

TABLE OF CONTENTS

Acknowledgements	vii
Introduction	ix
Chapter 1. The Concept of Rights	1
1.1 Some agreements about rights.....	3
1.2 The moral status of rights	4
1.3 The meaning of having rights.....	8
1.4 Conditions of absence of rights	12
1.5 Summary.....	16
Chapter 2. The Identity of Right-Holders	17
2.1 Some acknowledged characteristics of right-holders	19
2.2 A few remarks on the concepts of possible right-holders.....	21
2.3 Alan Gewirth's theory of rights.....	22
2.4 The priority of a system of rules.....	26
2.5 Melden's theory of rights	29
2.6 The integrated conception of a moral agent	43
2.7 Summary.....	65
Chapter 3. The Withdrawal of Rights	69
3.1 Some related positions regarding the withdrawal of rights	73
3.2 Towards a new conception of the withdrawal of rights.....	79
3.3 Who has the authority to withdraw rights?.....	90
3.4 The justifying ground for the withdrawal of rights	95
3.5 Some clarifying remarks.....	111
3.6 Summary.....	119

Chapter 4. Punishment	123
4.1 General introduction and preliminary remarks.....	124
4.2 The forward-looking approach to punishment	126
4.3 The backward-looking approach to punishment.....	137
4.4 An integrated justification for punishment.....	140
4.5 The “fair-play retributivist” or “rights-retributivist” approach toward punishment	143
4.6 Capital punishment.....	151
4.7 Summary.....	170
4.8 Appendix: Non-legal withdrawal of rights.....	173
Chapter 5. Rights of Partial Members of the Moral Community	179
5.1 Children’s rights	180
5.2 Fetuses’ rights: the morality of abortion.....	187
5.3 Abortion as a conflict between rights	208
5.4 Does abortion strike at the sanctity or value of life?	212
5.5 Rights of mentally retarded persons	215
5.6 Summary.....	227
Conclusions	233
References	239
Index	251
Notes	255