

and so on. In return, though, we gain freedom from fraud, from misrepresentation of our characters and our doings, from enemy incursions, from civil unrest, from arbitrary risks of panic in crowds. For sure, there will always be difficult cases. There are web sites giving people simple recipes on how to make bombs in their kitchens. Do we want a conception of free speech that protects those? What about the freedom of the rest of us to live our lives without a significant risk of being blown up by a crank? Many feminist philosophers argue that pornographic speech interferes with the freedom of women to live without being the objects of demeaning fantasy. This is an important freedom, for we have several times touched on the way in which the respect we have in the eyes of others is a component of happiness. But how does it stack up against the freedom of others, men and women, to communicate their fantasies, regrettable though those may be? It would be nice if there were a utilitarian calculus enabling us to measure the costs and benefits of permission and suppression, but it is hard to find one.

Ethics

## 15. Rights and natural rights

At the beginning of the last section we noticed how 'We have a right to freedom from . . . ' is not only a good way, but the best way to start a moral or political demand.

Yet it also seems to suggest a recipe for boundless expansion: we can hear people demand, without blushing, a right to freedom from any disadvantage, unhappiness, offence, want, need, disappointment . . . It sounds desirable, until we reflect that the other side of a right in these contexts is a duty: a duty on the legal or political or economic order to protect them from disadvantage and the rest. And then we need to wonder whether it is just too costly, or not even possible, for us to labour under those duties.

The United Nations' Universal Declaration of Human Rights arguably falls into this trap sometimes. In addition to the civil rights

we would presumably all wish to protect, it introduces a number of 'welfare rights'. It says, for example, that everyone has a right to realization of 'the economic, social and cultural rights indispensable for his dignity and the free development of his personality'. This opens the door to just the inflation described: it is not too difficult to argue that dignity and free development require a whole flood of freedoms from this, that, or the other obstacle, right down to such ludicrous rights as freedom from failure to get a job through being unable to perform it.

The language of 'natural rights' has always been prey to this kind of criticism. For example, the Declaration of the Rights of Man and the Citizen of the French Revolution 'resolved to expound in a solemn declaration the natural, inalienable and sacred rights of man'. It maintained that in respect of their rights 'men are born and remain free and equal'. It announced that the final end of every political institution is the preservation of these rights: 'those of liberty, property, security and resistance to oppression'.

## Some ethical ideas

Yet these apparently harmless sentiments aroused a storm of philosophical doubt, partly fuelled by the violent anarchy of the French Revolution itself. Mainly, it is very unclear what 'a natural right' could mean. We can understand rights granted to citizens by law. We might even imagine these growing out of a very primitive society in which people afford each other something akin to rights, by habits of forbearance. Suppose A forbears from interfering with B's space, or from using violence on B, or from soliciting sexual favours from B's partner. And suppose the society would be heavily down on A were he not to forbear. Then we might talk of a convention or even a contract of forbearance, and see the beginning of a network of property rights and other social rights. B can appeal to the group to forbid or punish A's trespass, and by siding with B the others, in effect, confirm his right. But all that presupposes a society. What could exist by way of rights before or independently of a state of society? Would everyone have a right to everything? Or