

## **Ronald Dworkin: Taking Rights Seriously**

### **Review Questions:**

- 1. What does Dworkin mean by rights in the string sense? What rights in this sense are protected by the USA Constitution?**

Dworkin stated that if the people have the right to do something, it follows that it is wrong to get involve with them. This concept of rights according to him rest on the Kantian's idea of treating people with dignity as part of the moral community as well as to the idea of political equality.

The rights that are protected by the USA Constitutions are those rights that are known and agreed upon by their country and by their people. The American provides a set of individual legal rights in the First Amendment, and in the due process, equal protection, and similar clauses

- 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 rights which exist under the rules of legal systems as well as the rights of every citizen in a country. The Legal rights are is likely about human rights which allowed the citizen to have a freedom of speech, equality and due process. However, moral rights are rule by our self. Moral rights are rights that protected by morality or it is the rights that are not written but we built this by our minds. To add, Moral rights are rights that are based from morality and conscience of an individual. It is also called moral rights or inalienable rights, are rights which are not contingent upon the laws, customs, or beliefs or a particular society. One good example is the Mercy Killing. For some it is legal but still for others they consider it immoral.

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

The first model proposes striking a balance between the rights of the individual and the demands of society at large. The first model is believable, and most laymen and lawyers would response to it warmly. The metaphor of balancing the public interest against personal claims is established in our political and juridical rhetoric. It gives the model both familiarity and appeal. The second is more typical idea of political equality. This expects the weaker members of apolitical 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 become more attracted with the second model for way government define the rights of citizens.

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

The two important ideas behind the institution of rights are act of faith by the majorities and minorities will defend themselves as well as justifications of rights.

**Discussion Questions:**

**1. Does a person have the right to break the law?**

Yes, a person have the right to break the law, if man's life is in danger and no choice to do an action that may cause less damage or it can do good to others.

**2. Are rights in the strong sense compatible with Mill's Utilitarianism?**

Yes, I absolutely believe there is strong sense compatible with Mill's utilitarianism because of similar concepts and views discussed in this section as well as Mill's utilitarianism.

**3. Do you think that Kant would accept rights in the string sense?**

I do not think so Kant would accept rights in the strong sense.