

What is the difference between moral rights and legal rights? essay sample

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Rights are legal, social, or ethical principles of freedom or entitlement, they are fundamental normative rules about what is allowed of people according to some legal system, social convention or ethical theory. Rights are of essential importance in such disciplines as law and ethics. According to the Stanford Encyclopedia of Philosophy, "rights structure the form of governments, the content of laws, and the shape of morality as it is currently perceived.

Rights can be classified as moral rights and legal rights. There are quite a few differences between legal and moral rights. To begin with, a major difference between these two concepts is that legal rights are claims recognized and delimited by law for the purpose of securing it. The claims are protected by sanctions of a law, imposed by a state and remedy for infringement is provided in its courts of justice for instance companies have the legal right to own, buy or sell property, including trademarks comprising the company's logos, words, phrases or design. The corporate law prevents other competitors from using a business's registered trademark. On the other hand moral rights are rights that are determined by a moral system which are declared by a religion, philosophy, cultural values, or personal code for instance employees have a moral right not to face discrimination either by race, gender or ethnic group.

Another difference is that a legal right is a formal public policy that has consequences for those who violate it as they are enforceable by the law. If one company imitates another company's product it can be sued if found guilty in court. In contrast, if a company violates what other companies view

as a moral standard this may have no tangible consequence other than damaged relationships.

Another difference is that moral rights are not limited to the citizens of a particular nation, at a particular time. Moral rights are universal and timeless. They are the same despite where a person is located and they cannot be taken away from someone without his or her consent though they can be voluntarily surrendered. For example, an accountant has a moral right of preparing the company's financial statements faithfully. However, legal rights vary and change in accordance with the geographical location and the laws set by the authorities. This shows that legal rights can be taken from individuals against their will as long as the authority in charge does not recognize that specific right. A good example is that applied standards depend on company policy, for example, some may capitalize borrowing costs following IAS 23 and some organization may expense those costs, so the accountant has to comply to that legal right.

Another difference is that legal rights do not come into being on their own; they have to be created through law, whether by the whims of a despot or by the will of a democratically elected assembly. So one defining characteristic of legal rights is that they are made by people as such people can unmake them too. On the contrary, moral rights are not established by people or a certain body of authority, rather they originate from what the society deems to be good and ethical. They do not derive from the laws of a specific society.