



Theoretically Justification of Human Rights: A Case of Natural Rights Theory

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ABSTRACT

The theoretical justification of natural rights examines the philosophical foundations and ethical principles that support the existence and applicability of these rights. People have some rights simply by being human, and neither groups nor governments may bestow them upon them, according to the idea of natural rights. It also provides a concise overview of the theories that support natural rights, including those that rely on moral intuition, human nature, and the Social Contract. The moral intuition approach maintains that natural rights are self-evident and universally accepted since they are based on our innate sense of right and wrong. It claims that certain inherent human rights are required for human flourishing and well-being. Based on the intrinsic qualities and needs of people, the human nature perspective defends natural rights. It argues that some rights, such as the right to life, liberty, and property, are derived from basic human attributes and abilities. According to the Social Contract theory, a hypothetical agreement among members of a community serves as the foundation for natural rights. It proposes that people voluntarily create a Social Contract to set up a governing body that upholds and defends their fundamental rights. These theoretical defenses offer frameworks for comprehending the nature, significance, and defense of natural rights. They emphasize on these rights' intrinsic and universal nature, the value of human dignity, and the idea of inalienability. Individuals can live dignified lives by recognizing and upholding their natural rights.



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INTRODUCTION

Various philosophical approaches might be taken to the theoretical justification of human rights. In this light, the Social Contract theory, the natural rights theory, and the Dignity-based Approach are increasingly well-known and relevant to human rights. (Hardwick, 2012)

According to the natural rights doctrine, people have human rights by being human. (Clapham, 2007) This viewpoint contends that human rights are autonomous universal rights that are not bestowed by governments or communities. This theory's proponents, like John Locke and Immanuel Kant, contend that people have some fundamental rights that ought to be upheld and maintained by all. The concept of human dignity and the inherent moral equality of every person is frequently emphasized by the natural rights doctrine. (Clapham, 2007) Every person has the intrinsic right to life, liberty, and the pursuit of happiness or well-being, according to this claim. (Laslett, 1996) These rights are regarded as unalienable, which means that no authority has the power to revoke or otherwise obstruct them.

According to the Social Contract hypothesis, a social contract or agreement between members of a society produces human rights. (Leib, 2009) This point of view contends that people voluntarily band together to create a social structure to uphold their rights and advance the welfare of society as a whole. According to this theoretical framework, people give up some of their freedoms to a government or state in exchange for the defense of their rights and the application of the law. (Clapham, 2007) The so-called Social Contract establishes a mutually beneficial relationship between citizens and their government, with citizens having a responsibility to follow the Social Contract's laws and the government having a responsibility to uphold human rights. (Hobbes, 1996)

The Dignity-based Approach to human rights emphasizes the intrinsic value and moral equality of every person. It contends that respect for an acknowledgement of human dignity serves as the foundation for human rights. (Beitz, 2003) This strategy is frequently linked to the UDHR (Universal Declaration of Human Rights) and its tenet that "all human beings are born free and equal in dignity and rights." The Dignity-based Approach contends that regardless of a person's ethnicity, gender, religion, or social standing, they should be safeguarded because all people have intrinsic dignity. People are seen to need human rights to live with honor, equality, and liberty. (Locke, 1690)

It is especially important to keep in mind that these are merely conceptual problems and that various intellectual, social cultural, and legal codes may hold different opinions regarding how rights for humans ought to be interpreted and enforced. (Hardwick, 2012) These viewpoints, however, offer a place to look into and build upon the idea of all people's rights (Tufail, M et.al., 2022, Khan, S., Ali, S., & Urooge, S. 2019).

Fundamental rights theory, also referred to as the hypothesis of natural law, is a school of thought that contends that people are endowed with fundamental and general liberties as a result of their nature. (Waldron, 2002)

According to this theory, these rights belong to each individual and should be cherished and safeguarded because they are not bestowed upon them by governments or communities. However, it was most significantly developed during the Enlightenment by intellectuals like John Locke, Thomas Hobbes, and Immanuel Kant. The roots of natural rights theory can be found in ancient Greek and Roman philosophy. (Waldron, 2002)

This idea contends that these rights are a result of human nature or the human condition. (Clapham, 2007) They are frequently seen as fundamental and unalienable, which means that no authority has the right to take them away or violate them. Natural rights theory places a strong emphasis on the idea of human dignity because it is thought to be the foundation for the existence of these rights. (Zuckert, 2002)

Key natural rights that are frequently acknowledged include:

- Every person has the right to life and should not be unjustly denied it.
- People have the right to liberty and self-determination, which includes the freedom of speech, opinion, and movement.
- The right to own and hold property, which includes both material and immaterial goods, belongs to every person.
- All people are treated with respect and dignity since they are all recognized to be of equal inherent worth and moral standing.
- People have a legal right to fair and impartial treatment, which includes the right to a fair trial and defense against arbitrary or unjust detention.
- Individuals have the freedom to practice their religion openly and to maintain their own beliefs, so long as doing so does not violate the rights of others.

The concept of human rights is supported morally and philosophically by the theory of natural rights. It makes the case that these rights are universal and need to be respected and safeguarded by all cultures and governments since they are independent of cultural or societal norms. It is thought that people can live lives of dignity, freedom, and equality by recognizing and upholding their basic rights.

LITERATURE REVIEW

The English philosopher John Locke wrote *The Two Treatises of Government*. According to Locke, people have natural rights because of their humanity. Life, freedom, and ownership of property are the three essential natural rights, according to Locke. According to the right to liberty, people should be free to think, believe, and act as they like. (Locke, 1690) Being entitled to property is one of Locke's most well-known contributions towards political philosophy. The establishment of civil society and the governing body, in Locke's view, is intended to ensure and defend those basic liberties. According to Locke, the people have the right to dissolve or alter a government and exchange it with one that upholds natural rights if it does not do so or proves oppressive. His emphasis on individual rights, restraints on government, and participation of the governed laid the foundation for contemporary democracies. (Locke, 1690)

Leviathan by Thomas Hobbes is a significant classic of political philosophy. Hobbes' perspective on natural rights diverges significantly from John Locke's. (Hobbes, 1996) The basic state, according to Hobbes, is one in which "individuals exist in a constant state of conflict and competition." Life in this stage is short and sweet brutish, ugly, lonely, and poor.

Hobbes claims that to get away from the brutality of nature's condition, humans must intentionally surrender their natural rights to a ruling body. The primary function of the sovereign is to ensure the security and stability of society, even if this necessitates the use of power. Individuals receive protection and security by ceding their rights to the sovereign. In exchange, they must obey the sovereign's laws as well as authority. His emphasis on the need for a strong central authority to ensure order and security has affected governance-related (Hobbes, 1996) sovereignty discussions till the present day.

A Theory of Justice, by John Rawls, is a key work in political philosophy; While Rawls' theory does not explicitly use the concept of inherent rights. (Rawls, 1999) In this book Rawls creates a hypothetical scenario known as the initial position, in which people are placed behind a "veil of ignorance" and given the responsibility of creating justice-governing principles for society. Although Rawls does not specifically mention natural rights, a rights-based strategy is compatible with his theory of justice. The issues that underlie natural rights theory are also addressed by Rawls' emphasis on justice and the equal distribution of resources. In conclusion, even though Rawls' *A Theory of Justice* does not mention natural rights specifically, his idea of justice as fairness can be seen as being consistent with the tenets of natural rights theory.

The Law of Peoples was written by John Rawls. Rawls looks into the norms that ought to guide interactions between liberal democratic societies and non-liberal cultures internationally. He thinks that people have some basic liberties and rights that are essential for a healthy society. (Rawls, 1993) He explores how liberal democratic nations should deal with non-liberal countries while applying his idea of justice to international affairs. He argues that "tolerance" and "respect for people" should be practiced in liberal democratic nations. That is, even though they might support their institutions and values. Natural rights are not explicitly used to frame Rawls' theory.

Joseph Raz wrote the book *The Morality of Freedom*. (Raz, 1988) In this essay, Raz advances the legal positivism argument, which maintains that social realities—rather than moral considerations—determine both the existence and the nature of the law. Legal rights—rather than natural or moral rights—are the primary emphasis of Raz's theory of natural rights. Although the idea of natural rights is not explicitly included in Raz's legal positivism theory, his emphasis on individual freedom is. Joseph Raz does not explicitly discuss the topic of natural rights, to sum up. Instead, it emphasizes legal rights within a legal positivist framework, focusing on the relationship between law, morality, and individual freedom. (Raz, 1988)

The literature on the philosophical foundations of human rights is represented by these books. They offer a wide range of perspectives, theoretical frameworks, and critical evaluations that contribute to the continuous discussion and better understanding of the ideas and justifications supporting natural rights.

Theoretical Justification

Many philosophical strategies can be used to address the theoretical defense of natural rights. Three natural rights justifications that tend to come up include the moral intuition method, the human nature approach, and the Social Contract approach.

Moral Intuition Approach

The moral intuition theory contends that inherent rights are justified by our perception of good and evil. This viewpoint holds that some rights, such as the right to life, liberty, and ownership of property, are unambiguous and widely acknowledged as essential to human flourishing. (Maxwell, 1975) This school of thought's proponents, like John Locke, contend that our inherent liberties are based on our innate moral sense or reason. (Zuckert, 2002) Proponents contend that by using reasoning and watching, we may create certain universal laws that apply to all people in all circumstances, which will ultimately end in an understanding of natural rights.

Human Nature Approach

The human nature paradigm emphasizes people's innate attributes and needs as a way to safeguard natural rights. Aristotelian and other proponents of this school of thought contend that people have some intrinsic characteristics or aptitudes that give origin to their rights. To defend the right to life, one can point to the human need for survival and the necessity for self-preservation. (Hardwick, 2012) The urges for independence, as well as the capacity for self-reasoning and making decisions independently, are the roots of the right to liberty. The privilege of owning property may be based on people's work and dedication to getting and keeping the things they own.

Social Contract Approach

The idea of the Social Contract supports basic liberties by conceiving of a fabricated contract or arrangement between people in a community. (Raz, 1988) This viewpoint holds that people voluntarily enter into a Social Contract to create a governing body and give up some of their rights in exchange for the protection and enforcement of their remaining rights. The concept of the Social Contract originated from philosophers like John Locke and Thomas Hobbes. They believed that people who resided in nature might encounter violence and uncertainty if there was no form of control. Individuals would consent to establish a government that would protect their natural rights to escape this predicament. Natural rights are justified as inherent entitlements held by individuals, and the social pact acts as a means of upholding those rights.

Explanation

The foundation of natural rights is the idea that some rights belong to people simply by their humanity. All persons have access to these rights, regardless of their nationality, culture, or other characteristics. (Maxwell, 1975) These are regarded as fundamental rights. They are regarded as being fundamental and historical rather than having been given or formed by any one government or force.

Human Dignity

In the context of natural rights, the concept of human dignity is crucial. It states that just by being a person, everyone possesses intrinsic worth and moral standing. The fundamental idea of human dignity is the foundation of natural rights. (Raz, 1988) A person's ability to live honorably and have their intrinsic value recognized and upheld depends on their ability to exercise their rights.

Inalienable Rights

Most people believe that natural rights are inalienable, which means that nobody has the power to cancel or violate them. It is believed that they are innate and intrinsically related to the human condition. Although they may recognize and uphold these rights, governments as well as communities did not create them. Individuals hold them without regard for any outside authority.

Normative Rights

Some basic liberties regarded essential for human flourishing are typically recognized by the theoretical underpinnings of natural rights. The rights that include independence, property, equality, proper trial, the right to expression, and freedom of convictions or faith are just a few of these rights. (Rawls, 1993) Most people view these rights as interrelated and advantageous to one another.

Justification and Moral Foundations

The philosophical foundation of human rights seeks to justify the constitutionality and existence of those privileges. As indicated in the above statement, this may necessitate an assortment of views on philosophy, such as moral intuition, human nature, or the Social Contract. The goal is to develop a moral and intellectual foundation for the acceptance and encouragement of natural rights.

Moral Duties and Responsibilities

The concept of ethical responsibilities and duties is considered in the context of natural rights. People have a moral responsibility to respect the rights of others despite their inherent freedoms. The foundation of a just and peaceful society is reciprocity, which states that no one's rights should be violated when they are being exercised. (Rawls, 1993)

It is crucial to remember that the natural rights theoretical foundation is open to interpretation and disagreement. Different philosophical schools and philosophers may place a different emphasis on certain ideas or offer distinct reasons. However, this framework offers a conceptual framework for exploring, comprehending, and advancing the idea of natural rights.

Justification of the Study

Theoretical support for human rights is very important in a variety of ways. Here are a few main justifications for its importance.

Human Rights

Human rights have a moral and philosophical foundation thanks to theoretical explanations. They aid in establishing the underlying ideals and principles—such as justice, equality, and human dignity—that support the idea of human rights. Understanding the intrinsic value of people and the significance of upholding their rights depends on this basis. (Beitz, 2003)

It supports the validity and applicability of human rights. They aid in proving that human rights are not arbitrary or subjective but instead have a strong foundation in ethical principles that hold for everyone, regardless of background or culture, by offering reasoned arguments and moral justification. (Hardwick, 2012) To advance human rights as a universal standard, this universality is crucial.

A theoretical basis for the creation of legal and policy frameworks is offered by the theoretical justifications of human rights. They serve as a guide for creating and interpreting laws, constitutions, and international agreements intended to uphold and advance human rights. (Arrow, 1973) These legal and policy frameworks' theoretical foundations aid in ensuring that they uphold the moral standards and ideals of human rights.

It is crucial to the activism and advocacy for human rights. They offer individuals and organizations working to advance human rights with an intellectual foundation and justification. Theoretical justifications can be used to persuade and rally support for human rights causes in local communities and international forums.

It assists in the development of global norms and accountability systems for nations that violate human rights. They serve as the foundation for the creation of treaties, conventions, and institutions that make up international human rights legislation, which provides a framework for dealing with violations of human rights on a worldwide scale.

It can spur social and cultural change. They contest oppressive acts, cultural norms that violate human rights and oppressive institutions by putting forth ethical arguments and rational justifications. (Arrow, 1973) To promote a culture of human rights, they offer a foundation for challenging and reforming society's attitudes and actions.

In conclusion, the theoretical justifications of human rights are important because they establish international standards, serve as a moral and philosophical foundation, ensure the legitimacy and universality of human rights, direct legal and policy frameworks, support advocacy and activism, and promote social and cultural change toward a more just and rights-respecting society. (Hardwick, 2012)

Natural Rights

Philosophers, academics, and legal theorists have extensively analyzed and argued over the theoretical justification of natural rights throughout history. (Clapham, 2007) Different arguments and features of the existence, character, and justification of natural rights are the focus of this discussion. Let's examine a few crucial issues that frequently come up in the theoretical debate over the justification of natural rights:

Foundation of Natural Rights: The origin or basis of natural rights is a key topic of discussion. Various theories put forth different underlying precepts, such as moral intuition, human nature, or the Social Contract. (Maxwell, 1975) The moral intuition school of thought contends that natural rights are self-evident and can be discerned by our moral intuition. According to proponents of the human nature perspective, basic human needs and qualities are the sources of natural rights. According to proponents of the Social Contract theory, natural rights derive from a fictitious agreement between individuals to create a social order.

Universality and Cultural Relativism: Another important component of the theoretical issue is whether or not natural rights are universal or only applicable in certain cultures. Some contend that despite cultural or societal distinctions, natural rights are fundamental to every human being. (John Trent, 2018) They contend that human rights should be universally acknowledged and safeguarded since they are not culturally constrained. The idea of universality is contested by opponents of the natural rights theory, who claim that rights are culturally produced and differ among countries.

Conflict and Trade-offs: The tensions and potential conflicts between various inherent rights are frequently discussed in theoretical debates. The right to personal liberty, for instance, can clash with the right to property or security. (Arrow, 1973) These talks focus on how to prioritize and balance certain rights when they conflict as well as whether particular rights can be curtailed or superseded in specific situations.

Relationship with Government: A major topic of discussion is how natural rights and government interact. The purpose of theoretical debates is to investigate how the government can protect and uphold natural rights. Others emphasize the potential risks of the government impinging upon individual rights, while some contend that the fundamental function of the government is to safeguard and preserve natural rights. In these talks, the idea of limited government frequently comes up, emphasizing the necessity of limiting governmental power to guarantee the protection of natural rights.

Evolution and Change: The theoretical discussion also looks at how the concept and practice of natural rights have changed over time. The application and scope of natural rights may be broadened or modified to address new issues as societies change. For instance, debates over including environmental rights or the rights of marginalized groups within the concept of natural rights have come up. (Reidy, 2022)

These issues are among the main ones covered in the theoretical defense of natural rights. New viewpoints, criticisms, and philosophical stances continue to be incorporated into the natural rights discussion as it develops. A greater comprehension of the conceptual

underpinnings and implications of natural rights can only be attained through continual dialogues.

Significance of the Study

The theoretical justification of natural rights holds significant importance in several ways. Here are some key reasons highlighting its significance.

It provides a moral and ethical foundation for natural rights. They help establish the principles and values that underpin the concept of natural rights, such as human dignity, autonomy, and inherent worth. This moral grounding is crucial for recognizing the fundamental rights individuals possess by their humanity. (Raz, 1988)

The universality and inalienability of natural rights provide that these rights are not contingent on specific cultural or societal norms, but are inherent to all individuals. (Leib, 2009) Natural rights are guaranteed to apply to all people, regardless of their nationality, race, gender, or other traits. These rights are also unalienable, which means that no authority has the power to revoke them or to violate them.

Natural rights act as a restraint on the authority of governing bodies and other institutions. Natural rights theory restricts the power of governments by claiming that there are inherent rights that exist independently of rights that are bestowed by the government. It implies that individuals' natural rights should be respected and safeguarded by governments and that transgressing these rights is against moral and ethical standards.

The theoretical foundations serve as a foundation for legal interpretations and the development of enforcement and protection measures for natural rights. Natural rights recognize and uphold each person's inalienable rights, empowering them. They encourage people to be aware of their rights, to fight for them, and to report any instances of them being violated. (Beitz, 2003) By understanding and advocating for natural rights, individuals can assert their autonomy, dignity, and freedoms, fostering a sense of empowerment and self-determination. (Hardwick, 2012)

Individuals can establish their autonomy, dignity, and liberties by comprehending them and fighting for them, which promotes a sense of empowerment and self-determination.

It may encourage crucial moral and political discussion. They offer a framework for talking about and debating what natural rights are and how they should be used. This discourse promotes societal attitudes and conventions about human rights and individual liberties, informs policy discussions, and shapes public opinion. (Reidy, 2022)

In conclusion, the theoretical justification of natural rights is important because it provides a moral framework, affirms the universality and inalienability of rights, places restrictions on governmental power, direct legal and political frameworks, empowers individuals, and stimulates moral and political discourse. These arguments support the acknowledgement and defense of natural rights, fostering a more equitable and rights-respecting society.

Critical analysis

Natural rights theoretical basis has been the focus of in-depth critical examination, with academics and philosophers giving a variety of critiques and opposing viewpoints. Here are some important criticisms and critical evaluations of the natural rights theory.

Lack of Objectivity and Universality

The theoretical grounds of natural rights are frequently criticized for relying on irrational or abstract ideas. The moral intuition approach, for instance, is criticized for assuming a shared moral intuition among people that may not be universal or constant across many cultures and countries. (Leib, 2009) This calls into question whether or not natural rights are applicable in all situations.

Foundationalism and Essentialism

Another criticism revolves around the foundationalist and essentialist nature of natural rights theory. (Reidy, 2022) Critics argue that the search for an objective foundation or essential characteristics that ground natural rights can be problematic. (Leib, 2009) They assert that natural rights might not have a firm, universal basis but instead arise and change as a result of social and cultural processes. This argument casts doubt on the idea that natural rights have a single, eternal foundation.

Social Construction of Rights

Natural rights theory is also criticized by academics for ignoring how rights are created in society and throughout history. (Raz, 1988) They contend that within particular social, cultural, and political circumstances, rights are formed and contested rather than being inherent in people. This criticism places special emphasis on how social structures, power relationships, and historical circumstances have influenced how rights are recognized and upheld.

Conflict and Trade-offs

Critics draw attention to the difficulties in settling disputes and making compromises between various basic rights. They contend that the natural rights approach frequently fails to offer precise instructions on how to prioritize rights that clash or deal with circumstances in which the enjoyment of one right infringes upon another. (John Trent, 2018) This criticism argues for a more complicated strategy that takes into account the trade-offs and complexity involved in the achievement of rights.

Lack of Practical Guidance

Some detractors contend that the theoretical foundations of natural rights do not offer sufficient practical direction for resolving issues and conundrums encountered in everyday life. (Reidy, 2022) They argue that by concentrating just on theoretical foundations, we risk ignoring the difficulties of actually enforcing and defending rights, as well as the necessity of context-specific techniques and concerns.

Cultural Relativism and Pluralism

The conflict between cultural relativism or pluralism and the doctrine of natural rights has drawn criticism. They contend that placing too much emphasis on universal rights may obscure the variety of cultural norms and values, thereby resulting in the imposition of Western-centric viewpoints on non-Western societies. (Maxwell, 1975) This criticism emphasizes the value of intercultural communication and comprehension while debating the rationale for natural rights.

It is important to note that these criticisms do not minimize the value or significance of natural rights. Instead, they help to clarify the necessity for continual discussion and the investigation of alternative viewpoints by advancing a more sophisticated and critical grasp of the theoretical justifications. (John Trent, 2018)

Conclusion

Natural rights have strong theoretical explanations that offer helpful frameworks for comprehending their origins and legality. (Hardwick, 2012) Diverse viewpoints on the justification of human rights are presented by the natural rights theory, Social Contract theory, and dignity-based approach.

According to the natural rights doctrine, people have human rights by being human. These rights are seen as universal and unalienable, and they are based on the idea of human dignity. Different explanations for the existence of these rights are offered by the moral intuition approach, the human nature approach, and the Social Contract approach. According to the Social Contract hypothesis, people willingly join into a Social Contract to create a governing body that upholds their rights. This viewpoint places a strong emphasis on the mutually beneficial relationship between the people and the government, with the government's duty to protect human rights. According to the dignity-based perspective, every human being has equal moral standing and inherent worth. It promotes the idea of respect for all people and emphasizes the significance of human dignity as a fundamental principle for human rights.

Although these logical explanations give natural rights a theoretical foundation, it is crucial to recognize that different cultures, legal systems, and philosophical traditions may have different interpretations of what human rights are.

Finally, the rationales for natural rights provide a framework for debating, examining, and advancing the notion of universal human rights. (John Trent, 2018) They add to the current conversation about the defense and advancement of human rights by highlighting the intrinsic worth and dignity of every person.

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