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Abstract This article puts forward a number of propositions as a step toward a cultural theory of duties. The concept of 'duty' is set up in contrast to that of 'rights', in that while the former is owed to others, the latter are demanded of others. We believe that the psychology of duty has been neglected. Duties are associated with important continuities in social life, and to elaborate this point we introduce the concept of *carriers*, symbolic devices on which people hang cultural elements they want to maintain. Duties, we propose, have their origins in certain perennial social psychological features of social life, predating the origins of writing and formal law and government. Thus unformalized (normative) duties pre-date black-letter law duties, the latter tending to be installed as the formal expression of the former. The same conduct, in the sense of publicly observable actions, can often be described either as the implementation of a right, or as the fulfillment of a duty, depending on the cultural context. Where the line is drawn between normative and black-letter duties also varies across cultures. We argue that at any time, normative duties are closer to societal ideals than are black-letter duties. Finally, we propose that after achieving equal rights in black-letter law, minorities should shift their focus to the correlative duties that arise from their change in moral status. At the same time this entails that the majority fulfills its duty to implement the minorities' rights.

Key Words cultural theory, duties, formal, implicit norms, rights

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Toward a Cultural Theory of Duties

The Apparent Dominance of Rights over Duties in Contemporary Culture

A preliminary working distinction can be set up between rights and duties according to a simple commonsense distinction. A right is a demand placed on others by the person who possesses it, while a duty is a demand placed by others on the person who owes it. There are various levels of duties, but it is characteristic of simple duties that their fulfillment is obligatory. One need not, and people often do not, exercise their rights. We have observed that duties have been largely

neglected as a topic for psychological investigation. In this article we put forward some proposals as to how this might be remedied and what might be gained by research into them.

In the United States, and to a lesser extent elsewhere in the 'western' world, there is an overwhelming emphasis on rights for oneself or for one's group, and an equally striking neglect of attention to duties. 'Rights' refer to domains in which individuals tend to try to exercise control over others. For example, in the domain of 'free speech' the right to exercise it curtails the actions of censors, those who would deny it. As Rose (1996) points out, rights could never be successfully exercised unless those who concede them accept the duty to implement them. On the other hand, 'duties' refer to domains in which a person's actions are directed to the needs of others. It does not follow that to carry out one's duties, those to whom they are owed must necessarily have a right to one's care, and so on. There is a special case in which the demand comes not so much from others, but from the demands of one's own conscience. Rights involve positive demands on other people or institutions. At the same time the exercise of a right implicitly repudiates the demands of others. Duties, on the other hand, always refer to what I must do for some person or institution. In the United States, and particularly since the Second World War, there has been a marked spread of the concept of 'my duty to myself'. Finally we note a not infrequent repudiation of one's social duties, in the course of which the fulfillment of duties is construed as an interference in the lives of others, perhaps in fear that they might interfere in one's own. Along with this we note the prevalence of negative rights, such as the right to remain silent, even the right to refrain from altruistic actions. A man might feel he had a right to refrain from walking a woman home if his action was likely to be misconstrued as overly protective.

We do not need a social scientific investigation to know that we live in an age of rights of both positive and negative valence. Social movements acquire names in which the word 'right' is explicit. Thus we have movements for 'Black rights' and 'women's rights'. The concern of minority movements, particularly since the 1960s in the United States, has been with civil rights, what a certain category of persons can demand of the state by virtue of their membership of that category. In the international arena, also, rights have been a main concern, as reflected by various human rights declarations and charters. In none of these cases do we hear of talk of 'Black duties' or 'women's duties'. This is a significant absence.

In social psychology, always to a considerable extent a mirror of

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contemporary and local preoccupations, an emphasis on rights has gone along with a neglect of duties, as traditionally understood. Minority political movements aimed at liberation and equality have seldom raised the issue of the duties they might acquire if those aims are fulfilled and corresponding rights are attained. Having attained the vote, the next step would perhaps have been a campaign designed to alert people to the duties of the responsible voter. However, although human rights declarations are prominent in national and international affairs, there has been little attention to charters or declarations of 'human duties'. Nevertheless, as Rose has argued, only if a society recognizes the demands of duty to others could there be rights. A sense of duty involves the recognition of responsibilities for others, opening up the possibility of freedom for those others.

However, since a duty is an obligation to fulfill the needs, commands and expectations of someone else, it can be seen as a form of oppression, in that those who are dutiful surrender some measure of their freedom to those to whom the duty is owed. It may even be that an excessive sense of duty can indeed lead to officious interference in the lives of others.

Rights are structured on the opposite valency. Thus, a pervasive assumption, sometimes made explicit, is that liberation can only come about through a dismantling of traditional duties, which are often tied into hierarchical social structures. However, too strong an anti-duties stance undercuts one of the necessary conditions for the possibility of rights.

The Neglect of Duties as a Topic in Psychology

The same trend involving a neglect of duties and a focus on rights is reflected in the psychological literature. For example, since 1990 a series of social psychological studies have been conducted on perceptions and behavior in the domain of human rights (Doise, Spini, & Clémence, 1999; Moghaddam & Vuksanovic, 1990), but the topic of duties remains almost completely neglected. There has been some attention given to cultural differences in the assignment of blame (e.g. Miller & Bersoff, 1992; Shweder, 1991). Moral reasoning pertaining to duties has also been addressed, particularly in the framework of Kohlberg's (1976) model of moral development and the various critical responses to it (e.g. Gilligan, 1982). But in these debates the issue of duties has been peripheral and implicit, rather than a central and explicit theme.

Duties are not discussed in the major social psychology texts—neither the 'classic' texts, from McDougall (1908) to Roger Brown

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(1966), nor the modern 'bestsellers' (Myers, 1999), nor indeed the culturally oriented texts that attempt to be more international (Moghaddam, 1998). Neither are duties given space in the major American handbooks of social psychology (Gilbert, Fiske, & Lindzey, 1998; Lindzey & Aronson, 1968, 1985). In this, as in other respects, psychology in the United States, while prolific, is markedly insular.

Although duties are seldom given direct attention in empirical research, they do receive at least indirect attention through a number of lines of research. An example is the obedience studies of Milgram (1974), which examined the conditions in which 'normal' adults would follow instructions from authority figures to press levers that purportedly harmed other people. One interpretation of this situation is that respondents see it as their duty to obey people in authority, especially, these days, if the authority comes from the prestige of science.

Moving from this classic laboratory study, we can extend the analysis to laboratory psychology in general. All such research 'works' because it involves duties and their fulfillment. Respondents commit themselves to do as the researchers tell them and see it as their duty to behave in ways they perceive to be correct ('as a research participant should'). Those who reject this duty exit from the study and are typically then excluded from the research results. Thus, duties are implicit not only in the outcomes, but also in the actual procedures of social psychological research. This is another reminder that a right can exist only if the relevant duty to concede it also exists.

Carriers and Continuities

The Persistence of Styles

Duties deserve greater attention in part because they help explain one of the most persistent and important puzzles of human behavior: how is it that while some things change over time, such as the feudal system giving way to capitalism, there is consistency and 'stubborn' resistance to change in other matters, an example being the persistence of hierarchical structures (Harré & Moghaddam, 1999)? Some aspects of human behavior prove extremely difficult to change, even through radical revolution. We shall bring out some reasons to think that the difference between at least some continuities and some discontinuities can be related to the role of duties with respect to the social practices involved. However, before we develop that point we must pause to introduce a pair of new concepts, by the use of which some of the puzzles about social continuity and discontinuity can be tackled.

In some cases what survives through massive macro-changes, for

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example in the political regime or the means of production, may seem trivial, yet they are often the *carriers* of fundamental social assumptions that are so deeply embedded in a culture that they are never explicitly formulated. For example, the practice of shaking hands might seem utterly trivial, until it is contrasted with the Indian *namaste* gesture of bringing together one's own hands. Each practice is actually heavily socially loaded.

In both western and Indian cultures, the performance of a greeting act is a social duty. In this case each has its characteristic reducton by the use of which the same act is performed. A reducton can also be the common means for the performance of different acts. The duty to realize a certain reducton is derivative from the duty to perform the culturally relevant act.

We have introduced the word 'carrier' for the taken-for-granted bearers of social relations, and coined the word 'reducton' for the minimal social practices that analysis reveals to be fulfilling the role of carrier. Amongst other kinds of carriers are such material symbols as flags, styles of architecture, fashions of dress, and so on.

Carriers, as we remarked, can also take the form of minimal social practices that serve to protect and perpetuate particular ways of doing things. The term 'reducton' (Moghaddam & Harré, 1996) is meant to suggest the smallest analytically distinguishable elements of a form of human social life. Such 'protective' practices tend to vary across cultures. We see reductons as important in the sustaining and repro-ducing of all sorts of social practices. An example is the rules of polite-ness, which have received some research attention (P. Brown & Levinson, 1987). In a western context, when a man is introduced to a woman the polite thing to do is to shake hands, and it is proper to make eye contact at least during part of the greeting ceremony. In the post-revolution era in Iran, the polite thing for the man to do is not shake hands and not make eye contact with a woman to whom he has just been introduced. In both cases, the rules of politeness demarcate 'oughts' or 'duties', but of a rather different kind. In both cases, however, rules of politeness are carriers for culturally appropriate models of gender roles, correct behavior for men and women. Research has shown that some of these practices are associated with children's games and rituals which may have persisted virtually unchanged for centuries, and which serve to support broad continuities in the social life of the communities where they persist (Opie & Opie, 1972). Though, in principle, the meaning of a carrier may change in revol-utionary times, in practice the persistence of the same reducton as the means of public performance has a powerfully conservative effect.

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Role of Carriers

As we have suggested, the concept of *carriers* is useful in order to explain continuity in social life (Moghaddam, in press). Carriers of all types serve to support particular styles of conduct, to confirm particular attitudes and to express particular relations. They are relevant to our discussion because, amongst many other roles, they serve to sustain the continuation of duties. It is not so much that others are forever reminding one what one's duties are with verbal formulae and injunctions. Rather, a cluster of presuppositions accrete to a powerful symbolic object, for example a national flag, including certain conceptions of duties. The Stars and Stripes is rich in presuppositions of service, 'duty to the republic' or 'duty to country'. The cross is a symbolic carrier for a great deal of Christian doctrine and practices, but for many Christians it sustains the continuation of the acceptance of duties to God and to the carrying out of His Commandments.

The point to be emphasized is the subtle power of the pantemporal symbol to carry a heavy cognitive load. The Stars and Stripes has flown since the days of the American Revolution, while the Cross has been at the heart of Christian symbolism for two millennia.

Symbolic carriers represent particular ways of life. The symbolic importance of such carriers becomes particularly evident when they are not used appropriately (as when a man fails to wear a tie at a formal event, for example). Revolutionaries are not unaware of the power of even the most seemingly innocuous symbol. For example, the western tie and shirt was banished during revolutionary eras in China and Cambodia, and is still condemned in Iran decades after the 1979 revolution. There are discontinuities in the force of certain carriers, though sometimes the same force can be transferred to some other symbol. In such cases, carriers once effective in supporting particular duty relations no longer work, and new symbols are adopted. For example, the mullah's turban is an ancient carrier that upholds the revival of a duty relation in the post-revolution context of Iran that looks back deep into Islamic history.

Symbolic carriers generally serve no other function than to 'stand for' a particular way of doing things. As long as they persist, the particular way of doing things, and specifically the duties they uphold, has a greater chance of continuing to survive. For example, a flag serves such a symbolic function, so that changing the shape, colors and symbols of a flag can be seen as indicating that a change in the way things should be done has occurred.

This aspect of carriers is involved in acts of desecration. The American flag is just a piece of cloth, but burning this piece of cloth is

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deeply offensive to many people, because they see it as an attack on their ways of doing things. Similarly, the Islamic veil women are dutifully obliged to wear in some eastern countries is 'just a piece of cloth'. Nevertheless, attempts to 'unveil' women anger traditionalists because they see them as an attack on the 'correct' way of doing things, in particular as a failure to uphold and fulfill certain duties. It is also true that carriers can perpetuate people's conceptions of their rights!

It is our contention that the social psychology of duties cannot be exhaustively researched by attention to verbal discourse alone. There are other 'discursive' devices in the understanding of which both rights and duties are conveyed. However, we also want to emphasize that carriers of all kinds are pantemporal. Usually beneath explicit notice they explain how patterns of interpersonal relations can survive while the macro-structures of a society change radically.

Carriers become relevant when we reflect on the fact that students of revolutions have identified a fundamental paradox: even a violent overthrow of a government and the coming to power of a new and ideologically very different regime often does not in the long term lead to dramatic change in the micro-level of social relations, particularly as these reflect attitudes to and concepts of persons (see Middlebrook, 1995; Moghaddam & Crystal, 1997; Moghaddam & Harré, 1996).

From the French Revolution of 1786 to the Iranian Revolution of 1978 and more recent events, it is clear that even when revolutionaries have a monopoly of power and can exert dictatorial control, they are seldom able to change behavior toward their stated goals. In many cases change does take place over the short term, but there is often a rapid reversal to previous patterns in many areas of behavior. For example, such revivals often take place in leadership style: the English Revolution saw the execution of the king, Charles I, but his successor, the 'Lord Protector' Oliver Cromwell, was attacked by many as increasingly 'monarchical' in all but name. The French Revolution replaced a somewhat feeble king with a powerful emperor, but the presumed style of autocratic government was the same, and looked back to Louis XIV. The Russian communist revolution eventually replaced a tsar with Stalin and a style of government that looked back to autocrats of the era of Alexander III, and further back to Ivan the Terrible. The Iranian Revolution substituted 'a turban for the crown'. In all of these cases persons changed, but leadership style remained the same, with decision-making being monopolized by all-powerful, anti-democratic individuals. At the level of fine-grained social practices, we find the same characteristics of continuity. Reading Anthony Trollope's 19th-century British political

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novels reveals a world that is eerily similar to that of the Third Millennium.

In summary, then, duties are part of an ongoing social life that is sustained, often with little real change, across generations. Carriers are amongst the means which serve to sustain such continuity.

Major Propositions

The main propositions with which we propose to develop a sketch of a neglected research domain, the social psychology of duties, are briefly elaborated below. The project of this paper is to find sufficient support for them to make the consequential research program plausible.

(1) The practice of managing life around what we would now call the 'concept of duties' has its origins in certain social psychological aspects of human life that emerged early in evolution. We will refer to these as 'primitive social relations' (see Moghaddam, 2000).

(2) The explicit concept of 'duty' appears after some form of symbolic system has evolved in human societies, by means of which injunctions to conduct directed towards the good or need of others can be formulated. Shweder (1996) has argued that it is in the process of the transfer of dutiful demands from the society to the individual that 'morality' is born, in the sense of responsibility that accompanies acceptance of a duty by an individual.

(3) We distinguish between *normative duties*, which are informal and implicit, and *black-letter duties*, which are formal and explicit. Normative duties and their supporting carriers became an integral part of human societies well before the appearance of black-letter duties. Thus, what Finkel (1995) terms 'commonsense' duties predate black-letter duties.

(4) The interpretation of various forms of social behavior as involving rights and/or duties has depended on cultural factors, such as the existence of a feudal system, or a puritanical religious atmosphere, as well as agricultures which depend on the work of whole families. The balance between a duty-based and a rights-based social order has changed a great deal over history. There have been societies based predominantly on duties and, more recently, some which seem to be based predominantly on rights. We note again that while the exercise of rights makes no sense unless the correlative duties exist, societies have flourished in which order devolves from reciprocal duties alone.

(5) The cultural conditions of modern industrial societies have led not so much to a negation as to a reinterpretation of normative duties.

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This appears as a gradual move away from duties to rights with the transition from medieval to modern industrial societies.

(6) Black-letter duties, arising in the first instance, perhaps, from failures to implement informal duties, have been influenced by local social practices and factors to develop in such a way that most people will fulfill them even without being forced to do so. Nevertheless, they also set certain minimal standards for acceptable conduct so that punishment will follow if they are not met. Normative duties are closer to informal societal ideals, where failures are met with ostracism and expressed in shame.

(7) At the collective level, minorities have focused on rights as a tactic to achieve equality by legal means. We argue that this tactic is now largely redundant, since legal rights have been largely conceded, at least in the United States and other western states where minorities enjoy equal rights according to black-letter law. It seems to us that a return to an emphasis on duties (the duties of majorities to implement the law, which now endorses equality) would best serve these minority interests now. There is also the duty of minorities to conform to the social mores in which their rights make sense and could be implemented. This is not so much a prudential as a logical point.

A reviewer has pointed out how what constitutes a minority, and whether it takes itself to be oppressed or, in some cases, oppressing, is highly variable. In some respects the numerical sense of 'minority' has been superseded by a political and moral meaning. There are parts of the United States where the minority is numerically greater than the majority.

We elaborate and provide support for each proposition below.

The Emergence of Normative Duties

Turn-Taking

Duties have their origins in certain primitive social relations inherent in any form of life recognized as human. Moghaddam (2000) has discussed turn-taking as one example of such primitive social relations, pointing out that turn-taking is an essential feature of most primate communications systems and would have been available to the descendants of these hominids as an essential condition for the evolution of language. The origins of language must surely be in human societies going back at least several hundred thousand years (see discussions in Gibson & Ingold, 1993). In order for two persons to communicate, they must take turns so that each of them has an opportunity to both listen and speak. We have here at least the minimal conditions for invoking

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in hindsight the concept of 'duty', though it would be going too far to extrapolate the modern conception. A has a duty to listen to B; B has a duty to let A have a turn in speaking. Of course power inequalities will influence how much and when each person speaks, and who has greater influence in directing the conversation. Those who enjoy greater power are more likely to initiate and also end conversations, though they usually speak less. But even if a powerful leader is speaking to a person with little power, in order for communication to take place the leader must allow the less powerful at least to say 'Yes, master!'

In dictatorial relationships, turn-taking may break down, and communication becomes one-way. Authority speaks and the other obeys. However, even in this case, the rights of the authority run only insofar as the citizens are willing tacitly to accept the duty to obey. Disobedience may or may not lead to a counter-revolution, and a reversal of the valency of authority, but it attacks the basic rights/duties framework on which the authoritarian regime rests (Taylor & Moghaddam, 1987, ch. 7).

Give and Take
Turn-taking may or may not be experienced as the demand of duty. However, reciprocity, a category of relationships that involves 'give and take', is at the heart of cooperative social relations characteristic of those social groups that are better able to survive and pass on their social customs.

Some biologists (for examples, see Mansbridge, 1990) have tried to explain the advent of reciprocity in hominid societies with a simple genetic model. Even if the origins of practices of reciprocity are interpreted within an evolutionary frame, our contention is that cultural interpretations of give and take come to involve, and indeed rest upon, conceptions of duties: what A ought to do for B as a result of B having done something for A. In this formulation the normative aspect is overt. Reciprocity becomes conduct rather than behavior.

A Tentative Hypothesis of Origins
First, primitive social relations existed in social practices and collective life 'out there', and were only later privatized and internalized by individuals as explicit beliefs about what should and should not be done. This pattern of development, from the public/collective domain to the individual/private domain, has been emphasized by many non-US psychologists, notably Vygotsky (1934/1962). Intimations of dutiful conduct resided in public practices rather than in private minds, in the

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exercise of everyday social skills rather than in reflection with the use of abstract ideas. Thus, informal duties, duties as implicit in practices and informally maintained, must surely have emerged well before 'black-letter' duties, duties promulgated and maintained discursively, by edicts, advice and suchlike exercises of authority.

Second, for the interpretation of a primitive social relation to be transformed into implementation of a concept of a duty, the development of symbolic systems in human societies must have occurred. On the one hand, it was through language that the concept of duties became individualized—my duties can be told to me, and learned like a list of obligations. I may sooner or later realize that every such system is hierarchical, though the simple acts of fulfillment may make no such distinction. Furthermore, linguistic formulations of what should be done would have enabled duties to become readily available for scrutiny and debate. Not only could an ascription of a duty be disputed, but a failure to carry out a duty could be pointed out and reprimanded publicly. Given linguistic representation in a 'code', community pressure could be brought to bear on transgressors in a systematic fashion.

Third, it would be reasonable to assume that duties to persons emerged prior to duties to informal groups, and these prior to formal institutions. Duty to one's mother is more fundamental than duty to one's family. As primitive social relations came to be interpreted as involving duties, at the earlier stages in human evolution this interpretation would be likely to be limited to relationships between individuals as members of social hierarchies. Early human hunter-gatherer groups were probably stratified, albeit in simple ways, and some individuals in such groups enjoyed greater power and status than others, just as we find in chimp and gorilla social groups. As group life became culturally more complex and centralized authority emerged (see Megany, 1995), duty to group leaders could have developed in addition to duty to other individuals generally. Duties to institutions, we believe, emerged much later. An institution is an abstract concept, requiring symbolic representation. It was probably through duty to leaders that duty to institutions evolved, once the leader could be seen as either bearing or even being the symbolic representation of the group, a material carrier. This came about, we believe, at a fairly recent era in human evolution.

Normative Duties Pre-date and Differ from Formal Duties

The development of symbolic systems, eventually leading to the emergence of modern languages, paved the way for an interpretation of

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certain kinds of conduct as the fulfillment of duties. 'Primitive duties', as described above, may have remained largely implicit in social relationships most of the time, but in order for groups to function and survive there must have been shared and generally accepted understandings about them. These normative duties not only pre-date formal black-letter duties, but they also differ from them in key respects, as we elaborate below. Although normative duty ascriptions are not written, this does not mean that deviations went uncastigated. We think it reasonable to suggest that verbal expression of duties would have begun with reprimands, when the taken-for-granted flow of interaction was disturbed by the failure of some recalcitrant to behave 'properly'.

Normative or Pre-formal Duties: An Exemplar

It is often assumed that the concepts of 'duties' and 'rights' are reciprocal, mutually defining. However, from a social psychological perspective, it is important to emphasize the crucial role played by duties to which there are no reciprocal rights. An important and special kind of non-formal duty lacking a reciprocal right is the supererogatory. These are duties an individual will be praised for performing, but not morally blamed for omitting. They could have had their roots in what we have termed 'primitive duties', the flux of indeterminate social obligations crystallized into verbal form. Supererogatory duties are, at least in the mechanism of their adoption, individual, or arise from individual conviction that 'something should be done!' Of course, a group of like-minded people may share a conception of a supererogatory duty, such as the duty members of the Sierra Club feel to protect the environment. Though many routine duties are habitually fulfilled, it seems that supererogatory duties are necessarily consciously recognized and implemented intentionally. In a state of anarchy all duties are supererogatory, while in a utopia none is. Of course, neither of these types of social formation has ever or will ever exist.

What were once supererogatory duties may migrate to the mandatory, if a social consensus should emerge as to the necessity of the performance of what was once voluntary and personal. For example, the supererogatory duty of caring for the sick becomes a black-letter duty in the form of the duty to pay one's taxes in a modern 'welfare state'.

This brings out another feature of supererogatory duties. They are strictly voluntary, since failure to perform them will attract neither social obloquy, such as displaying a lack of affection for one's children would engender, nor official sanction, such as failing to send one's children to school would bring down on one. We also tend to think of

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duties of this sort as directed to persons and causes other than oneself. However, particularly in modern western societies, the notion of having duties to oneself has become prevalent. It would be interesting to look into the extent to which such duties, for example to keep one's body in good shape, are experienced as supererogatory or mandatory. It is possible that some people could interpret duties to themselves as a subordinate aspect of duties to others. For example, the duty to maintain one's health might be seen as derivative from the duty to leave medical resources available to those who really need them.

Since supererogatory duties are taken on without the backing of social or legal sanctions, they seem at first sight to be outside the frame of social ethics, the consensual frame within which the moral judgements of everyday life make sense and get their force. But this consensual frame shifts across over time, and tends to differ across cultures. To take the case of environmentalism, what was once a matter that lay outside the boundary of social ethics (i.e. conservation was once in the boundary of supererogatory duties—driving gas-guzzling cars was not frowned upon in the 1950s) can become embedded in an extension of social ethics. For example, universities which invest some of their endowment in paper companies which clean-cut primeval forests are now frowned upon socially. Indeed, some conservation measures, such as recycling, have in some regions become mandatory, black-letter law duties.

In summary, from a historical perspective, even if speculative, normative duties pre-date formal duties, and probably began several hundred thousand years ago as informal intuitions with respect to the need to perform 'primitive duties' corresponding to primitive social relations. The entire system could have had a pragmatic basis in the relative social effectiveness of certain practices. Whether a duty is supererogatory, normative or black-letter law can change, sometimes dramatically, over time.

Culture and the Interpretation of Conduct in Terms of Rights/Duties

From the earliest times, when primitive duties emerged as interpretations of primitive social relations, cultural factors such as modes of organization of hierarchies of respect and power contributed to differences in how different groups of humans made such interpretations. Irrespective of the details of the cultural characteristics of social orders, the outcome is that over the last two thousand years there have been dramatic shifts in the extent to which of the pair, duties or rights, is

given the greater emphasis in moral and political discourse. Different meanings have been ascribed to what superficially seem to be similar instances of each. Perhaps the most striking example of a shift in recent times from a focus on duties to one on rights can be seen in the transformation of feudal to industrial societies.

A Duty-Dominated Culture: The Feudal System

At first glance, the feudal system that flourished in medieval Europe might seem excessively authoritarian. The various levels of society seem to have been ordered in one 'vertical' dimension, with the King, and occasionally a Queen, at the apex and the villeins at the bottom. In between were nobles and yeomen, each level or layer owing fealty to the one immediately above and so, indirectly, to the King. Duty, as the moral force which held the whole structure together, might seem asymmetrical, being owed by reason of fealty to those above. But this would be to misunderstand the working principles with which the system operated, and so to distort the psychological processes that characterized it. Just insofar as the nobles owed a duty to the King, so the King owed a duty to the nobles. When King John failed to fulfill his reciprocal duty, the nobles cornered him at Runnymede and extracted his agreement to Magna Carta. Let us see what some of the contents of the agreement were.

The basic relation which underpinned the system was that between lord and vassal (Ganshof, 1996). This relation was created formally by the ceremony of *immixtio manuum*, in which a vassal placed his hands between those of his lord and recited the *sacramentum*, the oath of fealty. The result was a reciprocal system of obligations. The vassal owed service to the lord and the lord owed *beneficium* (benefits) to the vassal, including a fief, a piece of land to be used for his own benefit. But above all the lord owed the vassal *mundoburdus* (maintenance) and *defensio* (protection).

It should be plain from these descriptions that the core of the agreement was not the concession of rights to some category of persons by the King, who was to be bound by them, but rather a reminder to him what were his duties to those who owed duty to him. The psychological conditions obtaining amongst the members of a feudal, duty-driven society were different from those that obtain amongst the members of our rights-driven society. Whereas in medieval times one might feel betrayed by one's lord, slighted or humiliated, resentment, the characteristic emotion of those whose rights, real or imaginary, have been ignored, denied or trampled upon, would have been out of place.

In summary, the relation between duties and rights is historically

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contingent. How the balance is struck in emphasizing one or the other may even be the deepest stratum that defines a certain style of social order. Rather than seeing the feudal organization of medieval European kingdoms as the source of a priority of duties over rights, we prefer to look on feudal Europe as a historical moment the character of which stemmed from the emergence of such a priority. Research into this speculation is one of the proposals for a historical dimension to this project.

Reinterpretation of Normative Duties

Reinterpretation of the Domain of the Concept of Duty

Received wisdom tells us that we live in an era when individual rights have come to have priority over duties, but especially in the United States. Associated with the increasingly important role of individual rights in American society is seen to be a decline in community life (Avineri & de-Shalit, 1992). Partly as a response to this trend, 'communitarians' have proposed various strategies for strengthening community sentiment and steering society away from current 'individual rights' paths (Etzioni, 1993; also see the journal *Responsive Community*). Integral to these developments has been the assumption, sometimes made explicit, that duties are being neglected and increasingly abandoned.

Though there is a measure of truth in this observation, we believe that in some important cases duties have been reinterpreted rather than abandoned. This reinterpretation is associated with developments over the last five hundred years or so, as the feudal order was gradually replaced by modern capitalism. The reinterpretation of duties is associated with the Humanist movement, which during the Renaissance found exponents such as Desiderius Erasmus and Sir Thomas More. More's *Utopia* (1516/1965) encapsulates a new direction for interpreting duties: individuals (both men and women) have a duty to educate themselves, and so be ready and able to contribute to the welfare of others so as to improve life on earth. As citizens, people have individual duties: for example, citizens are to play their part in the elections of leaders. Although More's idea that even priests should be elected to office has not been widely adopted in practice, the general shift in duties he foresaw has in some important ways come about. The idea of having duties to oneself, even if in the long run these are exercised for the benefit of others, is a forerunner of many contemporary applications of the duty concept. Here we can see a movement from the supererogatory towards the obligatory, and the idea of

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responsibility for oneself. On the other hand, More's sketch of the moral character of democratic social orders structure based on a duty to fulfill one's democratic obligations is rarely seen as mandatory. Here we see a slippage back from the formal demands of and on the feudal monarch towards the supererogatory in duties to the secular and republican state.

Reinterpretation of the Structure of the Concept of Duty: From a 'Two-Place' to a 'Reflexive' Relation

In the US context, our research (Moghaddam, 1999) is revealing that 'even' young people endorse duties, but often interpret them in relation to the self and only indirectly to the community. Young Americans completed the sentence 'My most important duty is . . .' by focusing more on a personal duty to 'do well at school', 'fulfill my potential', 'use my talents to the utmost', and the like, and giving less priority to duties in relation to community. Our argument is that in the United States and other individualistic societies, where there are strong beliefs in 'self-help', 'individual responsibility', 'getting ahead personally', 'personal freedom', and so on, duties are now seen more in relation to individuals. The centrality of duties in everyday social life has not necessarily declined, but the balance has changed in the content of duties between the needs of self and the needs of others.

Reinterpretation of the Content of the Concept of Duty

Changes in the content of one's duties are in part a result of major transformations in technology. For example, advances in genetics, biology and related sciences allow experts to predict with some degree of certainty the likelihood of certain physical abnormalities in the event of John and Jane having offspring. It is increasingly seen as a duty for John and Jane to undergo routine medical testing prior to their marriage, to make sure they are aware of any possible problems that may arise in any children they have in the future. At this moment in most western societies this duty is supererogatory, but there is increasing pressure to make it mandatory, even a black-letter obligation, though how it would be enforced when many couples do not marry is not easy to see.

Formal Duties: Between Generally Accepted Norms and Ideal Goals

The stimulus to recent discussions of the decline of the power of beliefs about public duties was the infamous case of Kitty Genovese.

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In the early morning hours of March 13, 1964, a young bar manager named Kitty Genovese was attacked as she returned home from work, in a middle-class neighborhood of New York City. Her knife-wielding attacker was frightened away by her screams for help, which disturbed some neighbors and caused them to turn on their lights and look out their windows to see what the disturbance was about. But each time the attacker was frightened away, he returned again after realizing that none of the neighbors intended to intervene. Police reports reveal that about 40 people in the neighborhood heard the screams, but none of them came forward to help. When the police finally arrived, over an hour after the initial attack, they found the victim dead in a pool of blood.

The Kitty Genovese tragedy inspired a body of social science research devoted to the issue of bystander intervention (Latané & Darley, 1970) and became in the popular media a symbol of modern urban malaise. This tragedy serves to highlight the apparent decay of the force of duty in the face of a spread of a culture of rights. In the Genovese case, the behavior of the neighbors could be interpreted as the exercising of their right to not intervene and to live their lives independent of and free from others. Perhaps there is a prior duty to avoid involvements that would clash with one's duty to one's family. However, it can also be interpreted as a case of dereliction of duty, by focusing on the duties of citizens to assist others, particularly in times of distress. With respect to the victim, similarly, one could focus on her rights to receive help from both ordinary citizens and the police in a timely manner. Alternatively, one might also interpret the tragedy by focusing on the victim's duty to watch out for herself and to avoid getting into 'dangerous situations' (of course, such an interpretation may unduly 'blame the victim').

Perhaps the main reason why the Genovese affair continues to serve as a powerful symbol at the turn of the 21st century is because the behavior of the bystanders revealed an overwhelming emphasis on rights and a neglect of duties, at least as traditionally understood in terms of duties to others.

The Genovese case brings to the fore the question of the relationship between the actions prescribed in formal duties and human conduct, actual and ideal. In addressing this question, we adopt a minimalist position, arguing that formally prescribed duties establish a 'minimum' standard of acceptable behavior, both for ordinary citizens and for central authorities. Centralization of power meant that black-letter law became necessary as a control on lower-order functionaries and authorities, informing them of their tasks, and directing them to do

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what they 'ought to do'. The feudal system was built on systems of reciprocal duties. Magna Carta and other early examples of black-letter law, often written as records of the outcome of power struggles in nascent European nation states, were as much about duties of central authorities as they were about duties of ordinary citizens. The lord has a duty to the citizen, who has a reciprocal duty to the lord.

Normative duties set a higher than 'minimal' standard for behavior, and are closer to societal ideals. For example, it would not be surprising in the United States if Samantha were to be allowed to go free on a technicality after being put on trial for abusing her own children. Thus, according to black-letter law, she meets the minimal standard for 'doing her duty' as a mother. However, this does not mean that Samantha will be welcomed back by other mothers in her neighborhood. They will not be inviting her over for coffee, because she fails to meet informal standards for 'doing your duty as a mother'.

Duties, Law and Commonsense Justice

Formal duties are different from informal duties in that legal sanctions (e.g. imprisonment, fines, damage awards) will typically follow if there is sufficient proof that the duty was breached, and the breach was the proximate cause of some harm. For some specific duty failures, then, society seems unwilling to rely on informal sanctions, which may be haphazardly applied, or applied with wide variation, or not applied at all. Yet black-letter law's intrusion into duties and their breaches is, in the United States at least, 'minimalist'—designating only certain basic types as warranting sanctions.

For example, Fletcher (1978, p. 422) distinguishes liability for a 'breach of a duty to act' from liability that results from 'commission by omission'. For the 'breach of a duty to act', liability derives from a statutory obligation to act, such as failing to file an income tax return, failing to render aid at the scene of an accident, or failing to report a crime, where the gravamen of liability is the breach itself, and not whether a harmful outcome results. For 'commission by omission', the liability results from the outcome. In accord with our 'minimalist' point about black-letter law duties, Robinson and Darley (1995, p. 42) note that 'Anglo-American law has generally resisted imposing liability for a person's failure to act to help a stranger in distress', and this position finds support in the Model Penal Code (American Law Institute, 1962). In Anglo-American law, *People v. Beardsley* (1907) is the leading 'commission by omission' case—denying a duty to act to save another's life. Yet *Beardsley*-like situations would in fact trigger liability if a special relationship exists between observer and victim (e.g. parent-to-child,

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spouse-to-spouse, lifeguard-to-swimmer, therapist-to-patient, police-to-citizen), though none of the Genovese bystanders fits that 'special relationship' category.

It would seem, then, that the Genovese situation falls outside of a formal, black-letter duty, and thereby lands in the informal realm. But the situation is more fluid, and less clear. Consider a more recent Genovese-like situation that received national media attention. David Cash, a Berkeley student, found himself in the bystander situation in the women's restroom of the Primadonna Casino, in Nevada, where his friend, Jeremy Strohmeyer, raped, brutalized and killed a 7-year-old girl, and he did not intervene to stop the crimes (Kelly, 1998). Fellow Berkeley students, learning what had happened, wanted David Cash expelled from Berkeley, but the school chancellor noted that Cash broke no law (Hammer, 1998). Where the Genovese bystanders may have been 'strangers' to Kitty Genovese, Cash was a 'best friend' to Strohmeyer, and one may ask if that qualifies as a 'special relationship'—one that imparts a duty to intervene.

Transformation of Informal to Formal, Prescribed Duties

Apart from the factual differences between the Genovese bystanders and the David Cash situations and whether a black-letter law difference results, there are legal changes brewing that make the situations fluid and variable. For example, in the United States, some states have been passing Good Samaritan laws, thereby making formal what is informal. Here, the social and normative forces press on black-letter law to formally incorporate the informal, and to thereby apply legal sanctions for breaches.

The legal duties line in Anglo-American law for 'commission by omission' cases, which was never a clear line, now seems even more blurred, and moving—such that whether there is a formal duty and the scope of the duty remain in doubt. The same situation, occurring in two different states—one having a Good Samaritan law and the other not—will result in a legal sanction in one jurisdiction but not the other. Such variations also result when other cultures, countries and contexts are brought into the picture. Fletcher (1978, p. 612) notes, as one example, that German cases recognize a duty to intervene to avert death in certain situations. Shklar (1990) takes us further back in time to democracy's roots, noting that a Ciceronian would certainly see an 'injustice' if citizens failed to report crimes or come to the aid of victims 'merely because it is inconvenient' (p. 42).

Everyday practices and their accompanying beliefs are the contextual basis of 'commonsense justice' (Finkel, 1995), influencing notions

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of ordinary citizens when they are asked to be explicit about their responsibilities and what is fair, right and just. In empirical work testing liability judgements for the perpetrator vs the bystander, Robinson and Darley (1995) show that the bystander's failure to act is 'greatly mitigated' (p. 44). But 'greatly mitigated' does not mean 'no liability'. In fact, Robinson and Darley state that

> . . . the results of this study indicate that our subjects would support a system in which causing a death by omission receives some liability, but less liability and punishment than if the death is caused by commission, all other things being equal. (p. 48)

Duties Neglected, Masked and Confused in the Rights Discourse

In ordinary discourse, some rights may be expressed as duties, and vice versa. For example, it could be said that adult citizens have the right to vote or a duty to vote, or that registered students have the right to attend that class or a duty to attend. But the rights discourse and the duties discourse are not simply synonymous, overlapping or parallel, nor are they necessarily correlative, for one may be 'derivative from the other' (Dworkin, 1978, p. 171). In interpersonal relations, ordinary discourse may give the right to one person, and a corresponding duty to the other. For example, in the turn-taking situation, one person may have the right to speak while a good friend may have the duty to listen, or, in a therapeutic situation, a patient may have the right to confidentiality while the therapist may have a corresponding duty to keep the confidence. But the two discourses are not necessarily complementary, binary, or even tied. As Dworkin states:

> There is a difference between the idea that you have a duty not to lie to me because I have a right not to be lied to, and the idea that I have a right that you not lie to me because you have a duty not to tell lies. (p. 171)

The 'rights' and 'duties' discourses arise from different lineages, germinate different expectations, and develop in orthogonal directions. If their ontology, ontogeny and teleology so differ, this is likely to affect an analysis of a broad array of psychological phenomena. Nevertheless, it is worth reminding ourselves of the deep asymmetry in the logical structure of rights and duties. While duties do not entail the existence of rights, there could not be rights unless someone is willing to implement them. This willingness might be pragmatic, but it might in certain circumstances be felt to be derived from a duty.

It has been suggested to us that the pattern of interplay between rights and duties may be even more complex. Clashes of rights are not uncommon. There may be rights to resist what others take as their right

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to do. Loggers have a right to clean cut, and environmentalists a right to prevent it. Both are upheld by law. In this case the loggers do not have any duty, though the Greenpeace team would no doubt claim a supererogatory duty to resist.

An illustrative but not exhaustive list of differences follows. One distinction places greater normative weight or onus on the 'duty' than the 'right'. To say, for example, that one has the right to vote or attend class speaks more to a potentiality that may or may not be exercised, whereas to say that one has a duty to vote or attend class conveys an 'ought' and an obligation that the former does not have. A second popular conception with respect to origins sees rights as coming from our very being, as in the phrase 'inalienable rights', residing within, whereas duties seem to stem from relationships—person-to-God, person-to-society, person-to-person. This suggests that societal forms that are more duty-based than rights-based are likely to analyze social behavior quite differently. My rights reflect my vulnerabilities, whereas my duties reflect my powers. Third, there is an affective and judgemental difference, for rights are generally happily embraced by individuals who have them, even if they do not exercise them (like money in the bank), while duties seem to be imposed, and can feel burdensome (like a monkey on the back). Fourth, there is a difference in how easily the two can be waived or set aside, as the criminal law provides the illustration: while I have a right to a trial by my peers and a right to counsel, I can waive both rights, whereas waiving duties is not so easily done.

Moving to the political organization of a society, Dworkin (1978) claims that in a rights-based society some rights, such as the right of all people to the greatest possible overall liberty, are seen as fundamental. He asserts that individual thought and choice are given priority in rights-based theories. Duties-based theories, however, are less concerned with the independence of individual action and more concerned with maintaining societal ideas. Focusing on duties seems now to be fundamental. It directs attention more to the moral quality of an individual's act, which may be wrong because the individual fails to meet certain standards of conduct which fulfillment of a duty demands. Proponents of a duties-based social and moral order would tend to put the interests of the collective(s) before those of individual members, and the duty to maintain social structures before the rights of individual members.

An example that differentiates duties from rights in the formal context of black-letter law is the following: A person seeks to rent an apartment. The potential renter finds the apartment perfect for his needs, but then meets the landlord, whom for one reason another he

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does not care for. The potential renter then decides to walk away from the apartment for prejudicial reasons. While few would condone his decision if it had been based on racial prejudices, few would question his *right* to do so. However, the same *right* does not apply to the landlord, who may not use such discriminatory factors in his decision-making about the person to whom he will rent his apartment. It is not, we suggest, that the rights are imbalanced, but that the landlord has certain duties that the applicant does not carry. A 'rights analysis' only takes us so far, since the full structural form of the episode and its social psychological aspects requires attention to both duties and rights. In this case and others like it, we cannot simply recover the duties involved by deduction of them as relative to rights. There are duties that are not tied to correlative rights.

In summary, we believe formal duties are set at a lower standard than informal duties, and that in some cases duties do not have corresponding rights, and vice versa.

A Return to Duties Serves Minority Interests

It has become customary to use the label 'minority movement' for any political organization, formal or informal, that challenges traditional, customary and official ways of dealing with certain categories of persons who feel themselves disadvantaged. In recent years such 'movements' have involved women, African Americans, gays, paraplegics and others, even the left-handed. These movements have almost without exception presented their cases for reform in terms of denial of rights rather than failures of duty. We have already remarked on the absence of discussions of duties in the presentation of the aims of these movements. To explain the emphasis on rights rather than duties, we identify two phases in the evolution of minority collective movements. Although these phases are overlapping, they are in theory distinguishable in terms of whether minorities should give priority to rights or duties. This can be linked to existing social psychological research into Ingroup and Outgroup strategies, where the numerical paradoxes of the use of the term 'minority' for a numerically predominant group are avoided (Tajfel, 1981).

A first phase involves overcoming fundamental inequalities and injustices, ranging from slavery, to apartheid, to lack of free speech and denial of opportunities for political participation. The movement to achieve such reforms, so that 'in the eyes of the law' everyone is equal and discrimination on the basis of sex, race, religion and other group memberships becomes illegal, has waxed and waned over the last few

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thousand years, but is most advanced in western democracies. At the turn of the 21st century, reforms in black-letter law in western Europe, North America and some other parts of the world have given all citizens equality on many social and legal dimensions, at least on paper. In line with this, a series of international declarations, such as the United Nations Universal Declaration of Human Rights, have given all human beings certain rights with respect to their relations to legally constituted authorities, again on paper.

Our argument is that during this first phase, minorities waged campaigns for equality by focusing more on rights than on duties, and more on reform of rights as enshrined in black-letter law than on rights as embedded in informal normative systems. When duties did become a focus, it was with a view to dismantling them. This bias in focus was largely for practical reasons. It has proven easier to mobilize collective movements by focusing on a move from deprivation of rights to equality, rather than by a remedying of neglect of the duties necessary to uphold equality. The next step is to attend to black-letter law, which is tangible and 'there for all to see'. Informal normative systems lack the bite to deal with the ill-intentioned. Of course, claims to rights only make sense when it can also be claimed that those who withheld them, deliberately or by omission, have a duty to create or restore them. This duty arises from the simple issue of where the power to implement changes in black-letter law lies.

Once this first phase is complete and black-letter law is reformed so that everyone is guaranteed equal rights 'on paper', minorities need to shift their priorities from black-letter law to informal normative systems, at least in western societies. We have introduced the idea of an unattended level of the means of life where many of the basic structural features of the micro-structures of society are preserved and reproduced. These are very much the content of informal normative systems. Equality of treatment and regard can only be guaranteed when the more subtle aspects of relationships are also reformed. Unfortunately, change is often very slow at this more subtle 'micro' level of everyday social practices (Moghaddam & Harré, 1996), and is not necessarily brought about by reforms in 'macro'-level practices, such as those enshrined in black-letter law. It is necessary to turn the attention of reformers to such matters as styles of address, fashions in dress, patterns of gestures, and a myriad carriers and reductons that subtly shape the way we deal with each other. It is also clear that a shift from a rights-based to a duties-based conception of social order also moves one from an individualistic ontology to a communitarian one.

We believe that future research will show that at the reducton level

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of social interaction the most common item that is preserved through macro-changes is duties. But this speculation is part of the research agenda proposed at the conclusion of this article.

Perhaps more importantly from the point of view of political action would be the turning of the attention of those who have won their rights from those who are willing to shoulder the correlative duties, the former Ingroup, to programs for implementing the duties that come along with the newly acquired rights for the former Outgroup. The right to equal educational opportunities, once achieved, seems to us to require the promulgation of the duty to avail oneself of it. As we remarked in an earlier section, the achievement of a right does not entail that there is an obligation to exercise it. Notoriously, the granting of universal suffrage does not bring about a 100 percent turnout at elections.

A Research Agenda

In summary, then, we propose that a shift in priorities *should* take place as minorities strive to achieve greater justice. During the first phase of a reform movement, there is an emphasis on rights and the reform of black-letter law, so as to get equality 'on the books'. Once this is achieved, new priorities need to emerge: a focus on the demands for the implementation of reciprocal duties *should* take the place of an almost exclusive attention to the achievement of rights, as authorities are urged to carry out their duty to uphold the law

Once black-letter law is reformed, the reform of informal rules and norms regulating everyday social practices become priorities. But these are mostly at the level of unattended carriers and especially those micro-practices we have called reductons.

Three massive programs of research seem urgently required if the 'shoulds' in the above commentary are to be made good.

(1) How are the complex patterns of rights and duties, with all their local variations and historical diversity, and which we have identified in these preliminary analyses, to be acquired by the future citizens of US or any other society? This is a task for a new turn in the psychology of moral development, much more oriented to political concepts than has been customary hitherto. We think it proper to speak without exaggeration of 'political cultures', and this program is directly focused on them.

(2) A second research program, complementary to the developmental one, looks to the history of the patterns of thought and action ordered through the use of the concepts of 'right' and 'duty'. Since the

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same nation may sustain a sequence of very different political cultures, the problem of tracing the modes and causes of transformation in these key moral and political concepts is urgent. For instance, should we give priority to the means by which notions of reciprocal duties spread in early medieval Europe, making feudalism possible, or will future research show that there were other forces at work, interpreted in terms of a social order based on duties?

(3) Programs 1 and 2 are directed towards the overt and easily discerned aspects of the way a key conceptual structure comes in all sorts and varieties, and is embedded in a variety of social formations. We have emphasized the degree to which a certain strand of social psychological research has already revealed the influence of the *unattended* features of our ways of life as media for the transmission of concepts and practices, amongst which will surely be those expressible in terms of the discourses of rights and duties. The third urgent research program will, we hope, be directed to comprehensive studies of symbolic carriers and social reductons. Only if we can make them visible can we begin to think about ways of changing them. While they remain invisible, their potency to maintain the strength of informal social structures will be undiminished.

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