

ETHICAL THEORY

The Nature of Rights

As you read the material for our next class, keep the questions below in mind. To answer these questions you will have to reflect critically on what you have read and possibly re-read important passages. Keep in mind that there are two basic kinds of information that you need to look for in the reading:

1. What are the main points or conclusions that an author accepts with respect to a particular issue?
2. What are the reasons, important considerations, and evidence that lead the author to accept that conclusion?

For our purposes, *it is information of the second sort that will be our primary concern* since our most basic task is to *evaluate the reasons and evidence* that are offered to support accepting one possible conclusion about an issue, rather than another.

Although I strongly suggest that you write out brief answers to these questions, you do not have to turn in written responses. You do, however, need to be prepared to speak intelligently about these issues at our next class meeting.

Reading

- Shelly Kagan, *Normative Ethics*, "Rights".

Questions

1. Generally speaking, what does it mean to have a right? For instance, why would it make more sense to say that an animal had a right than a table has a right?
2. Explain the differences between the following kinds of rights:
 - A. General versus special,
 - B. Negative versus positive, and
 - C. Natural versus conventional.
3. In what ways can consequentialism at the level of factors endorse rights? In what ways can they not endorse them? What about deontology at the level of factors? What is the relationship between deontological rights and constraints?
4. Must rights be absolute? What four or five other properties does Kagan suggest are often also ascribed to rights?
5. How does Kagan's discussion of all these issues substantiate his claim that "talk of rights . . . is horrendously *ambiguous*"?