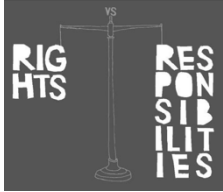


What are rights?



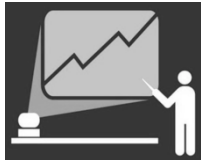
Presentation by **Duncan Bunce**

Edited by Dr Peter Jepson

Read & Précis: Chapter 3, Issue 1, pages 99-111

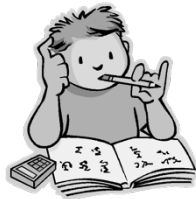
Welcome

- Ensure mobile phones are off
- No eating in the classroom
- You should take notes/annotate your Pdf print files



Topic Aims

- Concept of a 'right'.
- What is the relationship between rights and duties?
- Different types of rights?



What is law



Phil learns the first rule of desert island existence – never lose the coin toss.

Imagine you're alone on a beautiful desert island?
What laws would you need?

A week later, Phil washes ashore on the island. You are now a 'society'.
Would you make any changes?

What is law

- The law is a set of **rules** which sets a code of conduct in society.
- It must be **binding** on the whole of society.
- It reflects the **moral** attitudes of society.
- We need it to punish those who commit **criminal** offences.
- It allows our actions to be **enforced**.

Concept of a 'right'

- The law grants rights to citizens - but where can the law be found?



1. Statute



2. The Courts



3. The EU

Rights

➤ Look at the case study on page 105:

Donoghue v Stevenson (1928)



What are the facts of the case?
What is a 'duty of care'?

Task: Undertake activity 6 & 7 on pages 105-106.

Rights and Duties

Lord Atkin in his judgment stated:

Who, then, in law, is my neighbour? The answer seems to be - persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions that are called in question.



Rights and Duties

If Sandeep is three months late with his rent and owes his landlord Kara money, then we can say she has a legal right to it.

What is Sandeep's corresponding legal duty?

How might this issue be resolved?

However, not all rights have a corresponding duty...



Rights and Duties

We all have a duty to obey the law or be prosecuted by the state. But there is no corresponding right...

Action: Copy out Hohfeld's example of rights on page 109. How many types of rights are there?

Conflicting Rights

CASE STUDY (p115)

Gillick v West Norfolk and Wisbech Area Health Authority



Mrs Victoria Gillick

- 1) What were the facts of the case?
- 2) Why was Mrs Gillick concerned?
- 3) What is the current legal position for girls under 16 years? Do you agree with the decision?

Just to remind you...

➤ For the Unit 1 exam, you should be able to **know, understand and discuss:**

- The nature of a right.
- What a duty of care is, how it applies, examples etc.
- Conflicting rights, examples etc.
