

Welcome students to the course on Philosophy of Human Rights. The title of this unit is Foundations of Human Rights and the name of the module is Political Basis of Human Rights - Part 2.

In this unit you will be able to understand the concepts of claim rights and Liberty rights. Analyze claim rights as positive and negative claim rights. Analyze claim rights as In Personam and In Rem claim rights.

We are going to look at these following concepts. That is the introduction. The concept of claim rights, the concept of positive and negative claim rights, claim rights held in personam or in rem and Liberty Rights.

Let us begin with the introduction to gain an understanding of the functional properties of human rights. It is necessary to consider the more specific, distinction drawn between claim rights and Liberty rights. In this unit, we are going to talk about two important concepts that is claim rights and Liberty Rights. So W N Hohfeld identified four categories of rights, that is, Liberty Rights, claim rights, power rights, and immunity rights. However, numerous scholars have

Subsequently felt the need to collapse the last two within the first two

and hence to restrict attention to Liberty rights and claim

rights. Now let us look at what is a claim right? A claim right

is a right one holds against another person or persons who

owe a corresponding duty to the right holder. To return to the

example of the education of a child which we looked at in the

previous module, the right to receive an adequate education is

a claim right held against the local education authority which

has a corresponding duty to provide her with the object of

the right. The concept of a claim right can be distinguished

between a positive claim right and a negative claim

right. As explained by the

philosopher Peter Jones

now let us look at what is a claim right. A claim right is a

right that one holds against another person or persons who

owns a corresponding duty to the right holder, so that you

claim the right. Why do you claim a particular right? Because you

argue that it is their duty to give you that right. So, for

example, the education of a child, it is the duty of the

government or a particular institution to give education to

a child, so that becomes a claim. Right now the political

philosopher. Peter Jones divides the claim right into a positive claim right and negative claim right. Let us look at what are positive and negative claim rights. Positive claim rights are rights one holds to some specific good or service which some other has a duty. To provide the child's right to education is therefore a positive claim right. So you can positively demand you can outrightly demand for a particular right and that becomes a positive claim right. Negative claim rights are rights one holds against others interfering in or trespassing up on one's life or property in some way, so you don't want someone to interfere or you don't want someone to cross their boundaries or trespass into your own life or your own property. That is called a negative claim right. So the child could be said to possess a negative claim right against others attempting to steal her mobile phone, for example. Indeed, such examples lead on to the final distinction. Jones identifies within the concept of claim rights, that rights held in Personam and Rights held in rem. So there are claim rights are further divided into rights held in personam, and Rights held in rem. So a negative claim right would be a right where I say that I don't want you to steal my mobile

phone, so that's basically me telling you to not do something and that's why it is called a negative claim right.

Now claim rights held in Personam or rights held in Personam, our rights one holds against some specifically identified duty holder, such as the Education Authority. So it is in personam, meaning there is a very specific person or institution or authority from whom you can actually demand a particular right now. In contrast, rights held in rem, are rights held against no one in particular but apply to everyone. For example, you cannot claim it from a particular person or authority, but it applies to everyone and it is in particular to no one. Thus, the child's right to an education would be practically useless were it not held against some identifiable, relevant and competent body. So when you are talking about the right to education, you have to demand it from someone. Someone has to be responsible to give it to you, to deliver it to you. But then you take the example of the mobile phone being stolen.

Everybody has to. Follow that rule, but no one person is entirely responsible if someone else's phone gets stolen so equally her right against her mobile phone being stolen from

her would be highly limited if it did not apply to all those capable of potentially performing such an act. So everybody is equally responsible to make sure that you don't steal somebody else's stuff.

Claim rights then can be either a positive or a negative character, and they can be held either in person am or in rem.

Now let us look at the concept of Liberty rights.

Peter Jones defines Liberty Rights as rights, which exist in the absence of any duties not to perform some desired activity, and does consist of those actions one is not prohibited from performing. In contrast to claim rights, Liberty rights are primarily negative in character. For example, I may be set to possess a Liberty right to spend my vacations lying on a particularly beautiful beach in Greece. So what are Liberty rights? Peter Jones argued that Liberty Rights are those rights which exist in the absence of any duties. You don't have any duties, and you basically have the right to do whatever you want, and those are Liberty rights and nobody owes anything to you.

You don't have the duty or nobody has the duty to give it to you. You have the right to

enjoy your vacation and nobody can tell you to do it or not to do it. So unfortunately, no one has a duty to positively provide for this particular exercise of Liberty right. Nobody has the duty to make sure that I get a vacation or how I enjoy my vacation in the best possible way. There is no authority or body equivalent to an education authority, for example, who has a responsibility to realize my dream for me. Liberty right can be said then to be a right to do as one pleases, precisely because one is not under an obligation grounded in others' claim right. Rights to refrain from acting. So there is no authority or body that will from whom I can demand, or who is obligated to give me your vacation or to tell me how to enjoy it. And it's completely my choice and my freedom to do as I choose.

So Liberty rights provide for the capacity to be free without actually providing the specific means by which one may pursue the object of one's will. So basically, Liberty rights are telling you have the freedom to do whatever you want, as long as you don't limit somebody else's rights. And nobody has to give you the means to achieve those rights. For example, a multi millionaire anda penniless vagrant or rich

person and a completely poor person both possess an equal Liberty right to holiday in the Caribbean each year. Both possess the Liberty right to enjoy a holiday, but nobody is bound or obligated to help the penniless person to enjoy that vacation.

With that, we come to the end of this module.

These are my references.

Thank you.