance of the studying moral, natural and legal rights :

Studying moral, natural, and legal rights is significant for several reasons:

Understanding human rights:moral, natural, and legal rights form the foundation of human rights law. By studying these concepts, individuals can gain a better understanding of the principles that underpin human rights and the role of these rights in promoting social justice and equality.

Promoting social justice: the study of moral, natural, and legal rights can help to promote social justice by raising awareness of the rights that individuals are entitled to and encouraging individuals to stand up for their rights and the rights of others. This knowledge can be particularly empowering for marginalized communities who are often denied access to their basic human rights.

Legal interpretation: the concepts of moral, natural, and legal rights are also relevant to legal interpretation. Understanding the distinction between these types of rights can help lawyers and judges to interpret legal issues and make decisions that are consistent with human rights principles.

Ethical decision making: the study of moral rights can help individuals to make ethical decisions in their personal and professional lives. By understanding the moral principles that underpin these rights, individuals can make informed decisions about how to act in situations where their own rights or the rights of others may be at stake.

Personal development: studying moral, natural, and legal rights can also have a positive impact on personal development. By learning about the principles of human rights and social justice, individuals can develop a greater sense of empathy, compassion, and civic responsibility, which can contribute to a more fulfilling and meaningful life.

Focus on the thoughts and views of the various scholars related to moral, natural, and legal rights :

Throughout history, scholars from various disciplines have expressed their thoughts and views on moral, natural, and legal rights. Here are some of the notable scholars and their ideas related to these concepts:



John locke: john locke, an english philosopher [7], is perhaps the most well-known proponent of natural rights theory. He believed that all individuals are entitled to certain natural rights, such as life, liberty, and property, which cannot be taken away by governments or other individuals.

Immanuel kant: immanuel kant, a german philosopher[8], believed that moral rights are grounded in reason and the principle of autonomy. He argued that individuals have a moral duty to respect the dignity and autonomy of others, and that this duty forms the basis of moral rights.

Jeremy bentham: jeremy bentham, an english philosopher and founder of utilitarianism, [9], was critical of natural rights theory. He argued that the concept of natural rights is based on a false assumption that there are universal, inherent rights that apply to all human beings. Instead, he believed that rights are created by society and should be based on utility and the common good.

H.l.a. hart: h.l.a. hart, a british legal philosopher [10], argued that legal rights are created by the state and are based on social conventions and agreements. He believed that legal rights are essential for the functioning of society and that they should be designed to protect individual liberties and promote social justice.

Martha nussbaum: martha nussbaum, an american philosopher, [11], has written extensively on human rights and social justice. She argues that moral and legal rights should be based on the principle of human dignity and should be designed to protect the capabilities that individuals need to lead fulfilling lives.

John rawls: john rawls, an american philosopher [12], proposed a theory of justice that is based on the idea of a social contract. He argued that individuals in a just society would agree to certain principles of justice behind a "veil of ignorance," in which they are unaware of their own social position or status.

Amartya sen: amartya sen, an indian economist and philosopher [13], has written extensively on human development and the capabilities approach. He argues that human rights should be based on the capabilities that individuals need to lead fulfilling lives, and that these capabilities should be seen as fundamental rights.

Conclusion:

In conclusion, moral, legal, and natural rights are essential for the protection of individuals and their communities. While these three types of rights are often interrelated, they have different origins and characteristics. Moral rights are based on ethical principles and values, legal rights are recognized and protected by law, and natural rights are inherent in all human beings by virtue of their humanity. Each of these types of rights plays an important role



in promoting a just and fair society, and they are essential for the protection of human dignity and the well-being of individuals and communities.

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