

Problem of inalienable rights for the will theory



**ASSIGN
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How problematic is the idea of inalienable rights for the will theory?

The natural law or the law of nature is that nature determines the law system, so it is universal. This is the law that exists independently of the rules laid down by a political, social, or national order. This is a term that has recently been used in the philosophy used in jurisprudence. Aristotle first mentioned the theory of the law of nature. He argues that nature has laws, legislation, and justice in place and that human beings are best set to draft the legislation of morality. Although he thinks that a perfect political society may not need the law, if laws are needed, then natural law is the best law. In this essay, I will go through the idea of natural rights that explain why it is inalienable. Later on, why inalienable rights can be considered a sight of freedom.

Natural Rights are rights that arise from the natural nature of human beings since the birth of a person and have grown up without anyone, including the state or society, having the right to prevent or deprive. These are the right to live for a life-long life; the right to eat, drink, wear, the right to the pursuit of happiness, the right to marry, the right to liberty, Detecting and fighting to identify and protect human nature is an evolutionary leap forward in consciousness.

Naturalism is a doctrine that has a natural law that governs human relations when people exist in a natural state. According to this doctrine, the law, as well as the state created by individuals together, have a social agreement that makes. Indeed, natural law, to date, exists only as a hypothesis, in conception, the doctrine of the thinker. The concept of the natural law of

thinkers always takes the natural state as a starting point, from human nature in general, from “ human nature.”

In philosophy, especially in Anglo-American law traditions, the principle of natural law is implied or explicitly mentioned only in documents such as the Magna Carta and the United States Declaration of Independence. The rights referred to explicitly or implicitly in the above documents are the inherent properties of the human person. For example, quoted from the American Declaration of Independence (US 1776):” We hold these truths to be self-evident, that all men are created equal, that their Creator endows them with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness” stating that this right is the inherent good of the human person .

Hillel Steiner (2013) argues that there are rights granted to a person, which is defined in the constitution of a country, and that it cannot be altered or transferred to anyone else in any way. “ For while those bearers can forfeit those rights by engaging in some act of serious wrongdoing, what they lack the authority just to extinguish other persons’ obligations and disabilities to respect those rights. Innocent bearers of inalienable rights are, necessarily, stuck with them” (Steiner, Hillel 2013).

But the question is whether those rights are for whom and what those rights are. The partial answer is found when Neil (1984) mentions the children rights, one of the fundamental rights that cannot be separated. But this is a complicated matter to determine as children are too young to recognize everything around them. Not only that parents is the one, who takes care of

their children as an element of the society. " Some of these teenagers and some of their children live happily and fulfilled lives. But far too many do not. Teenage mothers are less likely to finish their education, less likely to find a good job, and more liable to end up both as single parents and bringing up their children in poverty. The children themselves run a much greater risk of poor health and have a much higher chance of becoming teenage mothers themselves. Our failure to tackle this problem has cost the teenagers, their children and the country dear." (SEU, 1999, 4). The reason Duncan (2005) puts it here is that there is a lack of public concern for teenagers. While the pregnancy rate at this age is always high plus a high rate of abortions as well that are common at this stage. Meanwhile, young families also have the disadvantage that parents of children who are often unemployed, burdened with the responsibility of raising, educating the economy and the state subsidies. That shows a problem, although children's rights mention that they were born to have the right to live and to be cared for. But it seems that the people who gave birth to them do not have the ability to do so. So such inalienable rights are in fact in the hands of their parents rather than in the constitution or the state.

Citizenship is another right that stands for the idea of inalienable. As it is considered about the state, that is, only those who are new citizens have those rights, and that right is not granted to non-citizens, are excluded from the community. People of another country or living in another country. Citizenship may vary in different countries. This right includes not only the imposition of those authorizing the state but also the interests and burdens

that the creators of the political community share and accept. Meanwhile, human rights are universally acknowledged in every nation and community.

Morality is also a part of being talked about when it comes to natural rights that cannot be changed. Because it is a part of nature, from what is in the human being. But people can change for any one benefit. Therefore, it is a moral reason that the government pay particular attention to and bring into law to ensure the interests of all its citizens. Ethics are standards and principles recognized by public opinion, which regulate human behavior and relations with one another and with society, on one's party and with the political party and the political parties. Other levels ... The concepts of right and wrong, conscience and honor, duties, and rights, responsibilities, happiness, justice ... are the categories of moral consciousness. Class ethics. Ethics occupy a dominant position, holding the place of social morality is the morality of the ruling class. Ethics will not be content if it is not mingled with politics and legislation. However, in society, there is class division, right content level. Engel asserted that, together with all the moral doctrines that existed so far, they were products of the socio-economy of the time. And, just as society has so far developed in class opposition, ethics has always been the virtue of a particular class. In classed society, the dominant type propagates its ethical standards as universal principles and norms for the whole community to safeguard the political dominance of that class. Thus, the ethics of class society always contain political content and political service. In feudal, ethical, legal and political societies. In other words, there, politics has turned into moral codes. Therefore, ethics and policy rules become "chains" that bind laborers.

It is also because morality is always associated with politics, so the advanced classes - representing the rising trend of society, always have new and positive moral attitudes. History has shown that, as the bourgeoisie rises and takes on a leading role in society, against the declining feudalism, their moral views contain many following and positive aspects. By contrast, when the bourgeoisie was no longer representative of the continuous development of society, it became an old and politically reactionary class. It is because of the above characteristics, in society, there are class opposites, in addition to the morality of the ruling class, there is the morality of the people. The morality of citizens is progressive morality through the historical periods of human society. Ethical relations of the people are contradictory, conflict with the policies and policies of the ruling class, exploitation. In general, in a class-struggle society, there can be no consistency between the political system and the morality of the people. Referring to a socialist society in which the most fundamental goal is to liberate people, to free up a society, to promote patriotism and respect for people, the real moral values of humanity. Opportunities and possibilities to be realized. In that society, the interests of the working class are consistent with the benefit of the community and the entire labor force. Although derived from the two approaches, both the traditional and modern school of natural law assert that the state must depend on norms based on nature and acknowledge where people are free to serve their interests and needs. However, natural rights in general, in addition to paying attention to the distinction between the state and the public sphere, underscore the responsibility that goes hand in hand with rights from both the state and the civil society. In other words, natural rights law treats the obligation of reciprocity between people as

unconditional and at the same time emphasizes the dignity of the individual and the duty of the citizen.

When studying the relationship between law and ethics, it is important to note that there should be no rigid distinction between them; For example, the difference is that the law is coercive and compulsive, and the moral is voluntary, self-conscious, coercive and coercive. Because, in fact, in some places, at times ethics and law both require self-discipline and coercion. The dominant classes in class-struggle societies are desperate and always look for ways to make the working masses believe and obey their laws, but they cannot do it. Due to the nature of exploitation and the law, there is always a sharp contradiction to the working class, whenever the ruling class is forced to resort to coercive measures to maintain its laws. As for morality, the feudal and bourgeois classes also used sophisticated coercive measures to compel the working population to obey through religion, school, through feudalism. Thus, the law of coercion by the power of all the State apparatus, but ethics has the force of pressure on public opinion. However, between law and ethics, there is a difference, there is relatively independent movement, although it is a class in class society. Law is a system of rules, principles expressed by laws, ordinances, decree ..., built by social life to orient and regulate the behavior of all members of society. Behind the legal system is the huge State apparatus along with other specialized agencies to ensure law enforcement. The development of human history shows that the law comes into being only when the appearance of private, class, and state occurs in society. Meanwhile, the moral life of society began as early as

humanity entered its history and was initially manifested through first customs.

Freedom and equality are co-existence. It is impossible for this person to have more freedom than another unless the other person is deprived of his or her freedom of choice. Freedom consists of many contents, in which, the most important are: human right to live and the pursuit of happiness, inviolability of the body; Freedom of thought and freedom of speech, freedom of access to truth. People of all ages, places and times all want and fight for freedom, which also manifests the inevitability of liberty. No one is free if he does not lose himself. However, since the time of human society, the concept of freedom is also influenced by social relations.

Thousands of years, no matter what era, in any mode, freedom is always the top priority of human beings. Following after the death of hunger, people have first the need for freedom. Freedom is the greatest happiness. Freedom to bring joy. People find happiness in freedom. The secret of happiness is freedom. The secret of freedom is courage. In a slave society, people are almost entirely free; they have only the status of a tool, a means, like a buffalo horse, used by the owner to plow. Serve, serve the boss. They can be beaten to death at any time, or sold as barter. That is, they have no freedom to live, no right to be human. After the slavery, the civilized society gradually, people began to have some freedoms, initially less, more and more, soon, the society gradually improved and more freedom. Feudal society is freer than slave society. Capitalist society is more liberal than feudal. The capitalist period is more liberal than early capitalism.

Freedom, as we know it, is inevitable itself, and very broad, in all areas, where human activity is. But on the other hand, freedom is always limited! It is the limit not to infringe on the freedom of others, not to harm the community, to the nation, to social responsibility. Usually, concepts are defined by one other than it. Private freedom is not restricted to that but is constrained by itself. Freedom is limited by the freedom of others, that is, by itself, not by another. Not to harm the community, for the nation is in essence not intrusive of the freedom of others, the freedom of others also forms the second face, the "inevitable" Of freedom. In other words, liberty and inevitability are two sides of the same body that are inseparable, not contradictory and not mutually exclusive. Freedom to move from the inevitable Kingdom - is Engels' way of saying. Thus, freedom is indispensable, necessary freedom, vital democracy, important to guarantee freedom, inevitably by freedom (of others), free and indispensable in parallel survival and development.

However, do not take advantage of the second face is "inevitable," on behalf of it to impede freedom. When a class (or corporation) ruled without progress, curtailing history, Marx calls them reactionary, often explains that freedom must be within the will of the authorities. The authorities allow wherever people are free to go. In essence, it is also sophistry. In a civilized country, society is governed by uniform laws, with the supreme rule of law, everyone must obey, no one, no organization is above the law. It is also the "indispensable" aspect of freedom. On the other hand, the rule of law must be a following, the rule of law by the idea of civil rights, in which human freedom, in other words, personal freedom, and the right of the people.

Citizens of the people are the nucleus of the core - the core. Thus, following the rule of law is the rule of law that does not restrain freedom. French law is both an indispensable "face" of freedom, as well as a tool to defend freedom, liberate people, free people and develop.

Although not every movement recognizes the idea of human rights, the notion of the presence of human rights can not be deprived of humanity in the social life of the West. Philosophers and politicians talked about the right to life, liberty, and property. Later, society recognized civil rights and political rights (freedom of speech, freedom of belief, freedom of assembly, freedom of association) as well as social rights (labor rights, Rest, right to have to house ...). The nineteenth century also added the right to participate in social management, democratic rights ... Although the rights of natural rights are still controversial, the spirit of natural rights and the perception of duties. People and civil rights have influenced not only the views of researchers on democracy but also on the way in which the model of organization of state power in practice has been shaped.

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