



JARMILA MAXIMOVÁ

Konstantino Filosofo universitetas Nitroje, Slovakija
Constantine the Philosopher University in Nitra, Slovakia

NUO TEISIŲ IKI PAREIGŲ IR ATSAKOMYBIŲ: IŠŠŪKIS ŠIUOLAIKINĖMS DEMOKRATIJOMS

From Rights to Duties and Responsibilities:
A Challenge for Contemporary Democracies

SUMMARY

In the paper, the author assumes that the concept of human and civil rights, as established in democratic societies today, represents a suitable starting point for reflecting on the crisis of political and economic systems in terms of various forms of current environmentalism. The paper aims to identify the relationship between rights and duties in current democratic societies, highlighting the need to reassess how societies set values in the context of the environmental crisis that humanity is facing. A balanced emphasis not only on rights but also on corresponding duties and global responsibilities for the next generations is a prerequisite for such a change. One of the numerous alternatives emerging today in the context of rethinking the establishment of social and political systems in democracies is the concept of degrowth which was developed at the beginning of the 21st century and is based on reducing economic growth. In terms of methodology, the paper employs a method of philosophical and conceptual analysis of key categories as well as further discussion of the subject matter.

SANTRAUKA

Straipsnyje daroma prielaida, kad tokia žmoniškųjų ir pilietinių teisių samprata, kokia šiandien yra įsitvirtinusi demokratinėse visuomenėse, yra tinkamas atspirties taškas apmąstant šiuolaikinėje aplinkosaugos srityje stebimą politinių ir ekonominių sistemų krizę. Straipsnyje siekiama nustatyti santykį tarp teisių ir pareigų dabartinėse demokratinėse visuomenėse, pabrėžiant būtinybę iš naujo įvertinti, kaip visuomenės apibrėžia vertybes aplinkosaugos krizės kontekste. Būtina tokio pokyčio sąlyga tampa tolygus dėmesys ne tik būsimų kartų teisėms, bet ir jų atitinkamoms pareigoms bei atsakomybei prieš pasaulį. Viena iš daugybės alternatyvų, šiandien iškylančių permąstant socialinių ir politinių sistemų kūrimą demokratinėse visuo-

RAKTAŽODŽIAI: teisės, pareigos, atsakomybė, vertybės, demokratija, pasaulinė aplinkosaugos krizė.

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menėse, yra XXI a. pradžioje sukurta *augimo mažėjimo* koncepcija, kuri reiškia ekonomikos augimo mažinimą. Metodologiniu požiūriu straipsnyje taikomi filosofinė ir konceptualinė pagrindinių kategorijų analizė bei temos aptarimo metodas.

INTRODUCTION

Currently, in both political and moral thinking, rights and duties – including their implications for democratic societies – represent the main issue/quest. Various aspects of human rights and the resulting duties or responsibilities are discussed both nationally and internationally, and perceptions of them are influenced by policies implemented in countries or transnational communities and groupings. In today's democracies, the exercise of rights is linked to the key

moral and political values, such as freedom, equality and justice. The exercise of rights, duties and responsibilities must reflect a number of areas directly affected by human activity, including the environment. However, the ecological aspect of the global environmental crisis cannot be separated from the economic (the need for mankind to produce too much) and social (i.e., the desire to accumulate and consume more than is needed).

RIGHTS AND DUTIES IN A DEMOCRATIC SOCIETY

Certain rights and freedoms (e.g., freedom of speech, freedom of religion, etc.) are so important that each individual is perceived to hold them, regardless of the legal system in the given society. These “natural rights” are equally exercised by all citizens as human beings, without regard to the state in which the individual lives or its legal system. Such a concept of rights has evolved into the current concept of equality-based human rights: “Natural rights gave way to human rights, which are said to attach to every being by virtue of his or her humanity and right to dignity, independence and equality of respect” (Goodwin 2007: 355). These are the rights from which the characteristics of legal justice or the principles of social justice emerged. The State has a primary duty to respect

and protect the rights of citizens, while the legitimate authority of the State is limited by the natural rights of individuals. These ideas, initiated by J. Locke and further developed by many other thinkers, were later promoted in the revolutionary 18th century (French Revolution, American Revolution). In France, this process resulted in the formulation of the Declaration of the Rights of Man and the Citizen (the role of the State in their protection) and the Declaration of Independence in the US (the right to life, liberty and pursuit of happiness). At present, almost all states – with the exception of several conservative Islamic regimes – accept the Universal Declaration of Human Rights adopted by the UN in 1948 at least theoretically, and most of them put it in practice. States that violate these rights

rarely admit it, yet they ultimately do not reject the very idea of human rights.¹ Thus, they are known internationally and across cultures.

A right is generally defined as “justifiable claim, on legal or moral grounds, to have or obtain something, or to act in a certain way” (Smith 2008: 96). As stated by Joel Feinberg, a right is “an entitlement or valid claim”, whereby “laws or regulations validate or justify legal or institutional rights; moral principles validate or justify moral rights” (Feinberg 1973: 67; 1980: 154). Thus, rights are justified and valid (legal or moral) requirements. Ronald Dworkin describes individual rights as “political trumps which normally bear or outweigh collective goals” (Dworkin 1978: 92). All these goals can be valuable, but if they collide with the rights of the individual, they normally retreat to the background. Individual rights limit the pursuit of collective goals.

In this context, we consider it crucial to clarify the distinction among legal (lawful) rights, institutional rights and moral rights. This differentiation of rights is based on the form they acquire. Legal rights (e.g., the right to a minimum wage) are explicitly expressed in a code of law and enforceable in a court. Institutional rights are claims arising from organization or community rules (e.g., church, university, company, etc.). These rights belong to individuals only on the basis of their position or status within the organization or institution (e.g., a university student has the right to use a university library). Both legal and institutional rights are granted on the basis of certain rules or regulations, thus their substance/claim is relatively undisputed. However,

moral rights are much more controversial. Moral rights, which include human rights, are considered to exist above or independent of legal or institutional rights. They are present regardless of whether they are enshrined in laws or rules and often provide justification for legal rights (for example, the moral right to adequate remuneration for work, which is considered to be independent from the law, justifies a legal right to a minimum wage; the moral right to education justifies the State’s duty to provide schools, etc.). Moral rights limit the activities of governments and systems, and the contents of legislation should be expressed in laws: for example, adults should be entitled to the moral right to vote even when legally they are denied this right. Moral and legal rights may also be distinguished according to who is the holder of the corresponding duties. Some rights (e.g., contractual rights in the relationship of creditor and debtor, employee and employer) apply to specific persons and imply specific duties of the parties. However, other moral rights and duties apply to everyone (against theft, assault, etc.). Each contemporary socio-philosophical or political-philosophical theory works with its own concept of moral rights that are perceived as either fundamental (see Nozick 1974) or derived (see Rawls, 1971). Without looking at further differentiation of rights (positive – negative, civic – political – economic – social etc.), we will focus our attention on the rationale for moral rights and on the interpretations of a possible correlation of rights and duties between them in the context of selected global problems that democracies face.

MORAL RIGHTS

In literature we find two fundamental theories from which we derive the basis of moral rights (see Smith 2008: 100–101). The first is the choice theory of rights, based on the assertion that the right-holder has a choice of how the corresponding duty will be fulfilled (e.g., the creditor may waive the debt). One of the counter-narratives to this theory is that a choice is not an essential feature of rights. Not being able to make a choice would mean not being able to be a right-holder, i.e., not having rights. We would put ourselves in situations where, for example, children, future generations (or even animals) might have no rights, and it is these entities that are the most vulnerable, i.e., the most dependent on moral rights protecting their interests. This brings us to the second theory underlying moral rights – the interest theory of rights – according to which rights protect interests that are important from

a moral point of view by imposing corresponding duties on others. This is a standard position in which the argument prevails that even beings who are not able to choose (or have no choice) still retain their interests, and thus also have moral rights. As an example, we can state the interest of society that children must not be subjected to experimentation, cruel treatment, or murder. They have the right not to be treated in this way, even though they are unable to make a choice. The second argument in favor of this theory is that even future generations that cannot vote today (have no choice), have a fundamental interest in what today's generations do. This implies that future generations also exercise certain rights (e.g., to a healthy environment). Therefore, morally important interests, while they limit the rights of those who are unable to make a choice, become the basis of moral rights.

POSSIBLE INTERPRETATION OF THE RELATIONSHIP BETWEEN RIGHTS AND DUTIES

How do we in this context define the relationship between rights and duties? The arguments set out above lead us to conclude that having rights does not necessarily depend on the ability to bear even corresponding duties and responsibilities. However, rights and duties are logically inseparable. One entails the other, but the claim may be directed from duties to rights and also vice versa. Not all duties automatically mean entitlement to corresponding rights. Duties of a moral nature (“must” as opposed to

“have to”) cannot be directly related to rights or claims. A moral duty that we may experience towards someone or something (e.g., to contribute to charity) does not mean that a claim arises on the part of the beneficiary (a charitable organization cannot automatically “claim” this right). On the other hand, every right implies a corresponding duty. A person's right requires someone else (individual, state, organization, etc.) to respect and follow this right. Negative rights (freedoms) mean a duty not to

interfere with a defined area of freedom, and positive rights commit to someone's duty to do something. Exceptions are the so-called manifesto rights (Feinberg 1992: 157), e.g., the right to satisfy basic needs: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social ser-

vices, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control" (UDHR, Art. 25). This right cannot be forced where adverse conditions exist in poor countries and does not oblige any country to provide it, but rather declares the right as an aspiration to be sought.

THE ENVIRONMENTAL CRISIS AS A CRISIS OF DEMOCRACY?

A different perception of rights and duties is one influence on the socio-philosophical and political concepts applied in social and political practice. Today democracies carry on discussions not only on whether to prioritize the negative freedoms of individuals over positive ones (or vice versa), but also on how to define the relationship between "right" and "good" or what attitude to take toward the global challenges of humanity. One such challenge is the environmental crisis that threatens assumptions about the sustainability of global industrial civilization, raising issues related to the functioning of democratic political systems (with a clearly defined concept of rights and duties).

The notion 'environmental crisis' refers to two types of phenomena linked to the matter of industrial civilization inputs and outputs (see Šťáhel 2019: 58–60). While the "input" issues arose in the second half of the 20th century and related to the threat of depletion of natural resources, the "output" issues are associated with the pollution of the environment, and thus are much more

serious because they potentially mean such a change in climatic conditions that the future existence of industrial civilization in its current form and scope will not be possible. Globalization processes play an important role in the analysis of the environmental crisis, especially the economic aspect, which in turn affects the state of the environment, social status of society, and national culture: "The global environmental crisis appears to be a purely human product affecting not only humans, but also other species" (Dubnička 2007: 105). This phenomenon results in humans' need for overproduction; a lot of emissions released in the air, and the natural resources depletion. There is a sharp decline in the quality of the environment, which humans do not accept, because it is hindered by their need to accumulate and consume overproduction. Under the pressure of a vision of a near shortage of raw materials, they began to invent new, more environmentally friendly technologies that make it possible to produce more overproduction from the same amount of raw materials. However, this does not

mean that the pressure on raw material resources will weaken. On the contrary, in the end, we are moving towards their complete exhaustion.

No matter how we look on the varieties of contemporary environmentalism (see Naess 1973: 95–100, and Passmore 2006: 471–488) or the justification of attitudes and different currents within the so-called “green ideologies” (Goodwin *ibid*: 235), ecological change is undoubtedly an existential threat to all of us and it receives a lot of attention at national as well as international level. Both scientists and politicians realize that in a globalized world, it is not easy for national policies and economies to act independently. Local actions at national level are therefore unlikely to be sufficient to address the environmental crisis, as the transformative changes themselves are a system. As Zozuláková states “the environmental degradation is associated with many social problems, such as increasing social inequality and erosion of democratic government” (Zozuláková 2021: 27). Thus, if we want to reverse the current course of society, we need comprehensive change of the system along with the awareness not only of the necessity of respect for human rights and freedoms, but also of the emphasis on taking responsibility for future generations. Environmental conditions that go beyond national and transnational communities limit the existence of society as a whole. In addition to exploring the concepts of liberal, social, and Christian democracy, it is appropriate to think about alternative concepts, which in the future may represent a realistic perspective of the *de facto*

functioning of human society. The construction of a sustainable society is thus linked to a rethinking not only its political but also its value and economic setting, with increasingly critical voices for a continuous economic growth policy. The question of whether this existential threat can be avoided while maintaining a capitalist economic system, which places emphasis on continued economic growth and well-being, is well-founded. One of the concepts developed at the beginning of the 21st century, in response to the deteriorating state of the environment and the depletion of natural resources, is the concept based on several streams of ecological and social thinking known as “degrowth”.

According to Demaria et al., “it is an attempt to re-politicize debates about desired socio-environmental futures and an example of an activist-led science now consolidating into a concept in academic literature” (Demaria et al. 2013: 191) and “as an interpretative frame diagnoses that disparate social phenomena such as the social and environmental crises are related to economic growth” (*ibid*: 194). Degrowth is not a purely economic theory, but an alternative based on the belief that combining several strategies within social structures can create conditions that, on the one hand, respect the values of freedom and equality of individuals and, on the other, move towards the sustainability of society. The goal is to reduce the importance of the economy in our lives and societies, based on the free, voluntary decision of people in society to live more modestly. As Demaria et al. further state, “the attractiveness of degrowth emerges from

its power to draw from and articulate different sources or streams of thought and to formulate strategies at different levels" (ibid: 210). This concept brings together scientists who deal with topics aimed at solving ecological problems, the value set-up of society, the meaning of life, the concept of well-being, social policy (housing, education, employment), democracy and justice.

Various sources of the concept make it even more attractive for current discourse (ibid: 196–201). Striking down the hegemonic imaginary of development and utilitarianism and criticizing *homo economicus*, degrowth seems to be a promising approach that could show a way how to reduce human pressure over ecosystems and nature, and decouple ecological impacts from the economic growth. However, a belief in ecological modernization, which should lead to a solution to the growing ecological and environmental crisis through new technologies, is criticized. Therefore, newly promoted solutions, which are discussed in the context of bioeconomic approaches, set limits for some technologies. As mentioned above, proponents of this concept criticize the current lifestyle, which is based on consumerism. On the contrary, they call for a reduction in individual consumption and voluntary simplicity. The arguments in favor of this

approach are not only economic and environmental, but they are also the matter of values. An important part of this demand is the perception of a simple life not as a restrictive life, but as life that is ultimately liberating and profound.

In the context of the need to consolidate and deepen democracy in society, it is necessary to openly discuss not only the benefits, but also the pitfalls of economic development and technological innovation. Moreover, the economic growth in society often goes hand in hand with growing social disparities between the richest and the poorest in the society. This, naturally, leads to the discussions about equality, social justice, and poverty. One of the strong sources of the degrowth concept in this context is a belief that if we perceive poverty in terms of relative consumption, the economic growth will not eradicate it, because it only changes the extent, not the proportion of wealth that individuals own.

To sum up, the concept of degrowth means the choice of decentralization and deepening of democratic decisions and activities of several institutions. It is about returning the economy to the political level because decisions to reduce consumption must be economic and political at the same time. We cannot reduce production without reducing consumption and vice versa.

CONCLUSION

The relationship of freedom and responsibility is not symmetrical, since responsibility is linked to freedom of action, but the freedom of action is not so closely

linked to responsibility. If we want to stop the environmental crisis, we need to "slow down" and try to balance the rights and duties, the individuals' claims for

well-being, and the corresponding duties resulting from the impact of their actions on the social milieu and the environment. A more sensitive perception of nature and our place in it is likely to lead to a rethinking of society's priorities, which in words of Jason Hickel means "shifting from a philosophy of domination and extraction to one that's rooted in reciprocity with

our planet's ecology" (Hickel 2021: 125). If today, in democratic societies guaranteeing rights and freedoms, we do not insist on fulfilling our responsibilities and taking responsibility not only for current but also future generations in the broadest sense of the word, we may easily deny future generations the right to a healthy environment.

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Endnotes

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¹ To the explaining of the historical conditions for the emergence of a universalizing approach to the ethical and legal realities of humankind see the study of A. Stepukonis Universalising Human Rights in the Global Age: UN Documents on the Abolition of Slavery (2018).