# Rights NC

#### Rights are by definition inflexible, their status as negative side constraints means that they can never be violated in a democratic system

Judith Jarvis Thomson, Some Ruminations on Rights, 19 Ariz. L. Rev. 45 (1977) ///AHS PB BRACKETS IN ORIGINAL CARD

The question just how stringent our several rights are is obviously a difficult one. It does not even seem to be obvious that there is any such thing as the degree of stringency of any given right. Perhaps a right may be more or less stringent, as the right holder's circumstances vary, and also, in the case of special rights, as the means by which he acquired the right vary. One thing only is plain: Only an absolute right is infinitely stringent. For only an absolute right is such that every possible infringement of it is a violation of it. Indeed, we may reexpress the thesis that all rights are absolute as follows: all rights are infinitely stringent. There are passages in Anarchy, State, and Utopia which suggest that Nozick thinks all rights are infinitely stringent. He says: "[O]ne might place [rights] as side constraints upon the actions to be done: don't violate constraints C. The rights of others determine the constraints upon your actions . . . . The side-constraint view forbids you to violate these moral constraints in the pursuit of your goals .. .8.s If you use "violate" in the way I suggested we should use it, this "side constraint view" does not amount to much-under that reading of the term, all Nozick says is that we may not wrongly infringe a right. Of course we may not. But I think he does not mean so to use the term "violate", in this passage at any rate: I think that in this passage all he means by it is "infringe." Thus I think that we are to take this "side-constraint view" to say that we may not ever infringe a right. Accordingly, every infringing of a right is wrong. Compare what Nozick says a few pages on: A specific side constraint upon action toward others expenses the fact that others may not be used in the specific ways the side constraint excludes. Side constraints express the inviolability of others, in the ways they specify. These modes of inviolability are expressed by the following injunction: "Don't use people in specified ways."

#### That Negates:

#### [1] Its impossible to value one infinitely negative maxim over another.

#### [2] Even if we could value one right over another that would deny the existence of the right privacy which is incoherent in the context of the res as A) something cant be valued over nothing and B) the resolution presupposes the existence of a right to privacy to be coherent.