

## Reclaiming the History of Duties

Samuel Moyn

In 1947, Julian Huxley, English evolutionary theorist and director-general of UNESCO, wrote Mohandas Gandhi to ask him to contribute an essay to a collection of philosophical reflections on human rights. In a letter (which he allowed Huxley to print), Gandhi declined. “I learnt from my illiterate but wise mother,” he replied, “that all rights to be deserved and preserved came from duty well done. Thus the very right to live accrues to us only when we do the duty of citizenship of the world.”

It was far from a random comment. As far back as *Hind Swaraj* (1909), his masterpiece in political theory, Gandhi had bemoaned “the farce of everybody wanting and insisting on ... rights, nobody thinking of ... duty.” And during World War II, when another Englishman, science fiction writer H.G. Wells, solicited Gandhi’s support for his own program of writing a bill of rights to define war aims, the mahatma recommended he write a cosmopolitan charter of duties instead—a statement of what we citizens of the world owe to each other. But both Huxley and Wells ignored him.

History has much to contribute in taking up Gandhi’s challenge today. Intellectual historians now have amassed forty years’ worth of research about where rights came from. Yet there is no research into the history of human duties — either at the scale of the state or Gandhi’s globe — and so it has proven harder to assert them, especially for

liberals and progressives who are much more likely to focus on human rights. There is a cottage industry concerning the medieval and early modern origins of natural rights, but only a minor protest literature about how far this distorts the moral vocabulary of our ancestors. And there is now a whole canon on the history of human rights, but not a single book on the history of human duties.

It is insufficient to argue in response that duties and rights are “correlative” — that a history or theory of rights is by definition a history of theory of duties. For it turns out that those who have emphasized duties have often wanted to expand who bears them, shift their contents, or extend their scope. Indeed, there is a much better basis in Western and possibly global intellectual history for locating robust theories that place obligations not merely on governments to respect individual rights, but also on rich states in relation to poor ones, and especially on individuals towards one another at every level from the local to the global. Duties are not without their own baggage, but their history provides a better place to start for some urgent purposes than the now well-excavated history of rights claims does.

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The absence of any history of duties is surprising when you consider that, for millennia, duties were the main commitment of religious ethics, and thus the centerpiece of the history of ethical culture so far. Judaism, founder of human rights law, Columbia professor, and orthodox Jew Louis Henkin explained, “knows not rights

but duties, and at bottom all duties are to God. (If every duty has a correlative right, the right must be said to be in God!)” In spite of its critique of Jewish “legalism,” Christianity, like Islam, surely shared the commitment that the substance of moral teachings is some set of obligations by divine decree, whether these are to fellow human beings or God himself.

Just as important, duties were also the central framework for Western ethical theory, in large part thanks to the fact that Cicero’s textbook on practical ethics *De Officiis* (routinely translated as *On Duties*) was the basis of introductions to the subject for young men for hundreds of years. Immanuel Kant’s great contribution to ethical theory was to provide a revolutionary foundation for morality: the dignity of human beings, owing to our autonomy. But when he lectured to young men on practical ethics, Kant’s teaching took a very familiar form: expounding a catalogue of duties. Many everyday bodies of law, like tort law for the redress of private wrongs, have never dispensed with the premodern emphasis on duties.

The rise of the history of human rights in our time has sometimes distorted our perception of these antediluvian realities. Historians searching for early traces of the notion of rights in medieval, Reformation, or Enlightenment Christianity are at risk of sidelining their overwhelming emphasis on duties. The same observation applies to the early modern natural law traditions that have long been credited, by Richard Tuck and others, for the whole concept of natural rights. Historian of eighteenth century moral

philosophy Knud Haakonssen worries that the discovery of rights is routinely played off against traditions that become “the casualty that defines its victor, namely, the modernity of voluntarist natural law [and] individualistic rights theory.” The result, however, is not “a plausible interpretation of the trajectory of moral and political thought from the Reformation to the end of the nineteenth century” — or in fact, I would add, to the end of the twentieth century. “The development of the notion of natural rights was not central to early modern natural law,” Haakonssen argues. Instead, rights thinking “crops up as little more than floating islands” in the moral sea of duties. Before there were declarations of the rights of man and citizen, German moralist Samuel Pufendorf summed up the dominant focus of political and legal thought in the title of his treatise *On the Duty of Man and Citizen*.

It might have been for this very reason — the millennial dominance of ethical schools, religious traditions, and political authorities that emphasized our obligations within stark hierarchies — that it was reasonable to assert the supremacy of rights, and to struggle for their observance.

Escaping the confinement of duty is what the struggle for liberties was about, and it was no doubt a very good thing. That liberals insisted and insist on our freedoms from God’s enforcers, tradition’s weight, and the state’s prerogatives was the significant advance in history. The question is what would happen to the public emphasis on duties that had long been sponsored for bad reasons after individual freedoms had been

proclaimed and won.

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Appeals to rights famously justified Atlantic revolutions against political oppression. And when revolution was domesticated, it was precisely through appeal to duties. In the French Revolution, the liberal Declaration of the Rights of Man and Citizen of 1789, and its even more progressive update of 1793, were answered by the conservative Declaration of the Rights and Duties of Man and Citizen of 1795, with a separate catalogue of admonitions like this: “The maintenance of society requires that those who compose it should both know and fulfill their duties.” Yet this story of the revival of duties simply to contain the demand for rights is strikingly incomplete.

In fact, most nineteenth century liberals understood the need to prioritize duties, for two main reasons. First, they nestled their liberal normative commitments within historical and sociological frameworks that made individual freedom a collective achievement that depended on ongoing collective commitments and necessarily common action. If liberals defended rights, it was not on the basis of the myth of the state of nature of free individuals. Instead, rights (if plausible at all) were social entities, like everything else. The difference between good and bad states was not the distinction between ones that respected prepolitical rights and those that did not, but rather the difference between states that properly balanced social freedom with other collective purposes and those that did not.

Second, liberals were concerned that when the state or globe was viewed as the forum for the protection of individual freedom alone, the result would be a destructive libertarianism that would sweep aside values other than individual freedom (including socioeconomic equality). So their motivation to maintain the historic emphasis on duties in a liberal age was powerful.

Tom Paine, who fanned the flames of the American Revolution and then participated in the French, offered a famous defense of *The Rights of Man* (1791). Nineteenth century liberal and Italian patriot Giuseppe Mazzini, one of the most famous men of his age, entitled his central work of moral and political theory *The Duties of Man* (1860). For a long time, Mazzini was more emblematic of the tasks of social thought than Paine was, because he reclaimed duties for liberals.

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Mazzini was not a great philosopher, but his global influence was such that his ethics deserve a look. Gandhi mentioned *The Duties of Man* as one of the most inspirational texts for his own thought. “The priority accorded individual entitlements risked prioritizing the hedonistic ‘pursuit of happiness’ over other goods, neglecting both higher aims and the enacted communal fellowship necessary to achieve them.” Mazzini wrote. “With the theory of happiness as the primary aim of existence, we shall only produce egoistic men. We have therefore to find a principle ... which shall guide

men toward their own improvement, teach them constancy and self-sacrifice, and unite them with their fellow men... And this principle is Duty." Thus, he set himself the task of renovating the time-honored centrality of duties. And what is interesting is that, though Mazzini remains best remembered for his nationalism, he was also one of the earliest cosmopolitans who believed in the eventual unification of humanity thanks to the rise of modern emancipation. What united his activism at every scale, from his local agitation to his global vision, was his commitment to reality of and need for social interdependence for the sake of achieving all of our goods.

Living as an exile in London for much of his adult life, Mazzini was aghast at the contrast between rights and utility that he found dominating (as it still does) Anglophone ethics. In one of his more penetrating comments, Mazzini gave voice to anger about the isolating hedonism of the Enlightenment and Atlantic Revolution when he encountered the Jeremy Bentham's principle of utility as the commonest alternative to rights, for Mazzini viewed utilitarianism as itself as mode of individual rights, disavowing their formalism and substituting their foundations while centering ethics on the same atomized self. "I know the theory of *rights* does not find favour with Bentham by name," Mazzini allowed, in a telling comment, "but for all who understand the spirit and not the mere dead letter of Bentham, this is evidently only a quarrel with the word." For this reason, Mazzini contended, utilitarianism had merely saved human rights from their nonsensical illusions rather than embedding them in a wider doctrine:

“Bentham’s writings recognize no idea superior to the individual, no collective starting-point, no providential education of the human race.”

The need for a social ethics of objective interdependence for the sake of improvement made Mazzini’s doctrine of duties exceptionally broad — irreducible, especially, to the state’s duties to respect the rights of its citizens. Rather, duties to one another and to all humanity put the relationship between individual rights and the state in its proper setting. “Workingmen, brothers — understand me well. When I say that the consciousness of your rights will never suffice to produce an important and lasting progress, I do not ask you to renounce those rights,” Mazzini assured his reader. “I merely say that such rights can only exist as a consequence of duties fulfilled, and that we must begin with the latter in order to achieve the former. ... Hence, when you hear those who preach the necessity of a social transformation declare that they can accomplish it by invoking only your rights, be grateful to them for their good intentions, but distrustful of the outcome.”

Finally, Mazzini found in duties the critical tool to immunize the individual liberty consecrated by rights theory from the libertarian heresy that he found so destructive. “The sacred idea of Liberty has recently been perverted by some deeply flawed doctrines,” he noted. “Some have reduced it to a narrow and immoral egoism, making the *self* everything, and declaring the aim of all social organization to be the satisfaction of personal desires. Others have declared that all government and all authority is a

necessary evil [or] that government has no other mission than that of preventing one individual from harming another. Reject these false doctrines, my brothers! ... If you were to understand liberty according to these flawed doctrines, you would deserve to lose it... Your liberty will be sacred so long as it is guided by an idea of duty, of faith in common perfectibility.”

Mazzini may have been unique in his sheer emphasis on the programmatic significance of duties. He was certainly more florid, as well as less philosophically astute and rigorous, than many of his nineteenth century contemporaries, even if he was both more globally minded and more globally influential for a long time. Yet he captured some common commitments that other liberals shared. After its early naturalistic phase, liberalism shared with socialism a commitment to the collective foundations of the good life, in which individual liberty fit along side collective emancipation and a range of other goods. Perhaps most important, theorists of duty were committed to bringing into view in a sociological fashion the complex interdependence of human beings, in a way that rights talk generally risks obscuring, especially since it has always been most often been deployed to defend property. Admittedly, sometimes even progressive theorists took this argument too far, as the brilliant and neglected French legal theorist Léon Duguit did when in the name of solidarity and social interdependence he made his own earlier French thinker Auguste Comte’s claim that “there is only one right, and that is to do our duty.” Whatever the overstatement, the

question such traditions leave behind is how to recover an emphasis on duties, and to do so on the scale of global interdependence.

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Though only their powerful traditions emphasizing rights (and utility) are familiar today, many Anglo-American liberals were in agreement with their Continental European colleagues about the need to accord most public emphasis to a theory and practice of duties. Surely the best example is T.H. Green, the Oxford moralist who fused Evangelical religion, liberal politics, and Hegelian metaphysics. As his great biographer Melvin Richter long ago specified, it was in some ways because he felt he could count on secure English and more broadly West European traditions of liberty that Green could take the chance to justify a more interventionist state than before. Accordingly, Green named a major work *Lectures on the Principles of Political Obligation*, in which entitlements had only a reconceived and subordinate place.

Like so many others in the nineteenth-century, and not only those on the far left like Karl Marx, Green's point of departure was an attack on the myth of the socially antecedent individual. "The popular effect of the notion that the individual brings with him into society certain rights," Green complained, "is seen in the inveterate irreverence of the individual towards the state [and] in the assumption that the has rights against society irrespectively of his fulfillment of any duties to society." In response, Green

reframed rather than rejected rights, reaching for a theory of rights that would acknowledge human capacities within a broad approach to social cohesion and progress, but above all insisting that duties must have the same standing and importance: “There cannot be innate right in any other sense than that in which there are innate duties,” he concluded, “of which, however, much less has been heard.” The same remains even truer today in our age of rights.

Green’s thought made possible a liberalism that provided the ultimate premises for a liberal welfare state in the twentieth century. Green, British New Liberals and their American analogues were arguing against a libertarian presumption that made state intrusion into the allegedly free domain of market activity a violation of rights, and directed their fire towards the whole notion of rights when they were conceived as metaphysical entities, unbundling rights to accord them pragmatically as social goods whose justification lies in collective purpose. Even though the famed deconstruction of rights undertaken by such legal realists as Robert Hale and Karl Llewellyn is in theory equally applicable to duties, they did not target duties for their criticism — perhaps because all such figures wanted to specify social duties of citizens to each other, that is, to make them plausible in the first place in an age like ours in which liberty functioned to justify market hierarchy and depredation. For these figures, the argument was thus twofold. On the one hand, if people have rights based on their innate features, they have innate duties too. On the other, the collective setting of individual freedom makes

the harmony of social and individual purposes a policy challenge rather than the occasion for asserting trump cards of rights to minimize the state.

The creation of the welfare state in the twentieth century was popularly justified not in terms of rights (including economic rights) but individual and collective duties. A late article of the Universal Declaration of Human Rights alludes to these commitments: “Everyone has duties to the community in which alone the free and full development of his personality is possible.” (Latin Americans went further in entitling their regional charter, finalized in spring 1948, “The American Declaration of the Rights and Duties of Man.”) The most progressive international lawyers through the twentieth century made repeated attempts to assert not rights of individuals but duties of states – including to one another in view of their unequal wealth and power. The most notable example is the Charter of the Economic Rights and Duties of States (1974), propounded in close connection with the global south’s “New International Economic Order” proposals.

Today, however, any public emphasis on the language of duties is a distant memory at every scale. Neither contemporary liberals in their domestic projects, nor the Universal Declaration and movements following it in international fora, have successfully offered powerful public visions of social interdependence or collective agency or planetary responsibility, which alone might help confront economic inequality or global warming.

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If all this is correct, we are the outliers, in what Henkin called our “age of rights,” in lacking a public language of duties, which would allow us to pick up the traces of cosmopolitan responsibility in figures like Mazzini and Gandhi in a new era of economistic neoliberalism and environmental catastrophe.

Of course, the force and presence of tradition, which first justified the prioritization of rights and still justifies their vigilant defense, instills a permanent lesson. And it is undeniable that the rhetoric of duties has often provided a proxy for returning to the past that traditionalists want to reanimate or as a vague call for limits. (In 2007, for example, British Labour party prime minister Gordon Brown began calling for a new bill of British rights and duties, which has escalated into full-scale resistance to human rights under his conservative successors). Most perniciously, when the language of duties has been revived, it has often been for the sake of libertarian ends, notably in debates over state provision — for example, in the argument that individuals must take responsibility for their lives rather than depend on the “nanny state” to minister to their needs. But it ought to be clear that simply guarding against such implausible visions of duty is not only a bad reason to fail to elaborate a liberal vision of duty. Worse, it avoids participation in a public vocabulary to advance a range of values from socioeconomic equality to global justice to environmental welfare in a state of permanent neglect —

since it is highly doubtful that “human rights” will suffice as a framework to address these difficulties in either theory or practice.

The search for collective duties will have to be supplementary tasks for states, the goals of original social movements, or even the task of cultural transformation. As for Green, duties have to be a priority, but not a substitute. But recalling the history of duties can remind us that marginalizing duties has its own besetting difficulties. The liberal emphasis on rights easily devolves into libertarianism, neglecting the social interdependence that justifies duties. It is clear how much more difficult in theory and especially in practice to address distributive justice and global warming as following from individual entitlements, so the need to augment our public vocabulary with argument about individual and collective duty is pressing.

An emphasis on duties is not “communitarian,” as a familiar categorization would have it. For most liberals in modern history — precisely because they emphasized duties — understood social interdependence as the basis for personal freedom. If we allow the spokespeople of other forces a monopoly on calls for duty, we risk colluding with a libertarianism that is not only philosophically implausible but politically egregious in view of the crises of our inevitably collective human venture, from rampant inequality to environmental destruction. Further, duties could matter precisely because many of our most intractable problems are global. In his letter to Huxley, Gandhi’s call to prioritize duties was a self-conscious cosmopolitanism: duties are at the core of a defensible

citizenship of the world. As the natural world burns, and global justice remains fragile at best, it thus behooves us to ask what a history of human duties would look like, so we can decide whether and how to reclaim it now.

And though they are far from a quick fix, there are ample sources in our moral and political past for an altogether different, more salutary, and much needed vision of duties. There will, of course, always be continuing debate both about the source and substance of such duties. But this is no more true of duties than it is of an already publicly dominant rights framework. We cannot wait on philosophers to justify morality to act. And insofar as we work to make duties more publicly central than they have been, we do not end the debate over their source and substance, but begin it.

I have stressed two aspects that united Mazzini and Gandhi and deserve further work. One is the need to free talk of duties from a narrow vision that rights thinking has generally favored, and which thinks first of obligations on states in view of the priority of individual liberty. But aside from neglecting the duties of citizens to states (our own and others) for the sake of a range of ends – for example, taxation for individuals and corporations for the social good – the prevailing emphasis sidelines the duties fellow citizens and human beings owe to one another apart from states or to be realized through them. The second is the global or cosmopolitan scope of duties, of which Mazzini was already well aware. It is even more pressing today, since so many problems are worldwide in their causes, their scope, and their remedies. As Anne Peters has

argued, international law in particular beckons for the corresponding work that has gone into the last generation in establishing human rights: for there is no reason for individuals not to bear a wide range of duties under that law above states, and notably cosmopolitan responsibilities to balance the transnational commercial freedoms they enjoy. There is also a forgotten and neglected tradition of cosmopolitan duties of states quite different from the now more familiar demands of saving strangers connected to contemporary atrocity consciousness — in particular, the proposition that rich states owe duties to the world's poor and the global commons.

In the end, history only goes so far. Rights and duties correspond to each other not least in the fact that their historical versions are deeply inadequate to our times. But we have done much better in reviving rights and telling their history. Reclaiming the history of duties is a first step to the sorts of thinking and practice that can lead to reclaiming duties themselves.