

REAL RIGHTS

Carl Wellman

New York Oxford
OXFORD UNIVERSITY PRESS
1995

Contents

Introduction, 3

1. Grounds of Institutional Rights, 12

Defining Grounds, 12

Grounds of Hohfeldian Positions, 13

Grounds of Legal Rights, 24

Grounds of Other Institutional Rights, 29

2. Grounds of Moral Positions, 38

Defining Morals, 39

Moral Reasons, 43

Law and Morals, 48

Moral Duties, 49

Moral Liberties, 59

Moral Powers, 65

Moral Immunities, 77

3. Grounds of Moral Rights, 79

The Right Not to Be Struck, 79

The Right of Self-Defense, 85

The Right to Aid for a Dependent Child, 88

The Right to Dress as One Wishes, 92

Derivative Rights, 97

Presupposed Reasons, 101

4. Possible Right-Holders, 105

Normal Adults, 107

Children, 113

The Mentally Limited, 126

Legal Right-Holders, 132

5. Alleged Right-Holders, 137

*Fetuses, 137**The Dead, 146**Corporations, 157**Teams, 165**Collections, 169**Classes, 170**Peoples, 173*

6. Implied Duties, 178

*Interpreting Rights, 179**Correlative Duties, 183**Associated Duties, 186**New Duties, 190**Supplementary Duties, 195*

7. Conflicts of Rights, 200

*Legal Conflicts, 202**Moral Conflicts, 216**Mixed Conflicts, 234*

8. Real Rights and Duties, 242

*Unreal Rights, 242**Real Conflicts, 244**Overriding Rights, 251**Real Duties, 261*

Notes, 264

References, 272

Index, 275