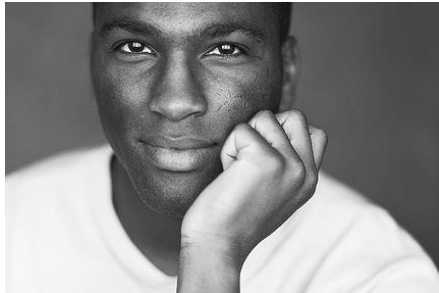


Ethics Tests



Rights Test

Are we respecting human rights?

Recognition of the respect owed to all persons gives a basis for three approaches to deciding right and wrong, the **Rights Test**, the **Everybody Test**, and the **Choices Test**.

You may wish to begin with the discussion of **Rights** on the Markkula Center for Applied Ethics site (www.scu.edu/ethics/ethics-resources/ethical-decision-making/rights). Then return here to see how the Rights Test is operationalized and study the two examples linked at the bottom of the page.

How to use the Rights Test

To use this test, ask

- Are we respecting human rights?

Why is this a valid way to decide right and wrong?

People are familiar with the idea of rights and are quick to use the word to explain

- A claim they have against others
- Why they are entitled to something from society or others
- Why they should be protected from actions that benefit society or others at our expense.



Rights are not an empirical fact of human life and are understood differently in different societies and periods of history. Rights are a way of thinking that recognizes human beings as valuable in and of themselves (intrinsic value), regardless of their physical and mental attributes or position in society, and regardless of what they are worth to others (extrinsic value). Animals also have rights, though most people would claim it is a more limited set.

Rights indicate the freedoms or the material conditions required for this value. Without the ability to express his/her political or religious beliefs, for example, or to vote, (liberty rights), or without food, clothing, health care, education, or employment (welfare rights), an individual human cannot live in a way that expresses that intrinsic value.

None of these rights have any validity, however, if we do not recognize the intrinsic value in human beings. Why recognize that value in others? Because we recognize it in ourselves, and recognize that others are equal to us. If I recognize that I have rights, others must also have rights unless I can explain why they are not entitled to what I am entitled to.

Applying the test

STEP 1: **Identify the right being upheld or violated.**

- Liberty rights, such as the right to property, to free speech, to religion, and so on, are protections against the encroachment of society or other individuals.
- Welfare rights, such as the right to food, clothing, education, health care, and so on, are indications of what we need in order to live a life worth of human beings. Individuals and society may have obligations to help me obtain these if they are available and I have done my part to obtain them.
- An extensive listing of what many take to be essential human rights is contained in the United Nation's Universal Declaration of Human Rights.

STEP 2: **Explain why it deserves the status of a right.**

- Is it essential to the worth of human beings?
- Is it essential to a person's dignity and self-worth?
- What would happen if the individual were denied this right? Would we want that right respected if we were in that person's position?

STEP 3: **Ask whether that right conflicts with other rights or with the rights of others.**

When rights conflict, decide which has precedence by explaining why each right is important and showing the consequences for dignity and self-worth (or freedom and well-being) if the right is not protected. Ethical people can disagree about which right is more important since no ranking principle is universally accepted.

STEP 4: **Draw a conclusion.**

Explain briefly how the Rights principle does or does not apply in this case.

Strengths

Human rights have become a very powerful tool across the world for showing respect for people. Others pay attention when you advance a claim that someone's rights are being violated. Remember, save the rights hammer for the really big issues.

Weaknesses

- Rights are considered by some to be absolute. Rights sometimes conflict with other rights and with the overall good of all those affected. Solving these conflicts means that some rights might have to be subordinated to others and agreement on this may be difficult to reach.
- Many people do not understand there is not a universally recognized list of rights so a person must defend his/her claim that something is a human right.
- Because of its power, the rights test is sometimes applied to situations that are not serious enough to qualify as a threat to a person's rights. This test is not helpful in ordinary circumstances.

Case Examples

For case examples, see

- **“Less Sugar” Marketing** (<http://bit.ly/less-sugar-marketing-case>)
- **Phantom Expenses** (<http://bit.ly/phantom-expenses-case>)

For a page of quick links to move between ethical theories and steps to operationalize these theories, refer to the EthicsOps **Theory + Practice** page (bit.ly/theory-plus-practice).