

A Calculative Journey of Rights to Moral Domain

Priti Pattnaik

Lecturer in Philosophy

Vyasanagar Autonomous College

Dist. Jajpur, Odisha

Email: 2020ppmam2020@gmail.com

Abstract

Rights and good even though sometimes stand in the way of others always demand the same enforcing entry to the field of moral actions. Sometimes there has been imposition of rights of individuals over their duties. At the same time rights and good are like the two branches of one tree of human conduct, through which society needs segregation of ultimate authority of moral evaluation. The proportion of good and evil is the yardstick to calculate human rationality to proceed toward social perfection. That is why the consideration of rightness and wrongness of moral conduct becomes an important factor to avail social thrust. The paper evaluates the forms of moral laws which include legal obligations along with safeguarding fundamental rights. In evaluation, it finally locates the rational theme of a man's best rational choice through which good and right are regarded as morally obligatory and are worth having or enhancing together, but not in lieu of the other.

Keywords

Moral obligation, Social conscience, Rational being, Legal rights.

Reference to this paper should be made as follows:

Received: 16.05.2024

Approved: 10.06.2024

Priti Pattnaik

A Calculative Journey of Rights to Moral Domain

Vol. XV, No.1
Article No.19,
pp. 172-178

Similarity Check: 8%

Online available at
[https://anubooks.com/
journal/journal-global-
values](https://anubooks.com/journal/journal-global-values)

DOI: [https://doi.org/
10.31995/
jgv.2024.v15i01.019](https://doi.org/10.31995/jgv.2024.v15i01.019)

With the best support of knowledge, rightness and wrongness of actions are the primary to moral principles to control the good and evil in the society as well as in the human character. A good society needs a balance between rights duties and virtues on one hand and freedom and responsibility on the other. It is involved in moral consciousness through the conduct of morality, which is found to be a fundamental milestone of the notions of right and good from the perspective of voluntary actions and habitual actions. Right is that action that confirms the moral law of a human conduct. The wrong action is that which violates the moral conduct as simple as it is.

It is not difficult to accept that the conception, of right is submissive before the conception of good. Sinha adds to it “The good is an end which a person ought to realize to realize his deeper self. It fulfills the demands of his sentient nature in conformity with the higher law of reason. It satisfies his total self-sentient as well as rational. The concept of right is derived from that of a moral law or law of duty.”¹ One must be conscious that there is a considerable difference between a moral law and a law of nature. The moral law carries the ‘ought’ factor with it that isolates it from the factual assertions.

Now let us put a glance at the compatibility of the notions of right and good in the moral domain. The first and foremost condition happens to be without the use of the categories of evaluation good and right both cannot be treated to be complete and coherent in the moral domain. Of course, the different moral outlooks relate to them in different ways. It is possible to put the good before the right. Sinha opines that “What this typically means is that the good is specified antecedent to and independent of any consideration of right and the right is defined as rational judgment ranging over the good”². While considering about goodness in the spheres of right another concept creeps in that is the concept of ‘duty’.

An Investigation on ‘Duty’ and ‘Right’

In a broader perspective duties and rights are found to be co-relative. It is because as duties are moral obligations, the rights also involve some obligations, even though moral obligations are different from legal obligations. Every right is also linked with obligation. For example, when a student has some right, the authority is under obligation to respect it. Man has the right to life and also to work. He has the right to education and freedom. He has the right to have property. All these rights are granted by society for a man to have a good life. Man has certain obligatory duties also. Duties are correlative to right. The duties may be declined from the fundamental duty that every person ought to realize his rational self. Despite such

differences both are co-relative in the sense; that the individuals are under moral obligations to respect the fundamental rights of other individuals. The individual is under the moral obligation for ensuring the common good or highest good in the society which can be facilitated by ensuring the legal obligations.

It is important to note that sometimes duties seem to come into conflict with one another. It may so happen that respect for life may come in conflict with the respect for truth, or the respect for property. Under such cases we are advised to utilize our rational conscience. Conscience tries to formulate rules for breaking moral laws under particular circumstances. Here the rational conscience has to be utilized. Kant distinguished between duties of perfect obligation and imperfect obligation. The duties of perfect obligation are definite and precise. For example, our duties not to kill, not to still, not lie are the duties of perfect obligation. The duties of imperfect obligation are indefinite and can't be expected from individuals. These duties are relative to time, place and circumstances. For example, our duty to become benevolent may not be required always. This classification of Kant is not appreciated by all. Because it is said that from the moral standpoint all duties are duties of perfect obligation.

Bradley has given a definite view on duties which is known as "my station and its duties". For him the duties are determined by the particular station in life. One should faithfully perform the duties to realize his highest personal good and also the general good. The individual's duties are determined by one's station in society. For example, someone may be a lawyer, or teacher, or judge or ruler, or a businessman, etc. So also the duties of a child are different from an adult youth or an aged individual of a family. The duties are decided accordingly. In this way one individual has to perform three classes of duties, namely, the common duties (duty to respect life, freedom, and property), some specific duties (the way he is stationed in the society) and some new duties (which are conditional to circumstances).

There has been a consideration that 'the realization of the rational self' happens to be the 'Supreme duty' of a being. All other duties follow from it. Such a view was thought of to find out a solution for the conflicts in duties. So besides the above-mentioned three types of duties we have also to perform a supreme duty. It is really the case that all duties aim at this supreme duty; that is why it is said that all duties follow from this duty. But the approach of the supposition is found to be so broad it makes the concept of duty obscure.

In a society an individual has to face the moral claim and moral obligation. His moral claim is the right. His moral obligation is duty. The relation between the

two is that duties are moral obligations that are very often required to respect the rights. Society grants certain rights to individuals for their own good and the good of society. There can't be any personal rights. Right is always recognized by the society. Moral rights are not enforced by state like legal rights. But moral rights are protected by the social conscience.

The moral actions of individuals are obligatory unlike the unlawful or illegal actions which involve legal steps like punishments, if are violated. The state always keeps an eye on the illegal actions of every individual. Despite such differences both are co-relative in the sense the individuals are under moral obligations to respect the fundamental rights of other individuals. The individual is under the moral obligation for ensuring the common good or highest good in the society which can be facilitated by ensuring legal obligations.

The duties of a teacher, an advocate, an engineer, a doctor, and an administrator are all different from each other. So also, the duties of a child are different from an adult youth or an aged individual of a family. Once upon a time it was considered that 'the realization of the rational being' happens to be the 'Supreme duty' of a being. All other duties follow from it. Such a view was thought of to find out a solution for the conflicts in duties.

We have to agree that the moral rights cannot be imposed like that of constitutional rights. Moral rights are functional by nature meant to bring improvement in the social nature of man. Society requires 'the fulfillment of duties because it is only then that the social order can be maintained and the rights of individuals preserved'."A duty may thus be defined as the obligation of an individual to satisfy a claim made upon him by a community or some other individual member or members of that community, in the name of the common good". The process of converting the right to be in the direction of social good is possible through a good individual (citizen) and the affair can be seen as the best product of social ethics. This is how there has been the '*interlocking of rights and duties*'. Jain maintains that "It would have transpired, from the delineation upon rights and duties are inter-dependent. That which is the right of other people in my duty and my right depends upon the other people fulfilling their duties. Thus, the violation of duty also puts an end to one's right."³.

With prime perception, no individual can live without society. If we live in a society, we have to follow the practices and principles of the society. Of course, it is formed easily through the principled living by the inhabitants. It is seen that; while a man lives in a particular society, he has no right to do anything of his own

except following moral obligation in a demanding circumstance which is not bounded. But the rest of their rights are only regulated by that particular society. Society regulates completely a man's action whereas moral term regulates the rights and duties of man. In terms of morality, rights and duties are interdependent to each other but in terms of legal obligation, rights and duties are not. It is because the legal framework is enforced by society/state whereas in moral framework the action requires approval of public opinion or to be more specific it is 'social conscience'.

Thus, there is no problem in accepting this view that "Rights are typically conceived of as owned or belonging to individuals, and these expressions reflect the conception of moral rules as not only prescribing conduct but as forming a kind of moral property of individuals to which they are as individuals entitled. Rights presuppose at least two persons and the persons who can interact with one another. Rights are concerned with those activities which affect well-being or freedom."⁴

The Duties and Rights of a Virtuous Being

'Virtue' as a term is contrary to 'vice' in the sense. Virtue refers to the inner character of a being. John Dewey considers that 'the habits of character whose effect is to sustain and spread the rational common good are virtues; the traits of character which have the opposite effect are vices.' Muirhead clarifies it by saying virtues are the 'quality of character that fits for the discharge of duty'. In this sense the virtues are found to be in harmony with the laws of the morality. Right actions can be viewed both subjectively and objectively. "Regarded objectively, i.e. as intended external results in accordance with moral law, they are duties. Regarded subjectively, i.e. as the mental dispositions or inclinations out of which they arise, they are virtues."⁵

Many virtues are treated as duties because of their obligatory nature to moral principles. For example, truth-telling, and law-abiding are not only virtues but also duties of a being. In this way we find an individual is exposed to duties on various fronts. For example, one has duties for his family, for his society or nation, for his religion and God, etc. The problem arises when one duty comes in conflict with another duty. To take an example, if telling the truth will lead to the case of a murder as a consequence then here one may be hesitant to perform his duty. Some scholars consider that there cannot be any conflict regarding the acceptance of a duty. It is because duty cannot be changed from circumstance to circumstance. The complex nature of the circumstances involved one may be unable to decide someone's duty but there cannot be any conflict of duty. In such cases attempts may be taken to grasp the situation with further clarity so that the complexity will disappear and one

can choose his course of action being supported by his duty. Green in his *Prolegomena to Ethics* seems to have supposed this stand.

The Reciprocity of Rights and Duties

While thinking about a calculative step in the direction of reciprocity of legal rights and duties I would like to quote these lines for further analysis. Scholars consider that “Every right goes hand in hand with moral obligation which is in other words, a duty. Moral obligation is based upon social obligation. Every person is obliged to make use of the right to property in society then it is the society that makes it our duty to respect property. Thus, duty and right are reciprocally related.”⁶ Thus the basic understanding should be “A right is an individual’s entitlement to something. A person has a right when that person is entitled to act in a certain way. The entitlement may be derived from a legal system that empowers the person to act in a certain way towards that person, the entitlement is then called a legal right. Legal rights are limited to the particular jurisdiction within which the legal system is in force. ...Moral rights are based on moral norms that specify that all human beings are empowered to do something done for them. Unlike legal rights, moral rights are universal in so far as they are rights that all human beings irrespective of nationality possess to an equal extent simply by virtue of being human beings. The purpose of legalright is to enable the individual to choose freely to pursue certain interests or to protect those choices.”⁷

The wisdom of rationality appears to be conditional. An individual deprived of certain rights (human/fundamental) cannot be expected to be rational. So, every human should enjoy the following fundamental rights, no matter where he is born, alike, irrespective of religion, caste, culture, tradition, color, race, society, country, etc. In the preliminary stage, the right to live in a society is top most basic right which is covered under human rights protection. This is our moral obligation to treat our life as the most precious thing. It is well protected by different laws imposed by different countries. The basic purpose of the human right is to safeguard every individual’s basic necessities with dignity. The right to education is one of the key tools to create a better society. It provides free and compulsory basic education for every child. By using this fundamental right one can pursue his life with maximum potential to create a better future for the society. This is the moral obligation of the society to protect this right. Another one is the right to freedom. It is protected by the constitution as a fundamental right that provides liberty to all citizens to live and work freely within the territory of the society. This legal right also gives the provision of freedom to practice any profession, or religion and can acquire any legality by entering into any agreement, or contract which enables a man to secure his livelihood

for his better social existence. As the free wings help to fly high, so also the free will of man is the way to fight against the self-oriented material and physical wants. In this sense human beings are absolute decision makers. A man should have to cultivate moral obligations toward the common good through the rational choice of actions. In the end, my humble suggestion is that if some of the essential human rights are protected then the scope of the rationality development is wider which can establish the reciprocity between the legal and the moral. I feel that such a calculative approach is essential.

References

1. Sinha, J.N. (2006). *A Manual of Ethics*. Calcutta. Pg. **37**.
2. Reidy, David A. (2010). *The Right and The Good*. University of Tennessee. Pg. **15**.
3. Jain, P. (2015). *Ethics*. Agra. Pg. **404**.
4. Padhi, N.C., Panigrahi, S.C. (2010). *Ethics: Indian and Western*. Cuttack. Pg. **187**.
5. Catterji, Phanibhusan. *Principles of Ethics*. Author's Publication Calcutta. Pg. **248**.
6. Op. cit (3)
7. Op.Cit.(5) Pg. **185**.