

M5 Leading idea “Rights”

There is a close relation between rights, justice and laws or norms. Some approaches establish that rights are only those recognized by the law. For them, something is just if it is within the law or legal norms. Others demand certain independence between justice and legality, and between personal rights and law as a body of rules. According to these people, there may be legitimate and just conduct that can clash with established legality. There may be rights not recognized by certain laws, which brings us to the issue that laws that don't recognize rights are not legitimate laws. If the law doesn't recognize my rights, the law has to change.

In the absence of law or written legal norms, custom may acquire force of law and objectify the rights and duties of a community (customary law). This is an important concept when we discuss rights from the cosmopolitan point of view.

Human rights can be considered a global framework of common principles that go beyond national or local perspectives, and considered in dialogue with principles and practices in a local context. That is to say, local cultures may assess themselves in light of global concerns, perspectives, and frameworks, and make generalizations born out of local contexts. It is interesting not only to be conscious of what human rights are, but to also think about the problems that arise when trying to apply them and in what situations these rights are honored. This is of primary importance when there is a conflict of interest between different rights or between what some groups consider their rights and what the rights of other groups are.



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