UNIT 7: RIGHTS AND DUTIES

UNIT STRUCTURE

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7.1 LEARNING OBJECTIVES

After going through this unit, you will be able to:

- define the meaning of rights and duties
- identify the kinds of rights and duties
- explain the Gandhian view on rights and duties
- discuss the concept of casuistry in case of conflict of duties

7.2 INTRODUCTION

This unit deals with the concept of rights and duties. It discusses the related issues such as meaning and definition of rights and duties, kinds of rights and duties, Gandhian view on rights and duties, and casuistry in case of conflict of duties.

This unit attempts to discuss all the related issues from philosophical angle and also equally emphasises on understanding the issues in a very comprehensive way.

7.3 MEANING OF RIGHTS AND DUTIES

By the word 'right' we mean moral obligation which is sanctioned by our society. It can also be asserted as a demand granted to individual by the society for the welfare of all. Therefore, an individual can exercise some rights only in a society.

On the other hand, by the term 'duty' we mean that which is important to someone else. It implies that an individual is bound to do something or is under an obligation to do something. Again, in another sense duty is a moral debt or moral claim or moral obligation of an individual to the surroundings.

Man is a social animal. As a social being, man wants to live in a peaceful society by enjoying rights and performing duties at the same time for self realisation. Society concedes or grants to its members moral rights and enforces duties or moral obligations upon individuals for self realisation or own good. As a result, people enjoy these rights which are protected by society. None can violate the moral rights enjoyed by the members of a society. Rather, the rights should be respected by others at the same time. Society punishes those members of society who try to violate others' rights. Therefore, rights and duties are to be viewed with reference to society.

As society has conceded to its members certain moral rights, it is our duty to utilise these rights for our own good as well as the betterment of the society. In this context, Green, an idealist philosopher holds the view that none can claim any right except as a member of society in which some common good is recognised by the members of the society as their own highest good.

Rights and duties are interconnected to each other. These concepts bring moral obligations. The moral concept 'right' implies 'duties' and 'duties' implies 'right'. For instance, the student has a right to education, thus, it is the duty of the teachers to provide education. Again, it is the duty of the student to obey or follow his teacher, so the teachers have a right to the student's obedience. This clearly points out their interdependence and explains that one cannot be discussed without the other. They are activated in the field of society and derive its meaning and significance from the society.

It concedes rights to individuals and enforces duties upon individuals in order to realise the common good. Therefore, society creates, sustains, maintains, and enforces rights and duties to individuals. This is the meaning of moral rights and duties.

Rights and duties also can be discussed from an another context. If an action is right in a particular context, we should do it and it is our duty to do it. On the other hand, if an action is wrong, we should not do and it is not our duty to do it. 'Wrong' is opposed to 'right'. 'Right' and 'wrong' are considered in this context the predicates of actions.

7.4 KINDS OF RIGHTS AND DUTIES

Each and every individual has some rights and duties. But, there are some fundamental rights and duties of every individual.

- **Every man has a right to live**: If self realisation is considered the highest good, continuance of life is necessary for self-realisation. Right to livelihood is contained in right to life. If a man is deprived of earning bread and butter, he will die. By enjoying the right to live, we should protect our life and also others' life as well.
- **Every man has a right to education**: It indicates that none can be deprived from taking education because he/she has a right to education. He/she can take education up to any extent, according to his/her capacity. Education can manifest the hidden talents of a man. Therefore, it is necessary for self development, self expression, and self realisation.
- **Right to freedom**: Every man has a right to freedom. He/she can enjoy freedom in order to attain the highest good of his life. However, by the concept of freedom we do not mean to enjoy freedom in any extent, rather by the term freedom we mean restricted freedom. We can enjoy freedom in the sense that we are responsible for doing that work.
- **Right to property:** This kind of right follows necessarily from the right to freedom. Self realisation is considered the highest good. If a person is allowed to live, work and freely exercise his will, then only he will be able to realise the ideal. Personality and property go hand in hand in a

definite context. One can realise his personality by using of his own property. In this context, we can take example of a rich man.

The right of property has been granted to its members on the basis of equity and justice for realisation of the highest good in our society. As for instance, Plato denounced the right of property in an ideal state. According to him, there cannot be private property; rather all properties will be considered state properties. On the other hand, Aristotle viewed that in an ideal state people should use his own property for social good. Again, the capitalistic structure of society views against the private use of property. Although, these views are against the right to property, yet the right to property can be considered a fundamental right as long as humans live in this world.

Right to fulfillment of contract is considered an important right. It also can be derived from the right to property. A man has an ownership over his property, so he can exchange or transfer his property ownership to others according to his will. Thus, the right of fulfillment of contract necessarily follows from the right to property. This right was not recognized in the primitive societies. But, it has sigfnificance in a developed society where there will be a provision of third party or a mediator or an authority which will determine the fairness of the contract.

The concept of rights necessarily brings the concept of duties and obligations. Rights without duties are meaningless. All kinds of duties may be deduced from the fundamental duty that every man should realise his rational self.

The first duty is to respect our own self and then others as well. We should not kill or harm others and also should not think of committing suicide.

Secondly, we have to respect and protect our own freedom. Similarly, we should also respect and protect others' freedom. We should not violate others' freedom. Immanuel Kant in this context significantly mentions: 'Treat humanity whether in thyself or in others always as an end and never as a means'. It beautifully shows that we should not use anybody as a means in order to achieve our personal ends. Our duty to others should be imperative

and not conditional. Therefore, the concepts of slavery, exploitation, inequality, and injustice are forbidden because it violates the fundamental duty of man.

The third fundamental duty of man is to respect the character of persons. We should not only abstain from doing harm to others but also observe that they can develop their own self and attain self-realisation.

The fourth fundamental duty is the respect for property. Right to one's own property will remain as long as we do not engage in taking property of others unlawfully or unscrupulously. As for instance, the famous saying 'thou shalt not steal' reminds the duty of respect for property.

The fifth fundamental duty is to respect the social institutions and social order. Social order is inevitable for moral progress. One should obey the social order for moral progress.

The sixth one is to speak the truth. Truth not only means speaking the truth in our day to day affairs, rather truth should indicate a harmony between 'thinking and saying' and 'saying and doing'.

The seventh one deals with one's respect for world harmony. Our duty is to help people irrespective of boundary, language, race, caste, and religion. It will help to think that the world is one family. By performing this duty we may bring harmony, unity, and peace among people. Indian philosophers like Sri Aurobindo preached human unity and M.K. Gandhi talked about Tulsidas's Gospel or Ramarajya- world brotherhood. On the other hand, Bertrand Russell preached world brotherhood on the basis of reason and fellowship.



CHECK YOUR PROGRESS

Q 1: What do you mean by rights? (Answer in about 30 words)

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Q 2: What is duty? (Answer in about 30 words)

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Q 3: Explain the interconnection between rights and duties. (Answer in about 90 words)

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Q 4: What do you mean by 'right to education'? (Answer in about 50 words)

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Q 5: Can we enjoy unlimited freedom? (Answer in about 40 words)

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Q 6: What are the views put forward by Plato and Aristotle for 'the right to property'? (Answer in about 40 words)

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Q 7: What do you mean by duty of respect for world harmony? (Answer in about 40 words)

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7.5 GANDHI'S VIEWS ON RIGHTS AND DUTIES

Gandhi's views in respect of rights and duties may be summarised as followes– in his own words, "Man's highest duty in life is to serve mankind

and take his share in welfare of all. This is true worship- true prayer." Gandhi views that rights and duties are connected in a sense that they are the two sides of a same coin. It shows that rights and duties are interconnected. Gandhi used the term 'right' in social, political, and ethical senses. He used the term 'right' in ethico-religious sense to mean freedom of action which is conducive to moksa or liberation. Gandhi once significantly quoted "People who obtain rights as a result of performance of duty, exercise them only for the service of society, never for themselves." This shows the link of rights and duties in case of achieving the highest ideal that is common welfare, by overlooking individual welfare. Again, Gandhi used the term 'rights' in political field during freedom movement. He understood the term 'rights' through politics when he was in South Africa and this understanding transformed the shy and timid Gandhi to a heroic champion of human rights.

Gandhi distinguished between personal and public duties. Through personal duty he means the obligation of duties which we perform individually. Gandhi held the view that unless duties were performed by a preacher in his own personal life, his preaching or counseling to others will be useless. That is why, Gandhi put importance on the purity of personal life. He also emphasised on the role of private habits in the formation of characters. Apart from this, Gandhi also put importance on the control of our senses in order to be free from sensual pleasure which blocks the road to self-realisation.

By the public duties, he means the duties towards others for the welfare of all. He considered the 'service to humanity as a true worship, true prayer, and the highest duty in an individual's life'. He regards the public duties as a true worship and prayer to God. And service to humanity or duty to others can be opined as the outward manifestation of personal duty of an individual for common welfare. As for instance, Gandhian concept of Swaraj reflects this outward manifestation of duties of an individual not only for personal self rule but also for self rule in public or social context.

Selfless action or principle of renunciation is the motto behind service to others. Gandhi held the view that it helps a man to realise Truth or God. He also viewed that realisation of truth or God is the very purpose of a

human life. This indicates a harmonious relationship between our individual and social life. Gandhi's concept of Ramarajya is the best example of this relationship. Hence, it can be viewed that the concept of rights can be established only when we have to perform our duties towards others.

Regarding the relationship between rights and duties, Gandhi pointed out a harmonious relationship between the two. According to him, both are mutually dependent on each other. We cannot discuss one without the other. As a result, he thought that this relationship should be maintained by employers and employees, the landlords and tenants, the princes and their subjects, husband and wife, parents and children, the Hindus and the Muslims in their everyday life.

According to Gandhi, rights can be derived from the performance of duties. Without performance of duties, the thinking or enjoyment of rights is immoral. Gandhi's view is that all rights flowed from the duties performed accordingly. One has to earn the rights by the performance of duties. But, they are not mutually inclusive and vice-versa. There are no divine rights or birth rights. As for instance, parents, teachers, husbands, employers' etc. can claim of obedience when they perform their respective duties towards children, students, wife, and employees respectively.

Gandhi held the view that the true spirits of rights is involved in case of performance of duties. If we claim of rights without performing corresponding duties, it will be a meaningless exercise in respect of the relationship of rights and duties. Gandhi's view is that the performance of duties gives birth to right. The concept of rights cannot be derived from the external agency like society, state, heredity, divinity etc, rather it is earned by the people through the performance of corresponding duties. Thus, the thought of enjoying rights without the performance duties is an unjust affair. On the other hand, rights are recognised by society so that individual can enjoy the rights smoothly while performing their duties.

Some of the critics view that Gandhi's emphasis on the importance of 'duties' rather than 'rights' undermines the concept of rights in social life. Buddhadeva Bhattacharyya in this context comments that "Gandhi's emphasis on duties as being prior to rights may lend the impression that

his outlook was conservative. The conservative view holds that duty is of greater importance and priority than right."

The conflicting views or critical points regarding rights and duties emerged when we think that rights and duties are two separate entities. Like the end-means concept, his right-duty concept is also continuous, ever changing, and dynamic in nature. Gandhi once used the two terms as synonymous or identical. In this context Gandhi said, "Rights accrue automatically to him who duly performs his duties. In fact the rights to perform one's duties is the only right that is worth living for and dying for. It covers all legitimate rights." This saying implies that the priority that he attaches to duties is also equally applicable to rights in a sense that they are the two sides of the same entity, right-duty concept, like truth and God. Therefore, the criticism of overemphasis on duties over the rights in the context of Gandhi is not accepted. F.H. Bradley in his book *Ethical Studies* describes the concept of right and duty in a significant way. He says, 'what is duty? It is simply the other side of the right……no right without duty; no duty without rights and rights….."(F.H. Bradely, Ethical Studies, pp. 208-12)

As a humanist, Gandhi fought both in India and South Africa for the establishment of civil, political, moral and economic rights of downtrodden and also for the restoration of justice, peace, equality etc. In this context, he raised his voice for the denial of human rights or the suppressed class. Therefore, the criticism of the undue importance of duties than the rights by the critics against Gandhi's view on the derivation of rights from the duties cannot be accepted.

7.6 CASUISTRY: CONFLICT OF DUTIES

There are some duties which seem to conflict with one another. As for instance, respect for life may conflict with truth. If a doctor tells his patient the nature of his incurable disease then the probability of the patient's life is decreased. Again, respect for life may come into conflict with respect for property. For instance, if we have to respect life, we should take away the knife of a person who is about to commit murder. These examples are

nothing but the kinds of conflict of duties.

In order to sort out the difficulties involved in case of conflict of duties, we may take help of casuistry. It helps to formulate rules for breaking moral laws under particular circumstances. Therefore, it is a branch of ethics which is concerned with "cases of conscience". According to G.E. Moore, Casuistry is the goal of ethical investigation. H. Rashdall also supported the view of G.E. Moore. But, Bradley did not accept this view. He asserted that ethics is not an art, and so cannot solve the conflict of duties. Therefore, casuistry is not reasonable or sound.

There is no conflict of duties indeed in the sense that we perform one particular duty under particular circumstances. Conflict of duties involve due to our failure to grasp the real situation. For instance, it is a definite duty for us to take away the knife of a person who plans to commit a murder. Green in this context significantly points out that there is no conflict of duties indeed. An individual has only one definite duty in a definite situation. He can know it with a clear moral insight, if he overlooks the possibilities of prejudices and passions of the moment. The conflict of duties involves due to the reasons of lack of clear moral insight, warping of moral judgment by passions and narrow self interest, confusion of issues and want of discrimination of the essential from the inessential factors in the moral situation. In this context, critics' view that we may take help of casuistry to solve the difficulty that emerge in case of a conflict of duties. But, this cannot be accepted totally in the sense that we cannot think of using alternative rules for breaking moral rules under particular circumstances.



CHECK YOUR PROGRESS

Q 8: According to Gandhi, what are the differences between personal and public duties? (Answer in about 40 words)

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Q 9: What do you mean by conflict of duties? (Answer in about 50 words)

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Q 10: What do you mean by Casuistry? (Answer in about 25 words)

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ACTIVITY: 7.1

'Rights and duties are inseparable'. What is your opinion in this context? Discuss

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7.6 LET US SUM UP

- By the word 'right' we mean moral obligation which is sanctioned by our society for an individual. On the other hand, by the term 'duty', we mean that which is important to an individual. It also implies that an individual is bound to do something or is under an obligation to do something.
- Society concedes or grants to its members moral rights and enforces duties or moral obligations upon individuals for self realisation or own good. As a result, people enjoy these rights which are protected by society. None can violate the moral rights enjoyed by members of a society.
- Rights and duties are interconnected to each other. These concepts

bring moral obligations. The moral concept 'right' implies 'duties' and 'duties' implies 'right'. For instance, the student has a right to education. Thus, it is the duty of the teachers to provide education. It is the duty of the student to obey or follow his teacher, so the teachers have a right to the student's obedience.

- Gandhi's view is that it is not only the case that we cannot avail rights without performing duties, but also it is a meaningless exercise to think of duties without rights. It shows that rights and duties are interconnected.
- Gandhi used the term 'right' in social, political, and ethical senses. He used the term 'right' in ethico-religious sense to mean freedom of actions which is conducive to moksa or liberation.
- Gandhi distinguished between personal and public duties. Through personal duty he means the obligations of duties which we perform individually**.** By the public duties, he means the duties to others for the welfare of all. He considered the 'service to humanity as a true worship, true prayer, and the highest duty in an individual's life'. He regards the public duties as a true worship and prayer to God.
- Regarding the relationship between rights and duties, Gandhi pointed out a harmonious relationship between the two. According to him, both are mutually dependent on each other. We cannot discuss one without the other. As a result, he thought that this relationship should be maintained by employers and employees, the landlords and tenants, the princes and their subjects, husband and wife, parents and children, the Hindus and the Muslims in their everyday life.
- The critical points regarding rights and duties emerged when we think that rights and duties are two separate entities. Like the end-means concept, his right-duty concept is also continuous, ever changing, and dynamic in nature. Gandhi once used the two terms as synonymous or identical.
- F.H. Bradley in his book *Ethical Studies* describes the concept of right and duty in a significant way. He says, 'what is duty? It is simply

the other side of the right……no right without duty; no duty without rights and rights….."

- The concept of casuistry helps to formulate rules for breaking moral laws under particular circumstances. Therefore, it is a branch of ethics which is concerned with "cases of conscience". According to G.E. Moore, casuistry is the goal of ethical investigation. H. Rashdall also supported the view of G.E. Moore. But, Bradley did not accept this view. He asserted that ethics is not an art, and so cannot solve the conflict of duties. Therefore, casuistry is not reasonable or sound. But, Bradley did not accept this view. He asserted that ethics is not an art, and so cannot solve the conflict of duties. Therefore, casuistry is not reasonable or sound.



7.7 FURTHER READING

1) Sinha, J. (1986) *A Manual of Ethics*. New Central Book Agency. Calcutta
2) Pal, J. (2007) *The Moral Philosophy of Gandhi*. Gyan Publishing House
3) Sanyal, S. (1984) *Guide to Ethics*. Sribhumi Pub.co



7.8 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No 1: By the word 'right' we mean moral obligation which is sanctioned by our society. It can also be asserted as a demand granted to individual by society for welfare of all.

Ans to Q No 2: An individual is bound to do something or under an obligation. On the other hand in another sense duty is a moral debt or moral obligation of an individual to the surroundings.

Ans to Q No 3: The concepts 'rights' and 'duties' are interconnected in the

sense that the moral concept 'right' implies 'duties' and 'duties' implies 'right'. As for instance, the student has a right to education, thus, it is the duty of the teachers to provide education. It is the duty of the student to obey or follow his teacher, so the teachers have a right to the students' obedience. This clearly points out that one cannot be discussed without the other. They are activated in the field of society and derive its meaning and significance from the society.

Ans to Q No 4: It is the fundamental 'rights' and 'duties' of an individual. By enjoying this right one can take education up to any extent, according to his own capacity. Education can manifest the hidden talents of a man. Therefore, it is necessary for self development, self expression, and self realisation.

Ans to Q No 5: By the 'rights of freedom', we do not mean to enjoy freedom to any extent; rather by the term freedom we mean restricted kind of freedom. We enjoy freedom in the sense that we are responsible for doing a particular action.

Ans to Q No 6: Plato denounced the right to property in an ideal state. His view is that there cannot be private property, rather all properties would be considered state properties. In an ideal state Aristotle viewed that private properties should be used for social good.

Ans to Q No 7: It reminds us the duties towards others irrespective of boundary, language, race, caste, and religion. It will help to think that the world is my family. Our performance of duties towards others will bring harmony, unity, and peace among people.

Ans to Q No 8: By personal duties we mean the obligations of duties which we perform individually. By public duties we mean the duties to others for the betterment of all. He regards the duties as true worship and prayer to God.

Ans to Q No 9: It means that some duties seem to conflict with one another. It can be viewed that respect for life may seem to conflict with respect for property in some particular cases. As for instance, we should take away the knife of a person who plans to commit a murder.

Ans to Q No 10: It is a branch of ethics which is concerned with 'cases of conscience'. It helps to formulate rules for breaking moral rules under particular circumstances.



7.9 MODEL QUESTIONS

A) Very short questions

Q 1: What is meant by 'right'?

Q 2: What do you mean by duty?

Q 3: Mention any three fundamental rights and duties of an individual.

Q 4: What is right to education?

Q 5: State the meaning of 'Thou shalt not steal'.

Q 6: What do you mean by the fundamental duty of *Speak the truth?*

Q 7: Point out the different senses in which Gandhi used the term 'right'.

B) Short questions (Answer in about 100-150 words)

Q 1: Briefly explain the interconnection of rights and duties.

Q 2: What is 'right to education'? Briefly explain

Q 3: Write a short note on 'right to property'?

Q 4: Distinguish between Gandhi's idea of personal and public duties.

Q 5: Write a note on Casuistry.

C) Long questions (Answer in about 300-500 words)

Q 1: Explain the different rights of man.

Q 2: What are the different fundamental duties of human being? Explain

Q 3: Explain Gandhi's view on 'Rights and Duties'.

Q 4: Explain the concept of Casuistry.

Q 5: What do you mean by conflict of duties? Explain.

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