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978-1-107-01098-7 - *An Introduction to Rights*: Second Edition

William A. Edmundson

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## AN INTRODUCTION TO RIGHTS

SECOND EDITION

*An Introduction to Rights* is an accessible and readable introduction to the history, logic, moral implications, and political tendencies of the idea of rights. It is organized chronologically and discusses important historical events such as the French Revolution and the abolition of slavery in the American South. It deals with historical figures, including Grotius, Paley, Hobbes, Locke, Bentham, Burke, Godwin, Douglass, and Mill and covers contemporary debates, including consequentialism versus contractualism. Hohfeld's notoriously slippery distinctions among rights are lucidly explained by the use of examples.

Rights come in various types – human, moral, civil, political, and legal – and claims about who has a right, and to what, are often contested. What are rights? Are they timeless and universal, or merely conventional? How are they related to other morally significant values, such as well-being, autonomy, and community? Can animals have rights? Can fetuses? Do we have a right to do as we please so long as we do not harm others? Professor William A. Edmundson addresses these issues from both philosophical and legal perspectives.

As an undergraduate text, *An Introduction to Rights* is well-suited to introductions to political philosophy, moral philosophy, and ethics. It may also be used in courses on political theory in departments of political science and government and in courses on legal theory in law schools.

William A. Edmundson is Regents' Professor of Law and Philosophy at Georgia State University. He is the author of *Three Anarchical Fallacies* (Cambridge), co-editor of *The Blackwell Guide to the Philosophy of Law and Legal Theory*, and a subject editor for *The Stanford Encyclopedia of Philosophy*.

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*For Gloria Kelly, friend and guide*

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## Preface to the First Edition

This book is an introduction to the subject of rights. I hope it will interest general readers, but it is aimed at upper-level undergraduates and postgraduates pursuing studies in ethics, moral philosophy, political philosophy, law, legal philosophy, jurisprudence, political science, political theory, or government. At a level of detail appropriate to an introductory book, it covers the history, formal structure, philosophical implications, and political possibilities and tendencies of the idea of rights.

It is impossible to understand what rights are without having a sense of their development over time, but the goal here is to bring current controversies into focus and to indicate the likely direction of further discussion about the proper role of rights in our moral and political thinking. The most important of these controversies have been taking place on two planes: one plane being that of global politics and political philosophy in the widest sense, the other being a narrower plane on which legal philosophers have investigated the logic of the concept of rights. My aim has been to discuss the substantive concerns of political philosophy and the conceptual concerns of legal philosophy in a way that illuminates both.

One particular matter I hope this method illuminates has to do with understanding two different, though related, functions of rights – that is, rights as *prohibitions* and, contrastingly, rights as *permissions*. The former role of rights has predominated in traditional discussion: rights serve to endow individuals with a kind of “moral armor” protecting them from encroachments by political authority. The latter role, rights as permissions, emphasizes the importance of the moral “breathing room” that rights allow the individual, in which she may pursue projects of her own choosing, whether or not these are responsive to the demands that morality would otherwise impose upon her. The individual’s antagonist here is not political authority so much as it is morality itself. In the former role, rights *prohibit* others from doing things to the individual for any reason whatever; in the latter, rights *permit* the individual to ignore demands that would be made of her from a disinterested moral viewpoint.

There are other dimensions of the subject of rights that I bring into the discussion here. One has to do with what could be called the metaethics of rights – that is, the philosophical presuppositions that underlie the very idea that rights exist. This dimension is capable of illuminating the other dimensions to at least some degree, as the book suggests. But an integrated understanding of these differing dimensions – much less, a complete understanding of any one of them – is beyond the grasp of this “Introduction to Rights.” The Bibliographical Notes discuss my sources and suggest further reading.

I wish to thank the following: Andy Altman, Brian Bix, Clark Emerson, Martin Golding, Neil Kinkopf, Matt Kramer, Peter Lindsay, Chuck Marvin, Keith Poole, and two anonymous reviewers for Cambridge University Press, for commenting on the manuscript; participants in my rights seminars in 1999 and 2000, for their insights and patience; Jeremy Waldron, for strategic guidance at an early stage; and Terry Moore of Cambridge University Press, without whose encouragement this book would not have been possible. I am also grateful to my research assistants, Keith Diener, Wendi Armstrong, and Victoria Watkins, and to Christine Nwakamma, for help in preparing the final manuscript. The errors and omissions that remain in this book are my fault alone: but for the generous help of others there would have been more.

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## A Note on the Second Edition

This edition expands the discussion of several topics. The story of rights cannot be told without mentioning slavery, but the story is more complicated than what I told earlier. That has been corrected, particularly with regard to the American road to abolition. More needed saying about distributive justice and rights to the good things of Earth. More also needed saying about how rights and responsibilities are related. The recommendations for further reading have been updated. Finally, numerous errors of detail and expression have been fixed – though others surely remain.

This is a short book, but life is short, too. Although the book is organized chronologically, each chapter is meant to stand on its own. The Index is thorough enough to allow the selective reader to navigate easily: it has been updated for this edition with the help of my research assistant, James DiGiovanni.

I want to thank John Berger for proposing this second edition, and Brian Bix for taking the trouble to pore over yet another version of the manuscript.

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## A Note on Citation Form

To facilitate smooth reading, I have not used footnotes or endnotes, and I have slightly modified the author-date system to document my sources. Wherever it is obvious in the text which work and what author I am quoting or citing, I have simply provided a page number in parentheses. Wherever the context leaves it unclear which work or what author I am referring to, I have given a full author-date citation, in accordance with *The Chicago Manual of Style* (15th ed.). I have also included a section of Bibliographical Notes before the References.

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