

A Critique of Raz's Philosophy of Human and Socio-Economic Rights

Professor Idorenyin F. Esikot, Ph.D
Email: idorenyinesikot@unuyo.edu.ng.

and

Ruth A. Obot (M.A)
Department of Philosophy
Faculty of Arts
University of Uyo.
rutudoh@gmail.com

Abstract

The discussion about the foundation of socio-economic rights have been ignored as more attention and emphasis has been placed on issues concerning the litigation and justiciability of socio-economic rights. While it appears that many have assumed that this matter is settled, reading through the work of Joseph Raz on Human and socio-economic rights one finds that he repudiates the traditional notion of the foundation of human rights. Despite the systematic and logical precision in the presentation of his argument, there are areas of lapses in his work which create room for a philosophical discussion. This work aimed at analyzing critically Raz's argument on human and socio-economic rights, stating the inherent loopholes and strength of his argument. The study adopted the analytic and evaluative methods in its investigation of the subject under consideration. It submits that though Raz's argument is logically sound holding that socio-economic rights are human rights, and that the aim of socio-economic rights is to protect the wellbeing of humans, it falls short in its argument that human nature is not the foundation for human rights.

Key Words: Rights, Socio-Economic Rights, Human Rights.

Introduction

One aspect of analytic philosophy that has been ignored in recent time which has generated a problem in the area of ethics, philosophy of law and socio-political philosophy is the question of the connection between human nature and human wellbeing. The issue is, is there a significant connection between human nature and human wellbeing? Is it possible to speak of

human wellbeing without a critical and thorough consideration of human nature? What is the significant distinction between human wellbeing and human nature? These are some of the salient issues that has generated misconceptions among scholars. This issue of the relation of human nature to human well-being is common in the debate about the foundation of human rights and by extension socio-economic rights, though often unnoticed.

The arguments on human rights has seen the birth of two prominent schools of thought namely the traditional (naturalist) school of thought and the political school of thought. Basically, the area of divergence between the thrust of these schools of thought is that while proponents of the naturalist school of thought hold that the ground or foundation for human rights is the consideration of human nature, proponents of the political school of thought repudiate the idea of foundation especially that premised on human nature, since for them no such thing exist. Proponents of the political school of thought argue vehemently that the essence of recognizing human rights is to maintain globally the political order or peace that is needed for the world to function efficiently. By extension proponents of the political school hold that socio-economic rights (popularly known as second generation rights) exist to secure or protect the general wellbeing of humans. This assertion is clearly seen in the philosophical works of Joseph Raz a core proponent of the political school of thought on human rights.

Joseph Raz in his attempt to proof that socio-economic rights are human rights debunked the naturalist notion of human rights. He built his argument on the "Interest Theory of Rights" (ITR). Raz (2010) holds that human rights are aimed at protecting human's wellbeing (which qualifies it to be called a right) and that these rights limit the sovereignty of the state. He further argued based on the interest theory of rights that socio-economic rights are aimed at protecting the wellbeing of citizens which makes it human right. However, he strongly disagreed with the view that human nature is the foundation for human rights. The question is if human and socio-economic rights are aimed at protecting the well-being of humans, what makes it absurd to state categorically that human nature is the foundation for the advocacy for human rights?

Discourse on Human Nature and Human Person

The philosophical debate on human nature is an age-long issue which many philosophers (Metaphysicians and Existentialists) have contributed meaningfully to. Though some scholars subconsciously try to create a disparity between the term human person and human nature (Aguas, 2009) in this article these terms are regarded as one and the same. Therefore, when the term human nature is used it is in the same sense as the term human person. It is imperative to state that by human nature we are not looking at man in the state of nature or man in the era of civilized state as did some philosophers in the modern period to explain their socio-political ideas on the rise of human civilized state, rather our concern here centers on those fundamental attributes or characteristics that distinguish human beings from other sentient or non-sentient beings. In other words, throughout this segment we shall be looking at some issues surrounding human features – those distinguished qualities that guarantee a being to be called human being.

The discourse on human nature has been approached from diverse perspectives and with different controversies. The major schools of thought on human nature are: Materialism, reductionism, behaviorism, functionalism, dynamic systems theory and computationalism. To

avoid multiplying entity we shall skip analyzing the contributions of each of these schools of thought. Rather we shall randomly state the position of philosophers on the subject. Some philosophers have argued that man is made up of three components namely: body, spirit and soul a view commonly found in ancient, medieval and modern metaphysics and philosophy of mind. Other scholars have outlined some unique features with which one can identify a living being as human such as; rationality, creativity and socialization etc. There are diverse ways of analyzing the discussion on human person: culturally, socially, and psychologically; but the most complex of all seems to be the ontological or metaphysical (Oguche and Oguche, 2022). Sequel to the complex nature of the human person Aguas (2009) describes the human person as a paradox - while he is endowed with dignity and good nature, he is also capable of doing evil and inflicting harm to himself and against others. Huong et al (2025) posit that for Mencius (an ancient Chinese philosopher) human beings by their very nature have the inherent attribute of moral consciousness. This is manifested in virtues such as compassion, fairness, wisdom, and loyalty. And this they can develop through the process of moral education and training. On the contrary, Aristotle holds the view that man acquires his moral consciousness from his contact with the society through teaching and conscious self-development. This presupposes that man by nature is not a moral being (Ogunyomi and Ogundele, 2021).

Ugochukwu (2023) describes the human nature as static but his behavior is dynamic; it changes as societal values metamorphous. He posits that man by nature is a moral and social being. For him, human nature is manifested through human behaviours by which they are judged as man, or as human being. The veracity of this assertion is that humans' creativity, social life, rational, moral and emotional nature are clearly seen in their attitudes. Muslim (2023) holds that human by nature is made up of three basic components namely: physical, intellectual and spiritual. By nature he has limited abilities and therefore need other beings to survive which makes him a social being. He is a religious and rational being, and capable of entering into a social contract with other people.

One feature of human nature that calls for the respect of human dignity as a core aspect of human rights is the natural drive for self-preservation. Every human being from infant through adulthood naturally has the instinct for self-preservation. This natural drive for self-preservation though common to other animals, man's pursuit for self-preservation is guided by his natural ability to act rationally, morally and in consideration of his emotion. Putting it in a different way using Asouzu's parlance by the nature of man all his actions are geared towards actualizing the joy of his being. As a social being he understands and acknowledges his limitation, thus, considering other humans in the society as missing links to achieving the joy of his being. As the social contractarians have rightly observed the essence of establishing the civil society or the state is basically to protect the natural human drive for self-preservation. All the laws whether legal, customary or traditional and moral are meant to guide human actions and to prevent each individual person from obstructing another person from achieving his drive for self-preservation. The natural drive for self-preservation by argument is the hall mark of the idea of human's intrinsic value.

The Meaning of Rights and Human Rights

An in-depth understanding of the essence, scope and nature of human and socio-economic rights requires a full grasp of the meaning and nature of the term 'right'. The need to define the term right cannot be overemphasized as any attempt to delve into discussions about human and socio-economic rights would lead to either misconception or misrepresentation of these concepts. Again, many have misconceived and used the words 'entitlement' and 'rights' interchangeably as though they are one and the same. Therefore, it is imperative to state explicitly the meaning of 'right'. The term right is a social construct; it makes meaning only within the confine of the human society. There are two senses in which the term right can be defined: rights as opposed to wrong in the ethical sense and right as correlative to duty. In this paper, our concern centers on right as correlative to duty. Myriad of scholars have critically analyzed and explained the meaning and nature of rights from the latter perspective, each of the definition given points to the same thing though from different dimensions. The main difference found in the various definitions offered is the issue of conceptual account and justification in the parlance of Preda (2015). The conceptual account provides a definition of a right, while the justification account offers reasons why certain rights should be granted and highlights the key features or attributes of those rights.

Garrett (2011), asserts that right is an entitlement or justified claim to a certain kind of positive and negative treatment from others, to assistance from others and non-interference from others. Thus, a right is a valid individual claim that is accepted and protected by society, encompassing both positive support and negative non-interference. Fagothey (2000), asserts that right puts a moral bond on the free will of another person so that even if he can infringe my right physically, he cannot do so without committing an evil deed and incurring moral guilt with its corresponding sanctions. This definition can be described as the conceptual account as it states only the meaning of right without pointing out the reason or the criteria that qualifies an individual for having a right. Highlighting the importance and role of right in the society, Kaur (2014) posits that rights define the position of the individual in a state. They offer a positive purpose to the state. Through them alone, the state promotes the general welfare of the society as a whole. The presence of rights is an indicator that the state exists for the individual not individual for the state.

The justification account comes into play when discussing the nature, attributes or scope of rights, as it explains the reasons or criteria for having a right. Under the justification account we have two theories; the interest theory and the choice theory. The interest theory holds that rights protect the interests of the individual. On the other hand, the choice theory holds that rights empower the right-holder to make certain decisions regarding others' duties (Preda, 2015). There are basically four components of rights and these include: 1. the Subject: the person who possesses the right. 2. The Term: those who are duty bound to protect the right. 3. Matter: the object to which one has a right. 4. Title: why the person (subject) has this right. (Fagothey, 2000). To avoid multiplying entity as forewarned by William of Ockham, the work shall ignore throwing light on these components of right as they still find expression in Raz's discussion on Socio-Economic rights.

Rights are classified into types such as natural, moral (ethical) and Legal rights. These three types of rights gave rise to what is referred to as rights schools of thought. The proponents of the natural school of thought hold that an individual is born into the human society with specific fundamental rights which cannot be alienated by government or any organization and persons. The *moral rights* are grounded by the moral force of human mind. These are based on human sense of goodness and justice. They are not enforced by the forces of law. Sense of goodness and public opinion are the sanctions behind moral rights. If any person disrupts any moral right, no legal action can be taken against him. *Legal rights* are those rights which are accepted and enforced by the state through agencies responsible for their enforcement. An individual found guilty of violating any legal right is punished by the law. These rights can be enforced against individuals and also against the government. Legal rights are basically of three categories; civil, political and economic rights.

Discussion on human rights is age-long traced down to the history of ancient human civilizations. In ancient time, the approach to human rights varied from culture to culture; each culture had a way of protecting human dignity depending on their religious beliefs and philosophical ideas about the human person. One of the philosophical issues of concern in the debate on human rights is whether these rights are naturally derived or they are socio-political construct? This argument has seen the birth of two schools of thought; the naturalist and political school of thought. Proponents of the natural theory assert that human rights are derived naturally by virtue of our humanity. For advocates of this school of thought, man by his very nature has been endowed with inherent rights (values) which are inalienable and are independent of social or institutional affirmation. In line with the justification account of rights, we can infer that human beings are the subject of human rights; other humans in the society are bound to respect and protect these rights and these rights are possessed by virtue of our humanity. On the other hand, advocates of the political school of thought argue that the essence of human rights is to maintain order in the world. It restricts the power of the government on issues that seeks to sustain the interest of an individual citizen. They are derived not from our nature as human beings but out of the political need to maintain universal order and political stability.

Though, the variation in the philosophical idea of these schools has propelled many to consider them two separate schools, a critical examination of their arguments reveals that they project the same idea but from different dimensions. While the latter places emphasis on issues bordering on who is responsible for protecting and promoting human rights and the question of when and how such upholding and enforcing is allowed, the former is concerned with what significant attributes of human life justifies human rights. The misconception that the arguments and ideas of these schools of thought are distinct and unique has created a wrong perception about what many refer to as second generation rights (Socio-Economic Rights). This misconception is aptly captured in the way Socio-Economic rights are regarded and treated in the Nigerian 1999 Constitution. However, this issue has been resolved in the philosophical arguments of Joseph Raz.

The Discourse on Joseph Raz's Philosophy of Socio-Economic Rights

One of the contemporary controversial issues in socio-political philosophy that has enthralled the attention of academics is the discourse on socio-economic rights. The questions put forward concerning this discourse include: Are socio-economic rights natural (inalienable) or mere moral rights? Are they irrational when they turn out to be extremely cumbersome for moral agents? Should these rights be considered justiciable or non-justiciable? The debate has witnessed an ambivalent reaction from scholars. Historically, this discourse emanated through the debate on the need for socio-economic equilibrium or equal access to the means of production. This gave rise to discourse on economic justice, property right and the principle of entitlement. Over the years attempts have been made to distinguish between economic justice and socio-economic rights (Waldron, 2010) and the principle of entitlement or property right. Rawls' theory of justice, Marxist communism, Nozick's theory of entitlement and Locke's principle of property right all fall within the ambience of economic justice. But, these principles serve as foundation for the discourse on socio-economic rights as they all aim at achieving socio-economic balance.

For the purpose of clarity socio-economic rights popularly known as second generation rights are those rights embedded in human rights relating to unemployment, social security, access to housing, food, drinkable water, health care and education. There exist a strong connection between socio-economic rights and human rights, this is aptly captured in the preamble of the International Covenant on Economic, Social and Cultural Rights (ICESCR) "... the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social, and cultural rights as well as his civil and political rights" (Kutigi, 2017). This implies that the prerequisite for an individual to genuinely enjoy his fundamental rights is when his socio-economic rights are met. The success of these rights is achieved where every citizen enjoys an adequate standard of living (Olayinka, 2019).

An outstanding feature of socio-economic rights is that it lays emphasis on the legal duty of the government to effectively harness the available resources in the country to curb social and economic inequalities and imbalances (De Villiers, 1996). However, there are controversies surrounding the implementation and enforcement of these rights; one has to do with the ambiguity in its expression as enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), another involves the denial of being human rights on the grounds that it is not universal and the last involves arguments about the disparity in countries economic strength. Attempts have been made to proffer solution to the argument of the universality, justification and socio-economic rights as human rights. The answers to these questions are found in the philosophical arguments of Joseph Raz precisely in his works on Rights and Human Rights.

Raz commenced his argument on socio-economic rights by stating the meaning of rights. Raz defines right by way of explanation, he states that a person has a right' if and only if the person can have rights, and, other things being equal, an aspect of the person's wellbeing (his interest) is a sufficient reason for holding some other person(s) to be under a duty" (Humphris-Norman, 1997). He considered the Interest Theory of Rights (ITR) as the appropriate approach to understand the term right. He holds that a person's interest is the premise for having rights

and right on the other hand is the premise for duty, and duty is the imperious reasons for action. Right exists only on the condition that the interest of the right-holder (an aspect of his well-being) is of sufficient importance to hold others to be duty bound (Zanghellini, 2017). This implies that right is that abstract entity which a being with intrinsic value possesses and other beings with intrinsic value are morally and legally oblige to protect and respect in as much as it serves the interest of the right holder. The reason for right, its justification, is the fact that it serves the right-holder's interest (Raz, 1994). For him, rights are companied by corresponding duties.

Raz discards the traditional or naturalist notion of human rights. The rationale for this is that this school of thought fails to explain why others are duty bound to respect our fundamental human rights; it is not enough for human rights to command respect on the grounds of humanity. Raz's aim basically is not to dispute the fact of the existence of human rights rather his concern is the notion from which human rights is grounded, that is, using the premise of the features of human nature. Raz (2010) holds vehemently that human rights are aimed at protecting the dignity of the human person. They limit the sovereignty of the state. According to Raz (2010);

Human rights stand in their own right. Their implementation, like that of other legal precepts, requires institutionalization. But when incorporated into law the relevant legal rights are, rightly, considered not to be rights created by law, but ones recognized by law. They are moral rights we have independently of the law, and that is why the law should recognize and enforce and protect them.

As an adherent of the political school of thought on human rights, he did not reject the universal notion of human rights as projected by the naturalist rather he argues that they are rights which are to be given institutional recognition, rights which transcend private morality. The universality of human rights for Raz is derived and based on its general acceptance by the international community to protect the interest of humanity. Raz (2010) notion of human rights is that they function in the international community to underline the worth of all human life. They are by their nature moral rights that call for legal-political protection. This notion differs from the traditionalist notion of the universality of human rights which holds that human rights are universal rights which people have by virtue of their humanity or nature. Human rights are moral rights held by individuals. But individuals have them only when the conditions are appropriate for governments to have the duties to protect the interests which the rights protect.

In his argument on socio-economic rights, Raz established his position by using the rights to health and to education. Contrary to the popular separation of civil and political rights (usually considered human rights) from socio-economic rights (second generation rights) as two distinct entities, Raz refers to socio-economic rights as human rights on the premise that these rights are universally recognized by the international community and are aimed at actualizing the interest (wellbeing) of the individual citizens and the entire human race. As human rights

they infringe on the sovereignty of individual nation-state. Raz holds that socio-economic rights are moral and legal rights and they hold the government duty bound to protect them. As human rights, socio-economic rights for Raz are not created by law but recognized by the law. His justification of socio-economic rights as human rights using the right to education and health as case study is the significance of the opportunity these rights grant people "to have a rewarding life and on the way the chances to have a rewarding life depend on possessing skills to tap the opportunities available in one's place and time" (Raz, 2010). In sum, Raz sees socio-economic rights as human rights because of their universal recognition by the international community and these rights are aimed at given humanity generally the opportunity to create meaning of their existence.

A Critical Evaluation of Raz's Theory of Human and Socio-Economic Rights

Before we attempt an evaluation of the various criticisms leveled against Raz's notion of rights and socio-economic rights, it is necessary to attempt a breakdown of Raz's arguments pointing out his intention (objectives), the immanent lacunas if any and the benefits of his philosophy. First, it is imperative to note that Raz's position on the definition of rights and socio-economic rights is mainly a reaction to Jeremy Bentham's account of rights and the naturalist arguments on human rights respectively. His aim was to bridge the gap found in existing philosophical works on rights, human rights and by extension socio-economic rights. Again, anyone who intends to have a full grasp of Raz's discussion must understand the background on which his arguments are built upon – the era (contemporary western reality) and the practical aspect of the universal legal practices on human right.

Raz's logical precision in his argument on rights is clearly seen in his criteria that qualify an entity to be called a right. The first important criterion is that an individual person has a right on the condition that the person can have rights. This implies that not all beings can be said to have rights. The question that may likely arise is, do insane persons (those mentally derailed or imbecile) have rights? This question alone can degenerate into series of arguments but our take here is that insane persons have rights on the premise that they have intrinsic values. All human beings regardless of their deficiencies or impediments are qualify to have rights because of the intrinsic value they possess. The second criterion is that other things being equal an aspect of the person's well-being (his interest – the dignity of his person) is a sufficient reason for holding some other person(s) to be under a duty. This implies that it is not enough to say that a person is qualified to have a right, the question is, is the person's interest (wellbeing) worthy enough to hold others spell bound to protect this right? Obviously, many a time we claim that we are entitled to a particular thing and expect others to be duty bound to protect our interest in having it but in reality the interest in question does not require others to be duty bound. With these points Raz laid a solid foundation for any discussion on the meaning of rights.

Raz's perception about contemporary practice of human rights can be considered meaningful. Though, there are empirical evidences which show historically that human rights have been in existence since hollowed antiquity but its universal recognition and acceptance as argued by Raz is a recent development. Scanning through memory lane it is axiomatic that there are ancient practices that can be described as inhuman and barbaric, such as the offering of human sacrifices to some deities believed to exist, the practice of slave trade, the lynching of

Negros by Europeans etc. The problem associated with these practices is that they defile the principle of respect for the dignity of human person. This implies that though ancient men recognized that all humans deserve some level of respect especially because of the dignity of their person, they contradicted themselves with the nefarious, inhuman and degrading treatments of their fellow human beings all in the name of religious, cultural and racial practices and beliefs. Thus, Raz is right because the universal cum legal recognition of human rights began when all the nations in contemporary time unanimous agreed to protect the dignity of the human person by enacting laws that prohibits the abuse. Historically, the advocacy for the universal recognition and litigation of human rights emerged out of the need to put an end to the wanton destruction of innocent lives which basically happened during Second World War and other global events which many have described as inhuman and barbaric.

However, this paper holds that Raz's rejection of the naturalist position of human nature as the sufficient reason to ground human right is problematic. Raz and other proponents of the political school of thought discarded mercilessly the naturalist position on this matter but did not tell us what stands as the foundation for human rights. In other words, going by Raz's Interest Theory of Right he did not tell us what qualifies human beings generally to have human right. Albeit history has it that ancient men had partial regards for the dignity of human person which we have earlier mentioned, this does not negate their consciousness of humans' intrinsic values. History has it that ancient men had religious, cultural and societal norms and values aimed at protecting the dignity of the human person which implies that they understood human nature and therefore sought to protect the dignity of the human person. If we only go by Raz's paradigm that human rights are those rights which limit the sovereignty of the state (which is correct) without telling us the foundation of these rights then we have succeeded in creating a gap which needs to be filled. Raz in Erasmus (2017) tried to correct himself stating that "Human rights violations need not always fully justify international sanctions and interventions, but they necessarily provide pro tanto reasons for other states to take interventive measures, and this provision is, conceptually, part of what it is for a right to be a "human right". Raz, like the naturalists, acknowledged that human and socio-economic rights are aimed at improving human well-being, but he deliberately avoided any discussion on the foundational basis or moral grounds upon which human rights rest. This leaves him with the question of what grounds human right?

It will be regarded as absurd to speak vehemently of human wellbeing without due consideration of human nature. What we are saying in essence is that there is a relationship or connection between human wellbeing and human nature. In other words, it takes only an understanding of human nature to advocate for human wellbeing. Belgan and Villaroya in Oguche and Oguche (2022) assert that it is impossible for the human [nature] to be discussed without allusions being made to the dignity of the human person. This argument is in tandem with the argument raised here. Human beings by their very nature have inherent values that cannot be alienated whether recognized internationally or not. Logically speaking, considering this matter from a critical and rational stand point, referring to fundamental rights as human rights presupposes that the human nature has been taken into consideration else it would have been given a different name. It will not be out of place to state categorically that those rights

which protect the dignity of human person are called fundamental and human because they are aimed at protecting human nature.

Another criticisms leveled against Raz is in the aspect of his arguments on the grounding and correlations between rights and duties. Raz's argued vehemently that "to say that a person has a right is to say that an interest of his is sufficient ground for holding another to be subject to a duty". This is the thrust or kernel of the interest theory of rights. Thus, for Raz rights and duties are grounded on the interest of the right-bearer. This notion has been criticized by Elechi and Ngihbi (2022). They argued that rights and duties cannot be plotted on the logic of grounding, and that rights and interest do not share equivalence, but that rights definitely involve duties, and the grounds for duties need not follow from the interest of rights. They dismissed Raz's right theory with this argument

...one can conclude that when a right fails to protect certain particular interest(s), it may as well cease to be a claimable obligation in relation to the duties which it grounds. If this implication is correct, then it is possible to substitute Raz's notion of rights with that of 'interest', which right-claims expect duty-bearers to satisfy. Understood in this sense, it follows that the distinction between core rights and derivatives rights can be laid out alternatively as a distinction between core claimable interests and derivative claimable interests. This extended reading of Raz's notion of rights in the light of claimable interests supplies the loopholes through which the whole logic of dependency of grounding begins to crack (Elechi and Ngihbi, 2022).

Elechi and Ngihbi's argument here is that Raz's theory of right is reductive; it reduces rights to claimable interest. This position is not true about Raz. The rationale for this assertion is that Raz only stipulated criteria for what qualifies as a right. We speak of reduction when it involves equating two things as though they are the same. Raz did not equate neither can it be said or deduced that his position imply what it does not.

The logical argument put forward by Elechi and Ngihbi to dismiss Raz's right theory is founded on a faulty foundation. It is pertinent to state that Raz did not equate right with interest as assumed by Elechi and Ngidbi neither did he draw a difference between wellbeing and interest. By inference, what Raz meant by interest is the wellbeing of the right-bearer. By way of logical expression we can call A's right 'x' and A's interest (wellbeing) the grounds for claiming x we call y and which this interest ground others to be duty bound in A we call 'z'. A has a right x if and only if y (interest) is sufficient to ground z (others to be duty bound), $\{x \rightarrow (y \Rightarrow z)\}$. This theory is not reductive but, merely states the necessary prerequisite needed to have a claim to right in the interest (wellbeing) of the right-holder. In other words, Raz did not at any point equate right to interest rather he argues that every legal rights must be in the interest of the right-bearer. Waldron (2010) made it clear that for Raz, rights are not about who gets the interest from the fulfillment of a duty but about the way duties are justified and the role played by interests in that grounding.

Zanghellini (2017), albeit accept some aspect of Raz's position. He recommends a moderation of some claims made by Raz. Zanghellini corroborates Raz's argument that there is no such thing as fundamental human rights as postulated by the naturalists or traditional notion and he also posits that the interest theory accommodates the notion that rights may take qualitative precedence over conflicting considerations. However, Zanghellini's asserts that Raz's practical view of human rights does not necessary follow his interest theory of right. For Zanghillini, Raz holds vehemently that:

...human rights are that subset of rights whose violation a state cannot – as a matter of sound morality – justifiably treat as merely an internal matter by invoking sovereignty; and human rights practice can be accessed on the basis of whether or not it justifiably treats the violation of certain rights as “sovereignty-limiting measures.

His criticism is that in the above assertion Raz did not state grounds for which human rights are legally binding on the state other than his claim that its violation can lead to the denial of the state's sovereignty by the international community. Zanghellini is correct in his observation and criticism, though Raz attempts to ameliorate or amend this loophole in his discussion on socio-economic rights. Obviously, Raz did not state categorically what justifies the litigation of human rights as he did while explaining his theory of rights, perhaps he knew that by adopting the principles of interest theory in his explanation he would fall into the trap of the naturalist school of thought. The naturalists had earlier explained that human rights are based on our special characteristics as human beings; this implies that the grounds for having this rights is our humanity. Raz on the other hand only introduced the concept of interest theory while treating his argument on socio-economic rights to justify his position.

Zanghellini's argument corroborates our position but the area of divergence is his position that there is no such thing as fundamental human rights as postulated by the naturalists. It is evident that Zanghellini shares the same school of thought with Raz as far as human right is concern. But it appears Zanghellini is being beclouded by contemporary reality in the legal system at the international and local level and failing to understand the philosophical discussion on human nature or person.

Conclusion

The argument and advocacy for human and socio-economic rights is anchored on the understanding and consideration of human nature. It is impossible to speak of the well-being of individual person without a full consideration and engagement on the nature of the human person. Though, the universal recognition of fundamental human rights is a contemporary development, it does not negate the claim that the respect for the dignity of human person is age-long and can be traced down to hallowed antiquity. The significant distinction between socio-economic rights and civil and political rights is that while the former state categorically those obligations and responsibilities of the government to her citizens which enable them attain comprehensively the joy of being, the later states categorically what cannot be done to an individual either by the government or other citizens. Socio-economic rights are human rights

as they are drawn from human nature and seek to protect human wellbeing.

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