

CAN RIGHTS BE SUSTAINABLE WITHOUT A SET OF DUTIES?

A panel discussion at Vichaar Manthan's Sustainable Narratives Conference 2020

by Ravi Lakhani

The evolution of human rights is a thread that can be traced to the origins of human civilisation. Intertwined with this history is the ever-present concept of duties. In this paper we will seek to understand the interdependency of the two concepts and ascertain if they can be sustainably prised apart or if they are inexorably linked. For the purposes of this discussion Professor Lou Marinoff defines rights as “an entitlement to something”, be it moral, legal, or customary. In modern society, legal rights often come with legally defined obligations. The legal right to drive on our roads comes with an obligation to drive responsibly and obey traffic regulations. Occasionally, however, the relationship is less clearly established. The right to free healthcare in Britain does not come with a legal or even customary responsibility to care for your own health, a situation that can generate gross abuses of the right. How we reconcile these externalities, both within human society and without our interactions with nature, is a key challenge for our governance systems.

Rights and duties do not exist in a vacuum; they are a product of individual human interactions at the micro-level and nation-state interactions at the macro-level. We will examine each in turn whilst addressing the relationship between the two. At an individual level, as Aniruddha Rajput said, “my right to extend my fist ends where your nose begins.” Our individual rights and freedoms may extend only to the extent to which they do not encroach on each others’. The interdependence of our individual liberties can contribute to a seemingly altruistic web of interactions that form the foundations of the “social contract”. At this ground level the social mechanisms of guilt, social exclusion and increased social standing operate to regulate interactions. When these mechanisms fail, or circumstances create externalities, the government may step in.

Adam Smith proposed that a state should serve just three functions: to protect national borders, to engage in public works and to enforce civil law. It is the last of these with which we are primarily concerned with. To address this, we must first define what we mean by a nation. Professor Marinoff begins his definition by negation: “a nation is not visible from

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orbital space". Although geographic features may coincide with geopolitical boundaries, we can safely assume there is no inherent validity in the physical designation of a nation. Instead, he proposes that the idea of a nation emerges when an amalgamation of tribes, often with a shared history, culture, or language, self-govern. To this extent, it is the common narrative that binds a nation together. In relation to this, our speakers touched on an issue that our readers may wish to explore independently: the potential role of a strong sense of nationalism for a nation in a state of emergence or repair to bind its people towards the goal of growth and upliftment, with the caveat that a nation which has established an overbearing sense of nationalism on an international stage can lead to conflict.

The relationship between a government and its people forms the basis of governance (see paper on Sustainable Governance [HERE](#)). In his book *Enlightenment Now*, Stephen Pinker builds on Max Weber's conceptualisation of the state as an entity that lays claim to the monopoly of legitimate force. He defines the duties of a state as threefold: to protect citizens from external threats, to protect citizens from internal violence and threats of violence, and to provide a means of recourse (the justice system) for any other grievances (barring this, an individual should be free to act as they please). We may observe here the differing methods which are currently employed to achieve this. The USA places emphasis on the individual's right to bear arms, undermining, to some degree, the state's monopoly on violence, whilst acting as a potential counterbalance to a slide towards a tyrannical state. In the UK, however, the government's duty to protect its citizens has produced a relatively gun-free nation, perhaps sacrificing some individual rights. China, conversely, does not place emphasis on individual rights, instead the individuals duties towards the nation take precedence.

In recent years, on the international stage, the UN has come under fire for being ineffectual and has occasionally been labelled as defunct. Our panel gave rather nuanced views on the subject. Aniruddha Rajput outlined the origins and intent behind the UN. He fired back at UN cynics, pointing out that the UN is itself in a constant state of transformation and those that

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wish to do away with such an institution must come up with either an alternative or a strategy to rejuvenate the UN.

Institutions themselves extend beyond a correlating set of rights and duties; they are built upon the cultural bedrock of a society. Professor McManus delved into the state of said culture; culture functions well when we see civic friendship and presently, we are seeing a decline of civic friendship. People are taking a transactional approach to invoking rights; the emergence of new technologies and platforms make it easy to have an opinion and create hyper-partisan ruminations. Referencing Eric Fromm's *The Art of Loving*, Professor McManus highlighted the increasingly transactional approach to individual interactions, the tendency to view others in terms of what we can get from them (or from the state). This has a corrosive impact on relations with people. The solution for this lies in our education system, according to Professor McManus (a sentiment echoed by our other panellists). There is a need to begin to view and appreciate "the other", a need to develop earnest inquisitiveness for our fellow humans, including our rich psychological lives and nuances. One of the methods of doing so is to begin having respectful dialogues with other cultures and individuals from an early age, instead of trying to instrumentalise. For Aniruddha Rajput, this is simply not what the education system was designed for. The great intention behind the current Western education system was to train individuals for the workforce of a productive economy. If the goal is to prepare someone for employment, then there is little to expect from education in terms of emotional and psychological development. We must therefore rethink the objective of the education system.

The primary starting point for building a functioning, flourishing society, then, is to trust people; the first premise of creating institutions (as we explored above) is that people are not good. We ideally need to move to a situation where there is less and less law and more sustainable human behaviour. For Lou Marinoff, the illiberal left has become a rights-crazed movement where the individual is not trusted, and people demand a right to everything (from the state) and a duty towards nothing. He draws a distinction between rights and privileges. Privileges are earned, such as a

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driver's licence. Higher education is not a right but is a privilege which is earned by demonstrating sufficient academic performance. Thus, if we strip away the public narratives and begin from first principles, we can see that ultimately the responsibility falls at an individual level (at which the institution of family plays a critical role). We are responsible for educating ourselves, treating others with respect and dignity, facilitating open dialogue and ultimately the preservation of our rights through a focus on the civic duties we owe to each other.

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