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ITETHIC

Book: Contemporary Moral Problems

Title: Chapter 1: Ethical Theories (Ronald Dworkin: Taking Rights Seriously)

Internet Reference:

<http://www.amazon.com/Contemporary-Moral-Problems-James-White/dp/0534517242>

Learning Expectations:

To know why I should take my rights seriously

To learn much more about rights

Quote:

“The institution of rights against the Government is not a gift of God, or an ancient ritual, or a national sport. It is a complex and troublesome practice that makes the Government’s job of securing the general benefit more difficult and more expensive, and it would be a frivolous and wrongful practice unless it served some point.”

Book Review:

From the previous chapter, Joel Feinberg’s *The Nature and value of rights*, I learned the basic value of right. A brief background of rights encouraged me to practice them responsibly. The Constitution as implemented by the Government provides laws to maintain balance and justice to the entire population. There might be some people that will experience the flaws of law, but all in all, it is for the betterment of the many. People have the right to protest to some discrepancies of the law, but people must bear in mind the consequences and other possible effects of a rally. Militant groups here in the Philippines are stereotypically labeled as “enemies” of the government. This is not how it should be. We are all created equal in the eyes of God. All of us must be advocates of peace. Worse comes to worst we must achieve peace in the least violent way. Hostility never resolves anything, as much as war does.

What I have learned:

As the title of this reading says, I’ve valued my rights seriously.

Integrity Questions:

1. Does Dworkin's claim of the strong sense still plausible in today's society?
2. What are your claim-rights?

Review Questions:

1. What does Dworkin mean by right in the strong sense? What rights in this sense are protected by the U.S. constitution?

- Dworkin means that we should not interfere someone who has the right to do something. Dworkin gave the example, *"The claim that citizens have a right to free speech must imply that it would be wrong for the Government to stop them from speaking, even when the Government believes that what they will say will cause more harm than good"*.

2. Distinguish between legal and moral rights. Give some examples of legal rights that are not moral rights, and moral rights that are not legal rights.

- Legal rights are bounded by the law while moral rights are bounded by morality and conscience. Example of a legal right that is not a moral right would be the right of people to sentence death to a convict. An example of a moral right that is not a legal right is the right to help the needy and donate to charitable institutions.

3. What are the two models of how a government might define the rights of its citizen? Which does Dworkin find more attractive.

- As Dworkin proposed, the two models are as follows,

- *"The metaphor of balancing the public interest against personal claims is established in our political, and judicial rhetoric, and this metaphor gives the model both familiarity and appeal...the first model is a false one, certainly in the case of rights generally regarded as important, and the metaphor is the heart of its error."*
- *"The second is the more familiar idea of political equity. This supposes that the weaker members of a political community are entitled to the same concern and respect of their government as the more powerful members have secured for themselves, so that if some men have freedom of decision whatever the effect on the general good, then all men must have the same freedom."*

Dworkin favors the second model.

4. According to Dworkin, what two important ideas are behind the institution of rights?

- *“The institution of rights rests on the conviction that this is a grave injustice , and that it is worth paying the incremental cost in social policy or efficiency that is necessary to prevent it.”*

Discussion Questions:

1. Does a person have a right to break the law? Why or why not?

- No, all laws have very good reasons why they were implemented in the first place. It is for the benefit of the society.

2. Are rights in the strong sense compatible with Mill’s utilitarianism?

- Not necessarily because choosing not to interfere to a person who is doing something that you think is not right doesn’t necessarily mean that it is for the benefit of the majority.

3. Do you think that Kant would accept rights in the strong sense or not?

- Yes because I think Kant believes in neutrality.