As may be apparent from the discussions in Chapter 1, the concept of human rights is highly contested. This contest is not just an academic exercise on the meaning and the semantics around the term; it is also about defining power and social relations. Indeed, human rights are in essence about regulating power relations, which in turn affect how people interact with each other and how power is exercised in society. The various dimensions of power and how these relate to human rights are discussed in Chapter 4. Here, focus is on the fact that while human rights are widely invoked in different societies, times and settings, they have been conceptualised differently, leading to the divergence of views on what human rights are and what they entail. Although every society has a way of assigning certain entitlements – such as life, reason, justice, citizenship or respect – to human beings as categorical attributes, the question of what these entitlements entail in reality has always been controversial. Whereas there have been strong assertions that human beings have certain inalienable entitlements by virtue of belonging to the species *homo sapien*, the implications of these assertions tend to be interpreted differently and are consequently given different shades of meaning and value depending on the interpreter’s interest and ideological orientation. For instance, as we shall see later, the assertion that everyone has the right to access water and adequate food often means different things to different people. The implication of this assertion is understood differently by state officials when compared to ordinary people who struggle to meet basic needs. In some countries, especially developed ones, access to water and food is not seen as a human right; it is largely perceived as a mere aspirational goal for social policy. As will be illustrated in subsequent chapters, efforts (mainly) by the United Nations to create a common understanding and standard of human rights have not gone far in resolving the differences. Thus, it cannot be taken for granted that when we talk about human rights we are all talking about, and mean, the same thing.

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1 Ife (2002) has argued that although the same vocabulary of rights may not be used, the principle that human beings are endowed with fundamental “valuables” which should be protected and cherished is common in all societies or cultures.

2 For instance, the *American Declaration of Independence*, the French *Declaration of the Rights of Man and Citizen*, and more recent times the *United Nations Universal Declaration of Human Rights (UDHR)* in 1948 endows man with “inalienable rights” which are declared to be a ‘self-evident.’
In this chapter, we look at these different views of human rights, including the different meanings often attached the word “right”. Some of the main responses to the human rights critiques (in defence of human rights) introduced in the previous chapter are also discussed in more detail. While many human rights activists, bent on bringing about social change, waste no time on abstract ideas such as the meaning of human rights and whether human rights exist or not (Sen 2004), it is important to recognise, understand and clarify the different meanings and usages of these concepts to avoid muddled thinking – which can be a great hindrance to clear reasoning and application of these concepts to concrete situations (Hohfeld 2005).

Morality and Law

To start with, it is essential to point out that the human rights discourse has largely relied on the moral and ethical reasoning that human beings have some inherently desirable value which should be protected – without exceptions. Of course certain members of the species *homo sapien*, such as prisoners, find themselves in situations where the enjoyment of these rights is restricted or regulated; but there is a strong belief that even in these circumstances people are endowed with inestimable value. In this sense the concept of human rights is largely built around what some have termed the “collective goal” (Dworkin 1977), as opposed to “legal rules” or “primary rules” (see Hart 1961). This distinction, as we shall see later in the chapter, leads to the delicate argument about the separation of morality from law. Many liberal jurists and legal philosophers assert that human rights are largely regulated by moral rules which often have no legal force – although they acknowledge that there is often no clear line separating the two. In a subtle way the separation of “the moral” from “the legal” is implied in the generational approach to human rights – whereby the first generation rights are seen to fall under the legal realm with clear duty-bearers and beneficiaries; while the second and third generations (such as the right to food, water, healthcare and development) are largely regarded as moral and social aspirations, devoid of clearly demarcated duty-bearers and distinctly identified beneficiaries. One example of this position in the case of the right to food is the view consistently adopted by the US government that “the attainment of any ‘right to food’ or ‘fundamental right to be free from hunger’ is a goal or aspiration to be realised progressively [and which] does not give rise to any international obligation” (cited in Cohen and Brown 2008: 138).