

RIGHTS & DUTIES : RECIPROCAL DETERMINATION

Whereas utilitarians start from rights, deontologists start from duties. Indeed, the former take needs and wants as given, and inquire how best to satisfy them. On the other hand the deontologists take duties (or perhaps principles of justice) as given a priori, and inquire how these restrict the desires and aspirations of individuals. In our own view neither starting point is correct, because both are quite unrealistic: in every society people have certain rights and duties, and the business of the moralist and the legislator are, or ought to be, to balance rights and duties and, more precisely, to find out what are the minimal restrictions that must be imposed upon the various rights, so that they can be exercised by everyone rather than by just a few. In other words, in our

view it is wrong to assert either that the good is prior to justice , or the just prior to the good. Instead, good and justice ough to go hand in hand, so as to prevent the good of some to be acquired at the good of the others, and the justice for all to be conquered at the expense of the happiness of most. Happiness without justice is misery for the many, and justice without the enjoyment of life is pointless and it can end up in cruelty.