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Value Pluralism and the Two Concepts of Rights

Abstract:
Philosophers and legal theorists still disagree about the correct analysis of ‘rights’, both moral and legal. The ‘Will Theory’ and the ‘Interest Theory’—the two main views—can each account for various features of rights, but neither of them is totally satisfactory. The controversy has now been running for decades and seems irresolvable. I will contend in this paper that the discussion of ‘value pluralism’ in the Berlinian tradition can illuminate the debate over the concept of rights.