

commitment to satisfy as many wants as possible seems a reasonable strategy. But deontologists argue that wants and interests are not equal. They argue that at least some interests are so important to the well-being of an individual that they should not be sacrificed simply for a net increase in the overall happiness. Rights serve to protect these interests from being sacrificed.

Consider the case of downloading and sharing music and movie files over the Internet. A plausible case could be made that we would promote greater overall happiness by adopting a public policy that allowed unlimited and unrestricted downloads. Only a relatively small minority of people, mostly performing artists and producers, would be unhappy. On utilitarian grounds, it would seem that we would best serve the public interest by allowing unregulated downloads. However, the artists and producers would claim that they have property rights that should prohibit such a policy. The interests that the public might have in listening to free music or watching free videos is not on a par with the interests that individuals have in controlling their own property. Rights are sometimes described as "trumps" that override the collective will. They function in this way because they protect certain interests that are more important and central to human well-being than the mere happiness of others. The connection between rights and interests is important because it provides a way for determining which rights we have. By identifying central important interests, and distinguishing them from mere wants, we can determine the range of human rights.

So what rights do we have? The challenge is to develop an account that creates neither too many nor too few rights. Here is another example from my local community. City planners have a blueprint for road construction throughout the area. One of the planned roads would cut through and destroy a rare oak woodland within the city. When the plan was announced, local residents objected to the road on a variety of environmental grounds. The director of the regional planning group answered protesters by claiming that local citizens "have a right to uncongested roads." Surely this theory of rights is too extensive. The connection between rights and duties that we mentioned previously is a good test for this. If rights imply duties, and if people have a right to uncongested roads, then it would seem that someone (local government?) has the duty to provide enough roads to prevent people from ever having to sit in a traffic jam. It is difficult to see how this could be done without wreaking havoc on the well-being of many people by raising taxes, destroying neighborhoods, taking away property, and so on.

This suggests that we do not get "rights" simply by wanting something very badly. (Critics charge that this is a problem with rights-based ethics. It encourages people toward self-centered individualism, trying to privilege their own selfish wants by calling them rights. Anything that someone wants eventually gets called a right and thereby people come to expect society to provide this for them.) But we also don't want to have too narrow a view of rights. Too weak an account, or too few rights, collapses the entire theory toward utilitarianism.

We can at least sketch a general account of rights by returning to the original idea of respect and the elements of autonomy and dignity on which it is