1. Record Nr. UNINA9910502587503321 Autore Frydrych David <1981-> Titolo The Architecture of Rights: Models and Theories / / by David Frydrych Cham:,: Springer International Publishing:,: Imprint: Palgrave Pubbl/distr/stampa Macmillan, , 2021 9783030760397 **ISBN** 3030760391 Edizione [1st ed. 2021.] Descrizione fisica 1 online resource (312 pages) Disciplina 341.481 341.48 Law - Philosophy Soggetti Law - History **Ethics** Political science Human rights Philosophy of Law Theories of Law, Philosophy of Law, Legal History Moral Philosophy and Applied Ethics **Political Theory Human Rights** Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Nota di contenuto Chapter 1: Introduction -- Chapter 2: Rights Modelling -- Chapters 3: Rights Correlativity -- Chapter 4: Rights Exercise and Enforcement --Chapter 5: The Theories of Rights Debate -- Chapter 6: The Case Against the Theories -- Chapter 7: Legal Rights Enforcement --Chapter 8: Imperfect Legal Rights -- Chapter 9: Claims and Invocations of Right -- Chapter 10: The Conceptual Contingency of Perimeters of Support. What is a right? What, if anything, makes rights different from other Sommario/riassunto features of the normative world, such as duties, standards, rules, or

principles? Do all rights serve some ultimate purpose? In addition to raising these questions, philosophers and jurists have long been aware

that different senses of 'a right' abound. To help make sense of this diversity, and to address the above questions, they developed two types of accounts of rights: models and theories. This book explicates rights modelling and theorising and scrutinises their methodological underpinnings. It then challenges this framework by showing why the theories ought to be abandoned. In addition to exploring structural concerns, the book also addresses the various ways that rights can be used. It clarifies important differences between rights exercise, enforcement, remedying, and vindication, and identifies forms of legal rights-claiming and rights-invoking outside of institutional contexts. David Frydrych is a lecturer at Monash University's Faculty of Law. His research concerns jurisprudence, rights, and trusts.