

Abstract : The Concept of Rights in Contemporary Human Rights Discourse

In a variety of disciplines, there exists a consensus that human rights are individual claim rights that all human beings possess simply as a consequence of being human. That consensus seems to me to obscure the real character of the concept and hinder the progress of discussion. I contend that rather than thinking of human rights in the first instance as “claim rights” possessed by individuals, we should regard human rights as higher order norms that articulate standards of legitimacy for sociopolitical and legal institutions.