

Grounding Political Philosophers on Duties, Rights, and Obligations: An Appraisal of Dilemmatic Perspectives

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Abstract: This paper explores the conception of duties, rights, and forms of obligations as applied by political thinkers, theorists, lexicologists, jurists, and historiographers. The varied interpretations and dilemmas of obligations, duties, and rights, reflect the polysemy of the term thereby transmitting the necessity of rethinking and resituating the concepts in their etymological, original, moral, legal, lexical, and political contexts in order to grasp and digest their authentic significations. It is admitted that, obligations as thoroughly scrutinized in this paper, is difficult to situate clearly either in contemporary political discourses or in ancient political systems. In addressing the role and nature of political obligations, particular attention is worth according to political philosophers, historians, and linguists' conceptions and interpretations of what obligations entail actually. The vital political implications are also examined in view of propounding a clearer understanding of the grounds of the terms, focusing more on a general, moral, legal, and political framework.

Keywords: Duties, Law, Obligations, Moral, Rights, Society.

INTRODUCTION

Misconceptions usually arise when issues involving rights, duties, obligations, and consent are being addressed in political thought systems as a whole. Following Brandt's (1964: pp. 374-392) conception of obligation is the fact that, obligation is evident only after having fulfilled certain conditions among which include; first, whenever a particular service is needed to be rendered by someone. Second, in a case involving two or more people, on one hand, the one expected to carry out a given task, and on the other hand, the one for whom a specific service is being rendered. Third, an initial agreement concerning promises or settlement which comprises the origin of the relation between both parties ought not to be underestimated and must be accorded due consideration (p. 386). Moreover, an obligation is equally relational in nature as it stresses on the act of identifying and revisiting prior action as Lemmon (1962: p. 141) admits. Similarly, more emphasis here lies on the exchange of services through various transactions, compelling parties and also by portraying the manner of one possessing it (Dagger, 1977: p. 87). To buttress this claim, obligations could easily be distinguished from consent, given that, aside the manifestation of legal duties, humans still create and impose their obligations on others, especially through

the implementation of contracts that are not mutually binding.

However, irrespective of the constraints derived from certain contract terms, it is necessary for them (contracts) to either undergo modifications or completely terminated so as to relieve people of them (Hart, 1955: p. 84). Another essential perspective of obligations is commonly coined as a moral expectation derived from the activity of a particular voluntary action. Based on this view, the acceptance of some advantages or services from others creates an obligation for someone to perform a similar task or willingness to render the same service in future if need arises as Simmons (1979) indicates when he writes: "Unlike duties of which can be informed, special practices are required by obligations as portrayed in the obligatory diction, a situation whereby we obligate ourselves" (p. 14).

Distinguishing between Duties, Rights, and the Demarcation of Obligations

It is worth pointing out that, a simpler means of exercising one's duties (moral duties) involves voluntary consent with peculiar duties linked to it. The practicality of existing duties can mostly be achieved when determined by a second or third party, which

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consequently dictates obligations for an individual. For instance, if someone invites another person for lunch on many occasions, the invited person develops an obligation within him to also invite the other in future. However, Hart (1955) firmly believes that, obligation can be evoked mainly in cases where recognition is manifested depending on given circumstances as well as being taken into consideration. Following this situation, the human conscience or etiquette are considered as liable sources of commitments, benefits, duties, and obligations. Beyond the afore cited claims, obligations equally show specific cases that surpass duties. A typical illustration is when the obligor, being a particular person owes obligations to others who are also deemed as specific persons. This example differs from moral duties which focus on the fact that, a person owes moral duties to all other people. Therefore, emphatically, obligations are much more precise, since there usually exist a common ground concerning what one is obligated to do even in face of minor cases. Worth stating is the view that, “even if someone invited me on many occasions for lunch, it does not serve as enough guarantee for me to invite such a person for the whole Christmas period”.

Furthermore, duties oppose obligations vis-à-vis rights. Here, obligations contribute immensely to rights, precisely, correlative rights which emphasize on the notion that, having obligations permits another person to obtain a special right to the practice of whatever one is obliged to do as Simmons supports (p. 15). Following a legal framework on the difference between rights, duties, and obligations, about obligations, the right produced is termed “*in personam*”, in other words, the benefactor is easily identified, as well as the possibility of tracking the origin of the right as a special relation between the *obligor* and the *obligee*. It is in full support of this thesis that Hart (1955) prefers to apply the term “special rights” (pp. 183-184). In the case of moral duties, the term applied is “*in rem*”, referring to rights that are grounded in the same manner by all other individuals. Following this form of right, a relatively lesser degree of security is offered than those rights involving personal relations because peculiar links of tasks are not easily identifiable like the case for obligations.

Exploring Diverse Conceptions of Moral Obligations

Worth stating is that, one may possess as an aspect of moral duty the intention of helping the less privileged than himself, but this act does not benefits a starving man, since he believes that one’s duty is to be directed to him instead of on others. Therefore, taking a decision and commitment to help the starving man through charity, for instance, creates an obligation within, which gives the starving man the right expected to be fulfilled by the person offering charity. Added to this justification, Simmons reveals that, (it is the nature of the transaction or relationships into which the *obligor* and *obligee* enter, not the nature of the required act,

which renders the human act itself obligatory” (1979: p. 15). It is important to note here that, the moral unacceptability of a given action does not in any way prevent it from being mandatory, given that, the law itself serves as a good example of an aspect that permits this possibility. Here, voluntarism sets in as the bedrock of obligation, but, it is primordially necessary for such obligational advances to be well investigated and thoroughly tested against excesses and voluntarist manifestations. Nevertheless, apart from “ought” claims, varied obligation claims are equally developed by Baier (1966) who admits that, moral obligations can exist in one or in both cases.

Again, moral obligations are achieved and grounded when they clearly portray that, people are seldom morally obligated to do whatever they prescribe (practice what they preach). Emphatically, what qualifies one as “genetically moral” is the act of being genetically classified under a moral condition. A typical example of this version is the dictum “If I promise to go to school early” which is a moral promise from a genetic understanding, given that, the act of keeping promises is a general moral exigency. So, going to school early is not a general moral directive and is not regarded as morally binding. Thus, what renders a claim morally binding is the promise and obligation to get to school early, since the practice of honoring promises is morally genetic and grounded as Baier states, “what is common to all cases of obligation is amoral directive which has somehow given rise to task. The different ways in which the task arises generate the different types of obligations” (p. 213). However, it is worth emphasizing that, all forms of obligations possessing non-moral sense from a genetic Perspective, should be re-modified in such a manner that makes them moral genetically. Baier insistently adds to the tenability of genetic moral obligation when he reveals that, “Every obligation even those which are non-moral in the genetic sense, must be capable of reformulation in such a way as to make them moral also in the genetic sense. What is distinctive about such cases is that their genesis requires both a general moral directive “keep promises” and an empirical fact-for example, the fact that (Paul) promised not to work late-which defines the specific task in which the obligation consists” (p. 212).

Nonetheless, most Dictionary definitions of obligation focus more on the connection with physical coercion, laying more emphasis on the act of being forced “to act in accordance with one’s obligations as stipulated by the *Concise Oxford English Dictionary* (p. 300). Similarly, philosophers such as Austin (1954) including other command theorists insist on the coerced version of obligation. An illustration of the command theory as closely linked to or synonymous to obligation is the demonstration that, first, X is in a position of commands and violators are exposed to sanctions. Second, X commands that people ought to do Y, and third, therefore, people are obligated to do Y. Worth

stating here is that, a fourth condition is vital to justify why one must morally obey Y, which is centered on the obligation to obey the various punishments as backed up by commands. Too, the willingness to consider a given command as obligatory is highlighted by voluntarism through the following examples. First, that X is in command because we placed it in a commanding position and accepted to pay him allegiance. Second, X commands that I ought to obey the law. Third, therefore, I am obligated to obey the law.

However, establishing a clear-cut distinction and clarifying the meaning of forms of obligations is vital, given that obligations are not simply limited to situations involving the appeal to sufficient force for the accomplishment of certain tasks as there also comprise other reasons linked to Hart's statement which declares thus: "If we have an obligation to do something then there is a sense in which we are bound to do it, and where we are bound, there is some sense in which we are compelled to do it" (p. 95). That notwithstanding, the main issue of concern here is if we are actually obligated because we are forced to, as advanced by the command theorists, or if one is forced because he is being obligated, though obligations and coercion could be somehow connected.

DISCUSSIONS AND RECOMMENDATIONS

The whole idea of inseparability between coercion and obligations is evident from a moral view point in a case where someone fails to exercise obligations, requiring justifications and the failure to attract justifications usually attract sanctions. So, whether from a moral or legal perspective, the failure to obey obligations and commands as determined by moral or legal instruments invites either moral or legal actions, or both. Consequently, it is vital to underscore that, sanctions comprise tools for protecting establishing "oughts" or commands (obligations) and are not simply to be regarded as part of them (Beran, 1972). Still, worth highlighting is the conception that, if one is obligated to perform an illegal act, then the law will be unqualified to enforce and enhance its actions. Hence, the appeal to reason in such a situation becomes a possible panacea in addressing cases characterizing coercive instruments which concurs with Hart's statement when he writes: "reason demands voluntary co-operation in a coercive system" (p. 193), meanwhile Dagger holds the view according to which "Coercion as connected to obligation is a response to one whose abuse threatens the practices through which we undertake obligations and conduct our lives" (1977: p. 89).

From the onset, it has been exhaustively demonstrated that, the term "obligation" is distinct from "Duty", "Ought", and the act of "being obliged". Also, it is a relational concept since it depends on the reality and forms of commitments established, rather than relying on the character of the activity concerned. In

other words, having an obligation to do something, is tantamount to being bound or coerced to execute a task, especially in exceptional cases involving a situation of "all things are morally permissible perspective", that one can justify the reasons for not doing particular things. This buttresses the dictum that one ought to do X, based on moral grounds trumps the idea that one possesses the obligation to do another thing (Gewirth, 1981: pp. 1-16). Therefore, it is strongly advisable for the legal context of the term obligations to be prescribed, given that, the most common vocabulary and applicability of the term is usually well situated in a majority of cases involving very details which could be expressed in other words as "A precise undertaking derived from a willful act on the person obligated. The act performed may either be considered as a manifestation of acceptance of a particular obligation, or the reliance on one party acknowledging that certain actions indirectly result to obligations. Until a more tenable moral justification overrides it, an obligation operates continually until it is dismissed. Therefore, morally, the basis of an obligation is insignificant to its binding force". Adopting this version of obligation with more emphasis on the distinction of the contexts (moral or legal) in which it appears, is significant in preventing the temptation of using it interchangeably, since the interpretations vary, depending on the discipline and contexts involved (Brandt, 1964).

CONCLUSION

After an elaborate establishment of duties, rights, and obligations, including a better understanding and clarifications of the terms, it can be concluded that, very vital distinctions and clarifications of the contexts for their applicability should be made, especially when tackling issues involving political situation of states (Smith, 1973). To Mcpherson (1967), a better interpretation of the real meaning should focus more on behavior or function, rather than on the individual or moral dimensions as he warns, "the effects on practice of regarding one's relation to the state too much in terms of 'Duty', 'Obligations', and the like, are to invite the wrong kind of enthusiasm for possibly doubtful ends and an inappropriate kind of guilt and failure to do one's bit adequately towards achieving them" (p. 85). Here, based on the tenets of this warning signal advanced by Mapherson, it is valuable to closely examine the contexts that suit the prescription and applicability of the key concepts in this paper which are, duties, rights, obligations, which tie with the historical understanding of philosophy (Gallie, 1996).

Moreover, given that the terms "politics" and "political" equally portray confusions, they are similar to obligations referred to by Flathman (1972: p. 46) as, "essentially contestable terms". Finally, it is incumbent to add that, not all aspects of political obligations are considered as legal obligations forcible, as well as the view that, not all social obligations possess political aspects. Consequently, a political obligation is better

understood as a moral organ aimed at supporting and complying with various political institutions of a person's country or residence, whereas, Flathman thinks otherwise that, "An obligation is termed political only when it comprises an integral part of the political arrangements and practices of a given society" (P. 63).

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