

when he refers to that "which would promote the best life of the whole" as the "maximization of our being."²⁵ But the utilitarians and idealists have in common that, in contrast to the *PGC*, they assign a subordinate role to the rights of persons, making them derivative from, because instrumental to, duties toward the social whole. This contrast has many further implications for the status of human rights as well as for the whole question of the proper relation of rights to social duties and responsibilities. I cannot go further into this question here. But it is the derivative position of rights that differentiates utilitarianism from principles like the *PGC* that directly base rights on the action-needs of persons. And it is because of this difference that utilitarianism can provide only accidental justifications for moral rights.

Gewirth NOMOS XXIV (1982)
APPENDIX: REPLIES TO SOME CRITICISMS

My essay "The Basis and Content of Human Rights" was published in NOMOS XXIII: *Human Rights* (1981) together with three sets of comments by Richard B. Friedman, Martin P. Golding, and Arval A. Morris. Because that essay and the issues raised by the comments also figure in my present paper in this volume of NOMOS, and because the issues are, I believe, of considerable independent importance, I have thought it worthwhile to present the following response.

In my essay, and more fully in my book *Reason and Morality*, I argued that every actual or prospective agent must hold, on pain of contradiction, that he has rights to freedom and well-being because these are the necessary conditions of his action and of his successful action in general. The rights are, so far, prudential, not moral, in that the justifying ground on the basis of which the agent claims them for himself consists in his own agency-needs as required for his pursuit of his own purposes. Only through a subsequent step do the rights become moral, where a "moral" judgment or claim is defined as one whose maker is concerned to uphold the interests of other persons as well as of himself. This further step is accomplished by showing, through the principle of universalizability, that the agent must

admit that all other prospective agents have the rights he claims for himself.

The main argument for every agent's having to hold that he has the prudential rights to freedom and well-being is as follows. As an agent, he regards the purposes for which he acts as good on whatever criteria (not necessarily moral ones) are involved in his purposes. Hence, he must regard his freedom and well-being, the necessary conditions of his acting for purposes, as necessary goods, so that he implicitly accepts (1) "I must have freedom and well-being" (where this "must" is practical-prescriptive and not merely a dispassionate means-end locution). Now suppose the agent were to deny or reject for himself the statement (2) "I have rights to freedom and well-being." Then, because of the correlativity of rights and strict "oughts," he would also have to deny (3) "All other persons ought at least to refrain from removing or interfering with my freedom and well-being." By virtue of denying (3), the agent would have to accept (4) "It is not the case that all other persons ought at least to refrain from removing or interfering with my freedom and well-being." Hence he would also have to accept (5) "Other persons may (i.e. It is permissible that other persons) remove or interfere with my freedom and well-being." And by virtue of accepting (5), the agent would have to accept (6) "I may not (i.e. It is permissible that I not) have freedom and well-being." But (6) contradicts (1) above. Since every agent must accept (1), he must reject (6). And since (6) is entailed by the denial of (2), it follows that every agent must reject that denial; so that he must accept (2) "I have rights to freedom and well-being."

Professor Golding presents two main objections to this argument. First, he holds that the very idea of a prudential right does not make sense; he says, "I must confess I haven't grasped" what the term means (p. 169). Now I find this somewhat surprising. At least since Kant (if not Hobbes and Plato) the idea of a prudential "ought" has been familiar in philosophy. It signifies the requirements a person must fulfill (or thinks he must fulfill) with a view to furthering his own self-interest or achieving his own purposes. Such an "ought" is prudential because its justificatory basis or criterion is prudential, consisting in the person's self-interest or achieving his own purposes. Why,

then, shouldn't this also be the case with the term "a right" (used in the substantive rather than the adjectival sense)? A prudential right, then, is, or is set forth as, a justified claim or entitlement whose justificatory basis or criterion is likewise prudential, in that it is based on a person's furthering his own self-interest or the conditions of his fulfillment of his own purposes. It is in this sense that I have held that every agent must hold that he has prudential rights, i.e. rights to have the necessary conditions of agency. He bases this claim on his own agency-needs, not on the needs or purposes of other persons, including the persons to whom he addresses his right-claim.

It is indeed the case that right-claim imply demands or requirements on other persons, that they at least not interfere with the claimant's having the Objects to which he claims a right. But this is also true of prudential "oughts"; in fact, because these *are* requirements that are based on the speaker's own self-interest or his pursuit of his own purposes, they also imply demands on his part that other persons at least not interfere. In this regard, prudential "oughts" as uttered by some person on his own behalf are at least partially correlative with prudential right-claims.

That this concept of a prudential right makes perfectly good sense can be seen in several other related ways. It is well known that there are legal rights as well as moral ones, the initial difference between these being that they are grounded, respectively, in legal and in moral justificatory bases or criteria. And as I have shown in some detail, there are also intellectual or logical rights grounded in intellectual or logical justificatory bases or criteria (*Reason and Morality*, pp. 69–71). Hence, since prudence—the agent's self-interest or pursuit of his own purposes as such—is a quite distinct basis of normative discourse and valuation, it also provides a distinct justificatory basis of rights and right-claims. This is not to say that all such rights are conclusively valid or definitive, any more than legal rights are. But there are at least prudential right-claims, in that prospective agents hold that they are entitled at least to non-interference with the necessary conditions of their agency. In all these different contexts, moreover, the expression "a right" is not equivocal, any more than the word "good" is equivocal when it is applied with different criteria to different kinds of objects. In

each case the rights in question are, in Hohfeld's classification, claim-rights in that they are, or are set forth as, justified claims or entitlements entailing correlative duties to forbear or assist.

A further reason why the concept of a prudential right should not provoke in Golding the shock of nonrecognition is that many of the traditional objections to rights-talk (and hence to the concept of a right) have been based on the view that rights as standardly asserted or claimed are egoistic or self-centered. Thus Marx wrote: "the so-called right of man . . . are simply the rights of a member of civil society, that is, of egoistic man, of man separated from other men and from the community. . . . None of the supposed rights of man, therefore, go beyond the egoistic man, man as he is, as a member of civil society; that is, an individual separated from the community, withdrawn into himself, wholly preoccupied with his private interest and acting in accord with his private caprice."²⁶ While there is much in this criticism that I do not accept, it shows that at least the *concept* of prudential rights, of rights as being founded on self-interest or the agent's pursuit of his own purposes, is far from novel.

A very large part of Golding's failure to understand the concept of a prudential right stems from his apparent belief that all rights are moral ones. He correctly notes that the starting-point of my argument is morally neutral so that it applies to all agents, including, as he puts it, "the prudent, self-interested agent who is a rational amoralist" (p. 167). From this, Golding concludes that the prudent moralist "does not use" such terms as "rights": "the term 'a right' does not occur in his basic language. The amoralist, so to speak, does not play in the moral ballpark" (pp. 167–168). The error Golding makes here is that of thinking that the concept of rights occurs only "in the moral ballpark." Strictly interpreted, this would rule out not only legal rights (which differ in important respects from moral ones) but also intellectual as well as prudential rights. He does not see that prudence also supplies, at least for each prudent agent (including the amoralist), a justificatory (although not moral) basis or criterion on which the agent may set forth various right-claims.

Golding says that "before the prudent amoralist can begin to speak the language of rights at all," a certain addition is

required: an appeal to "mutual cooperation and mutual undertakings" (p. 169). He gives as an example a case where "a group of prudent amoralists want to accomplish a task that requires their mutual cooperation" (p. 168), so that they "agree" on certain rules on the basis of which they claim "rights." But Golding is simply mistaken if he thinks that explicit or even tacit agreement on rules or other normative considerations is a necessary condition for the assertion of rights. As I have shown in some detail in *Reason and Morality* (pp. 74–75), right-claims may be addressed to persons with whom one has, or has made, no such agreements. Familiar examples are the claims of rights made by slaves against their masters, the claims made by South African blacks against the exponents of apartheid, and so forth. The whole modern and contemporary drive for human rights in countries whose rulers disavow or violate them is proof that "mutual cooperation and mutual undertakings" are far from being necessary conditions of the intelligibility of right-claims.

In my discussion of the argument presented above (from the agent's regarding his freedom and well-being as necessary goods to his holding that he has rights to them), I gave three reasons why the argument is valid only when it proceeds by the dialectically necessary method, whereby the agent uses first-person discourse from within his own conative standpoint in purposive action. Golding maintains that none of these three reasons succeeds in establishing that the prudential amoral agent must use rights-language or claim rights for himself. But here too Golding is mistaken, largely from the same cause as before: that he confines all rights to moral ones.

I shall take up each of the three points in turn. First, when the agent says, "My freedom and well-being are necessary goods," this statement of his is prescriptive in that "it carries *his* advocacy or endorsement" (p. 128; emphasis added); that is, he is advocating that *he* have freedom and well-being. On this point, Golding says that he does not see how this statement prescribes anything *for someone else*. Does the agent have a 'moral gun' in his recipient's back?" (p. 170; emphasis added). Here, Golding makes two false assumptions: that all prescriptive language must be "moral," and that it must always prescribe "for someone else" besides the speaker. In the first instance, the agent is advocating for himself. He is also prescribing *to* other

persons. But there is this difference between prescribing *to* and prescribing *for* other persons: the latter, unlike the former, suggests that the other persons recognize or accept the prescription or rules on which it is based or at least the authority of the prescriber. This is indicated by Golding's example of the patron in a restaurant telling the waiter he wants a cup of coffee (p. 170). But when the agent advocates his having freedom and well-being and hence prescribes *to* other persons that they at least not interfere with his having these necessary goods, he is not necessarily assuming that the other persons will accept his demand or normative rules on which it is based, any more than slaves who claim the right to freedom necessarily assume that their masters will recognize their authority to make the claim. All the agent can strictly assume is that the other persons also accept the criteria of deductive and inductive reasoning and that, as prospective agents, they have the same general conative motivations as characterize all agents. Hence, they are capable of understanding and respecting his prudential right-claim; but there is, so far, no assurance that they will in fact comply with it (see *Reason and Morality*, pp. 74–75). Further steps are needed for this purpose.

Second, when I say that the agent's statement about the necessary goods must imply a claim on his part against other persons, Golding objects that this would constitute "an abandonment of moral neutrality by the amoralist," so that his demand that other persons not interfere with his freedom and well-being "is not a claim being made as a matter of right" (p. 171). This objection is incorrect, because the right-claim the agent makes against other persons is not yet a *moral* one, so that in making it he does not abandon moral neutrality.

The third point at issue here concerns my contention that the agent, by virtue of holding that freedom and well-being are necessary goods for him, must hold that these goods are due to him, so that he is entitled to them from within his own conative standpoint in purposive agency. Since Golding recognizes no standpoint for right-claims other than a moral one, he says: "I frankly am at a loss to understand what 'due to' could possibly mean here. I cannot see how any entitlement enters into the picture, even on—and perhaps especially on—a prudential criterion" (p. 171). Golding is unaware that prudential criteria

as well as moral criteria may serve to ground right-claims. The agent's prudential standpoint in purposive action provides for him a ground of entitlement such that, from within this standpoint, he regards as his due whatever is required for his being an agent (see *Reason and Morality*, pp. 68–73). It is simply arbitrary to reject such a prudential basis as a ground for right-claims and to hold that they are confined to moral criteria, just as it would be obviously false to hold this in the case of "oughts."

I turn now to Golding's second main objection to my argument. This objection is in two parts. First, in my argument as spelled out above, he holds that "it is far from certain" that step (6) ("I may not have freedom and well-being") "really does contradict" step (1) ("I must have freedom and well-being").²⁷ His reason for doubting that I have established a genuine contradiction, as my argument requires, is that the "must" in (1) is "a nonnormative 'must,'" while the "may" in (6) is "the normative 'may' of moral license" (p. 172). But here, Golding is wrong on both counts. The "must" in (1) is normative: it sets forth a practical requirement which the agent endorses because of his conative attachment to the generic features of his action (see *Reason and Morality*, p. 79). It is irrelevant to say, as Golding does, that this "must" "is hardly prescriptive for some other person"; rather, it is prescriptive to other persons in that it sets forth a requirement at least of other persons' non-interference with the agent's freedom and well-being. And the "may not" in (6) is also normative, but it is not the "may" of "moral license"; rather, it sets forth as permissible the precise negation of what (1) sets forth as normatively necessary or mandatory. Its criterion is prudential, not moral. Indeed, as is required if (1) and (6) are to contradict one another, the criteria of the 'must' and the 'may' are the same, consisting in the agent's own requirements for agency (see *Reason and Morality*, page 81).

In the other part of his second main objection, Professor Golding makes a very acute point. He distinguishes between strong and weak denials of a rights-claim, where a weak denial does not entail "that some other rights-claim or normative claim is true" (p. 172). He then says that when the agent denies (2) "I have rights to freedom and well-being" and hence also denies (3) "All other persons ought at least to refrain from removing or interfering with my freedom and well-being," he is not

thereby logically required to accept (4) "It is not the case that all other persons ought at least to refrain from removing or interfering with my freedom and well-being." For, Golding holds, the prudent amoralist agent should be construed as at most making a weak denial of (2), so that he is not logically committed to accept (4). Indeed, "the prudent amoralist neither asserts nor denies any rights-claim . . . because the terminology of 'rights' is not part of his vocabulary" (p. 173).

The first thing I want to say about this objection is that it is precisely the same as one I presented against myself in *Reason and Morality* (p. 89):

This objection is that the agent need make no right-claim or 'ought'-judgment at all, either positive or negative. He need not accept either statement (3) given above or its negation (4), for he might be an amoralist who disavows for himself all uses of moral or deontic concepts. Thus, in refusing to assert such a judgment as (2) "I have rights to freedom and well-being" and hence also (3) "All other persons ought at least to refrain from interfering with my freedom and well-being," the amoralist agent would not thereby have to accept (4) "It is not the case that all other persons ought at least to refrain from interfering with my freedom and well-being." . . . For, as an amoralist, he would deny that concepts like "ought" and "right" have any valid application, at least in his own case. . . . (Hence, any statement he might make) would not involve him in the contradictions elicited above, for these all depended on the agent's having to accept the negative "ought"-judgment (4).

This objection raises the following very important question: Can a prudent amoralist agent logically dispense with, or reject for himself, all normative concepts, including deontic ones like "ought" and "rights"? It is Golding's affirmative answer to this question that underlies most of his criticisms of my whole argument. His objection, and my own just given, would be conclusive if the answer to this question were indeed affirmative. But, in fact, the answer is negative. I have shown this in some detail in *Reason and Morality*, pp. 89–95,²⁸ and the reader is invited to consult the extensive argument I have presented

there. (Indeed, the whole section entitled "Generic Rights and Right-Claims," pp. 63-103, deals in detail with the issues discussed in this Appendix.)

I have space here to present only the barest summary of the argument. First, if something *Z* threatens the prudent amoralist's basic well-being (for example, his life) and he believes both that the necessary and sufficient condition of his avoiding *Z* is his doing *X* and that he can do *X*, then he will accept for himself such a prudential and prescriptive 'ought'-judgment as (7) "I ought to do *X*." He must accept this "ought" for himself because it signifies the practical requirement which he must acknowledge because of his commitment to maintaining his basic well-being and hence the necessary condition of his being an agent. He could reject this "ought" only if he were not even minimally rational or conatively normal, but this would contradict the idea that he is a prudent agent. Hence, every agent, even an amoralist, must accept for himself the use of a deontic concept setting forth a practical requirement for his action based on his own prudential purpose.

Now by virtue of his accepting (7), the agent must also accept (8) "I ought to be free to do *X*." For without at least the negative freedom of absence of interference, he cannot carry out the requirement he has accepted in (7), that he do *X*. And, because of the meaning of "free," (8) in turn entails (9) "All other persons ought at least to refrain from interfering with my doing *X*." Hence, the rational amoralist agent must also accept (9). Since, moreover, one sole reason for which he accepts the requirement that he do *X* is that this is the necessary and sufficient condition of preserving his basic well-being, (9) here entails (10) "All other persons ought at least to refrain from interfering with my basic well-being." Here, as before, the "ought"-judgments (9) and (10) are prudential ones in that they are concerned to further the interests or purposes not of the judgments but rather of the agent who addresses the judgments to those subjects.

In this way, then, I have argued that every agent, including the prudent amoralist, must accept for himself the use of the deontic concept "ought," not only a self-directed one as in (7), but also other-directed ones as in (9) and (10). From these, in

turn, it follows that he must accept for himself the concept of a right. For in (10) he holds that noninterference with his basic well-being is a requirement whose fulfillment is owed to him by all other persons because of the necessity of such noninterference for his continuing to be at least a prospective agent capable of achieving his purposes. Although not all "ought"-judgments entail or are correlative with rights-judgments, the correlativity holds when the person making the "ought"-judgment regards it as setting for other persons duties that they owe to him. For when duties are owed to him, he has a right to their performance or to compliance with them. Now the agent regards in this way the "ought"-judgment that other persons ought at least to refrain from interfering with his basic well-being. For he does not view the judgment as stating merely an obligation that has some general ground not related to himself; rather, the "ought" in question prescribes the fulfillment of what is necessary to his being a purposive agent.

To see how this point logically involves the concepts of "due" and "owed," we must first recall that these concepts are not confined to specific transactions or relationships; they also apply to the sphere of general rights, such as those of freedom and well-being. Also, these concepts, as well as "rights," are not antithetical to the purview even of the prudent amoralist, because their criterion is here prudential, not moral. We must next note that there is a more general reason, deriving from the nature of rights, as to why he must use such deontic concepts. Every claim-right is based on a Justifying Ground which establishes that the Subject's having a certain Object is required or mandatory, and that for this reason other persons have correlative duties which they owe to the Subject. Whenever there is such a Justifying Ground, the concept of a claim-right is logically called for. Now for any agent as such, including the prudent amoralist, there is a Justifying Ground which consists in the conditions needed for his being an agent, these conditions including especially his basic well-being. So long as he is an agent and intends to continue to be one, the necessary conditions of his being an agent constitute for him the Justifying Ground for requirements whose fulfillment by other persons he must regard as owed to him, because these conditions are constitutive

of the very standpoint from which he proceeds as an agent. Hence, every prospective agent must hold or accept that he has a right to these conditions.

It will not do to say that the prudent amoralist agent accepts no Justifying Grounds. For, as we have seen, he must accept the idea of requirements both on his own actions and on those of other persons so long as he is even minimally rational and conatively normal. And the idea of a requirement logically involves the idea of a Justifying Ground as the basis of the requirement.

What follows from this point is that there is a strict "ought," in the sense of what is due or owed, in the prudent amoralist's statement (10) "All other persons ought at least to refrain from interfering with my basic well-being." Hence, (10) entails (11) "I have a right to basic well-being." This is, of course, an essential part of (2) "I have rights to freedom and well-being." That the prudent amoralist logically must accept the remainder of (2) can be shown by the same sorts of arguments as led to his having to accept (11). Thus even an amoralist must accept that he has prudential rights to freedom and well-being.

What I have tried to establish by this argument, then, is that the prudent amoralist logically cannot dispense with, or reject for himself, all normative concepts and, more specifically, deontic concepts like "ought" and "rights," because he must use these concepts to express the requirements—justified from his prudential standpoint—that must be satisfied if he is to fulfill his own needs of purposive agency. In all this he remains, so far, within his own prudential context; he can use these concepts without having to accept moral criteria. This disposes of the remainder of Golding's objection.

Both Richard Friedman and Arval Morris raise questions about the equal distribution of human rights according to my theory with its Principle of Generic Consistency. Friedman contends that I have not shown why a rational prudent agent "must stake his claim to rights to freedom and well-being on the ground of their necessity," as against "a wide variety of possible and indeed well-known grounds for rights," including "individual merit of desert" (pp. 152–153)—grounds that would logically support an unequal rather than equal distribution of rights. And Morris similarly asserts that I am "committed to an

elitist conception of human rights" because my theory assigns rights not simply to all "humans" as such but rather to "persons" who are agents, and it holds "that the degree of human agency present in a human being at any given time determines the number and character of human rights that the human being has at that time" (pp. 160, 161).

I have dealt with this question in considerable detail in *Reason and Morality* in the whole section entitled "The Criterion of Relevant Similarities" (pp. 104–128), and much more briefly in "The Basis and Content of Human Rights" (pp. 130–131, 133–134). Friedman is mistaken when he says that I have not shown why a rational agent must base his claim to the generic rights "on the ground of their necessity." Although he does not explain the meaning of this phrase, I assume he is referring to characteristics that necessarily belong to all agents equally, as against more specific, unequally distributed characteristics that are not necessarily had by all agents. In "The Basis and Content of Human Rights" (p. 130), I wrote: "There is one, and only one, ground that every agent logically must accept as the sufficient justifying condition for having the generic rights, namely, that he is a prospective agent who has purposes he wants to fulfill." The reason for this is that if the agent were to hold the position that he has these rights only for some more restrictive reason R (such as merit, race, or profession), then he would contradict himself. For, according to this position, if the agent were to lack R, he would have to accept for himself, "I do not have the generic rights"; but it has previously been shown that every agent *must* accept for himself, "I have the generic rights." Since this latter statement logically must be accepted for himself by every agent, he can avoid contradicting himself only by giving up the position that his rights are grounded on some criterion R that is more restrictive than his simply being a prospective purposive agent. And since this latter characteristic belongs equally to all agents, the distribution of the generic rights that follows from it is likewise an equal one.

Although it is true, as Morris points out, that humans differ in their abilities of agency, this does not entail an unequal distribution of the generic rights. For the ground on which each agent claims the generic rights for himself is not simply that he has the abilities of agency, but rather that he is a prospective

agent who has purposes he wants to fulfill; and this "is an absolute quality, not varying in degree" (*Reason and Morality*, p. 123). "It is not the generic features or abilities of action as a whole that directly lead an agent to hold that he has rights to freedom and well-being; it is rather that aspect of the features or abilities whereby he pursues purposes he regards as good. . . . In relation to the justification for having the generic rights, then, being an agent is an absolute or noncomparative condition. Wherever there is an agent—a person who controls or can control his behavior by his unforced choice with knowledge of relevant circumstances in pursuit of purposes he regards as good—there is an implicit claim to have the generic rights. This claim on the part of the agent is not affected by degrees of practical ability or agency" (*ibid.*, p. 124).

While tragic cases like Karen Anne Quinlan do indeed have a marked decrease in the generic rights because of their total lack of the abilities of agency, and there is a similar proportionality for mentally deficient persons who do not have the abilities of agency to the extent indicated in my above definition of an agent, such proportionality or degrees of having the generic rights do not pertain to persons who fulfill the above definition. The definition, and hence the characteristic of being an actual or prospective agent, applies to all normal humans, i.e. persons who can control their behavior in the ways indicated. (See also *Reason and Morality*, pp. 140–145).

Morris also has another objection to my theory, but it is based on the mistaken view that the agent, according to my argument given above, holds that his claim to the generic rights is "morally justified" (p. 164). As I have emphasized in my reply to Golding, however, the agent adduces only prudential, not moral, grounds for his right-claim. The moral justification for human rights occurs only in the subsequent step, when the agent recognizes that the ground on which he claims the rights for himself also applies to all other prospective agents. I have discussed this sequence in *Reason and Morality*, pp. 145–147.

NOTES

1. A shorter version of the present chapter was presented at the annual meeting of the American Society for Political and Legal

Philosophy held January 3–4, 1980, in Phoenix, Arizona. It was written as an invited commentary on David Lyons's essay, "Utility and Rights," an expanded version of which is printed in this volume of *Nomos*. All quotations from Lyons are from this chapter.

2. Alan Gewirth, *Reason and Morality* (Chicago: University of Chicago Press, 1978); "The Basis and Content of Human Rights," *Nomos XXIII: Human Rights*, ed. J. Roland Pennock and John W. Chapman (New York: New York University Press, 1981), pp. 119–147; "Starvation and Human Rights," in K. E. Goodpaster and K. M. Sayre, eds., *Ethics and Problems of the 21st Century* (Notre Dame, Ind.: University of Notre Dame Press, 1979), pp. 139–59; "Human Rights and the Prevention of Cancer," 17 *American Philosophical Quarterly* 117–26 (1980); "Are There Any Absolute Rights?" 31 *The Philosophical Quarterly* 1–16 (1981).
3. It is sometimes argued that the Objects of rights need not be goods or interests of the Subjects of the rights. For example, S. I. Benn says: "I may have rights that are not to my advantage. A right to drink myself to death without interference would not be logically absurd" ("Rights," *Encyclopedia of Philosophy*, ed. Paul Edwards [New York: Collier-Macmillan, 1967], vol. 7, p. 196). For similar arguments, see George P. Fletcher, "The Right to Life," 13 *Georgia L. Rev.* 1372–75 (1979).

These arguments can be answered in at least two ways: assertorically and dialectically. Assertorically, a distinction must be drawn between particular and general Objects of rights. For example, freedom is a general Object and a good, but some particular uses of freedom may not be good. The controverted proposition would then say that the Objects of moral rights are general goods (see my reference below to "generic rights"). Dialectically, the controverted proposition would say that when any person *claims* that he has a right to X, it must be the case that he *thinks* X is a good, at least for himself.

The relation of rights to goods also raises more general questions about deontological theories that hold, for example, that the duty to respect the rights of persons has nothing to do with whether anyone stands to benefit thereby. For a version of such a theory, see H. L. A. Hart, "Are There Any Natural Rights?" 64 *Philosophical Review* 175–91, at 180–82 (1955); and Hart, "Bentham on Legal Rights," in A. W. B. Simpson, ed. *Oxford Essays in Jurisprudence* (Second Series) (Oxford: Clarendon Press, 1973), pp. 171–201. I have briefly discussed this issue in *Reason and Morality*, pp. 75–77. For a more general discussion of deontological moral theories, see A. Gewirth, "Ethics," *Encyclopedia Britannica*, 15th ed. (1974), vol. 6, pp. 976–98, at pp. 990–94.

4. See Gewirth, *Reason and Morality*, chs. 3–4; also “The Basis and Content of Human Rights,” note 2, *supra*.
5. I borrow this expression from H. L. A. Hart, “Are There Any Natural Rights?” 64 *Philosophical Review* 182 (1955).
6. See *Reason and Morality*, pp. 121–25, 141–45.
7. See J. S. Mill, *Utilitarianism*, ch 5. (Everyman’s edition), p. 58.
8. See Hume, *Enquiry Concerning the Principles of Morals*, ed. L. A. Selby-Bigge, sec. III, part ii, pp. 193 ff.; J. Bentham, *Theory of Legislation*, ed. C. K. Ogden (London: Routledge and Kegan Paul, 1928), p. 104; H. Sidgwick, *Principles of Political Economy* (London: Macmillan, 1901), pp. 519 ff.; Sidgwick, *Elements of Politics* (London: Macmillan, 1919), pp. 160 ff.
9. I have argued for this in “Are There Any Absolute Rights?” and “Human Rights and the Prevention of Cancer,” note 2, *supra*.
10. See *Reason and Morality*, esp. pp. 135, 145–50, 164–69, 183–87, 200–206.
11. Examples of these positions can be found in Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), pp. 28–33, 170, 173, 238; and Judith Jarvis Thomson, “Some Ruminations on Rights,” 19 *Ariz. L. Rev.* 49 ff. (1977).
12. See “Human Rights and the Prevention of Cancer,” note 2, *supra*.
13. See “Are There Any Absolute Rights?” note 2, *supra*.
14. *Reason and Morality*, pp. 200–201, 272 ff.
15. J. Bentham, *Introduction to the Principles of Morals and Legislation* (New York: Hafner, 1948), ch. XVI, sec. xxv, pp. 224–25n.
16. *Ibid.*, ch. I, sec. x, p. 4.
17. *Ibid.*, ch. III, sec. i, p. 24.
18. *Ibid.*, ch. I, sec. iv, p. 3. Cf. *ibid.*, ch. IV, sec. v, pp. 30–31.
19. J. S. Mill, *Utilitarianism*, ch. V (Everyman’s edition), p. 50.
20. *Ibid.*

- his letters to the corresponding numbers for the various steps. It should also be noted that the argument given in this Appendix differs slightly from the one given in “The Basis and Content of Human Rights” (p. 129), but the changes make no substantive difference. In the quotation given below from *Reason and Morality*, p. 89, I have also changed the numbers to make the various steps uniform with the version given in this Appendix.
28. I have also discussed this question in detail elsewhere: “Must One Play the Moral Language Game?” *American Philosophical Quarterly* 7 (1970): 107–118.