

Fathali M. Moghaddam, Cristina Novoa and Zachary Warren

Abstract

Evidence for relativistic theories of rights and duties is overturned by an analysis of supererogatory acts in Afghan, Asian, and Spanish-speaking cultures. The authors present a cultural evolutionary account of the development of rights and duties to explain the appearance of certain universals in the domain of justice. An order of evolution is proposed: from functional origin in primitive social relations, to informal labeling as "rights" and "duties," to formalization in black-letter law. The authors recommend two future directions of research: an investigation of the cycle of rights and duties as understood in different political and cultural contexts, and a closer analysis of universal duties, beyond human rights alone.

Keywords: rights and duties, supererogation, cultural evolution, primitive social relations, universals, family rights and duties, religious systems, normative justice, cycle of rights and duties, Afghan culture, Latino and Spanish cultures, Asian cultures

Do you refuse me, Antigônê? I want to die with you:
I too have a duty that I must discharge

These words are spoken by Ismene, sister to Antigônê, in a play by the same name, written by Sophocles (442 B.C./1977, p. 207) at a time when Athenian democracy was at its height. The democracy of Athens was centered on *duties*, demands placed by others on the persons who owe them. Every Athenian male citizen not only served in the military, but also had judicial, legislative, and executive duties:

Even many of the highest offices in the land were filled by allotment and so could fall on any citizen; almost all offices could be held only for a single year. In this way maximum participation was achieved, and every man was a public servant.

(Lang, 2004, p. 7)

This sense of duty was shared by women: Antigônê buries her brother Polyneicês, a rebel

against the king, even though she knows she will be killed for this act. Her sister Ismene also requests to die with Antigônê, in order to discharge her duty. This duty, says Antigônê, is for laws that:

... are not merely now: they were, and shall be,
Operative for ever, beyond man utterly
(Sophocles, 442 B.C./1977, p. 203)

The centrality of duties in ancient Athens seems far removed from the culture of twenty-first-century Western societies. Indeed, the march of technological, scientific, economic, and political progress in Western societies has been accompanied by a trumpeting of *rights*, what we are owed by others, from the struggles of the suffragettes to win voting rights for women, to desegregation and the civil rights movement that eventually allowed an African-American to be elected as America's president in 2008, to gay rights, disabled person's rights, senior rights, children's rights, patients' rights, animal rights, and

so on. But this has not been a universal trend; the "progress of rights" has not moved forward much in practice, if at all, in some countries. For example, though rights such as freedom of expression and freedom of assembly are taken for granted in Western societies, these remain severely restricted in many parts of the world, such as China, Iran, and Russia. Indeed, despite the 30 articles set out in the *United Nations Universal Declaration of Human Rights*, and "agreed to" by nearly all nations as signatories, there are obvious violations of rights in many countries. These sometimes include Western countries as well; critics point to the U.S.-led invasion of Iraq in 2003, torture of Iraqis at Abu Ghraib prison by U.S. military personnel, and other such "incidents" to support the claim that Western societies also violate human rights.

It seems, indeed, that there is "... no universally honored conception of rights and duties" (Louis & Taylor, 2005, p. 105), and that rights and duties are normative and can be socially constructed and justified in many different ways, particularly by those who enjoy greater power. For example, in some societies powerful groups serve their own interests by highlighting duties (e.g., in Iran the duty to obey the "Supreme Leader" is highlighted), whereas in other societies, power groups prioritize certain rights (e.g., the right of the super-rich to spend hundreds of millions of dollars to influence election results in the United States, justified under the "right to freedom of expression"). This *relativistic* viewpoint runs against the idea, as suggested by Antigone, that there are duties (and rights) that are "not merely now," but "forever" and "beyond man" in the sense that they are found in all human cultures.

The question of whether there are universal rights and duties is one of a number that psychological science has explored, as reflected in the volume *The Psychology of Rights and Duties* that brought together an international group of leading scholars in this field (Finkel & Moghaddam, 2004). We begin this discussion by describing a hierarchy of rights and duties and clarifying our position on five questions that are central and must be addressed in any psychological account of duties and rights, including the question of possible universals. Next, we describe a cultural evolutionary account of the development of duties and rights. This evolutionary perspective suggests that certain functional behaviors evolved early in our history, and at a later stage in human evolution these were labeled "duties and rights" as part of informal everyday life. Still

later, selected duties and rights became transformed and formalized in *black-letter law*. A psychological understanding of duties and rights thus considers the development of these informal rights and duties, which evolved prior to formal, black-letter law.

This overall process will be explored using examples of *supererogatory duties*, behaviors that a person is not obligated to perform, but is applauded for carrying out, and *supererogatory rights*, or what a person is owed by others, but is willing to forgo for the sake of the greater good (Moghaddam, 2008, p. 56). We use cross-cultural examples from case studies in Afghani, East Asian, and Spanish-origin cultures to showcase the power of social norms in shaping formal and informal rights and duties. Evidence for relativistic theories of rights and duties, we argue, is overturned by a cultural evolutionary account of social behavior in the domain of justice. We propose that although there are large variations in duties and rights across cultures and across time, this variation has masked certain universals, small in number but of great importance.

Our argument in support of universals is "top-down" and is rooted in our "cultural evolutionary" conceptual framework. On the other hand, we work "bottom-up" to show variations across cultures in rights and duties. Given the foundational influence of religious systems on conceptions of rights and duties in the contemporary world, we begin by exploring rights and duties in religious systems.

Religious Systems and the Hierarchy of Contemporary Rights and Duties

The next day he took out two denarii, gave them to the innkeeper, and said, 'Take care of him; and when I come back, I will repay you whatever more you spend.'

(Luke 10:35 (NRSV))

Today the concept of supererogatory action is generally used in a secular context, though its origins lie in religious ethics. The term appears in the Christian ethical debates in the late Middle Ages in reference to voluntary works that are besides, over and above God's commandments. In the biblical parable of the Good Samaritan, a man from the southern region of Samaria in Israel finds a stranger on the roadside who had been beaten by robbers. The Samaritan takes the stranger to an inn, bandages his wounds, pays for his lodging, then promises to go above and beyond: "I will repay you whatever more you spend."

In Latin, "super-erogare" means to over-expend, or pay in addition. In the Roman Catholic tradition, supererogatory acts constitute not simply the performance of good works, but good works beyond sacramental requirement. Roman Catholic officials held that such acts, often performed by saints, could create a "store of merit which the Church can dispense to others to make up for deficiencies" (OED, 1989). This framework has been applied to other acts such as sexual abstinence in place of marriage and procreation (Mellema, 1991). In the early sixteenth century, controversy erupted around the Catholic Church's interpretation of supererogatory acts in exchange for indulgences paid to the church. These were cited perhaps most famously in the Ninety-Five Theses against the church by Martin Luther. Today, the Church of England still requires all clergy to declare allegiance to thirty-five articles of faith including one (Article 14) stating that "the performance of supererogatory acts cannot be taught without arrogance and impiety" ("Opera quae Supererogationis appellant non possunt sine arrogantia et impietate preaedificari") (Book of Common Prayer, 1662/1999).

Importantly, the concept of supererogation is not unique to Christianity. In Jewish law the Talmudic concept of "beyond the letter of the law" (*lifnim mishurat ha din*) applies to self-sacrificial acts of fairness and charity that go above the bare minimum prescribed by law (Shilo, 1978). In Islam, the concept of *Isaal-e-Sawaab* refers to performing a good deed and granting the heavenly reward for that act to another person, a practice not entirely unlike the Roman Catholic conception of stored merit, as well as the Church of Latter Day Saints' doctrine surrounding the afterlife and "saving ordinances" for deceased relatives. To perform *nafl* prayers in Islam, prayers beyond the general minimum of five times each day, is supererogatory. So too are extra fasting, the giving of voluntary charity (*sadaqa*) beyond obligatory alms (*zakat*).

In secular ethics, divine command is substituted for formalized laws and rights. British philosopher J. O. Urmson (1958) argued that saintly and heroic acts should constitute a fourth category in secular ethics, beyond categories of mandatory, permitted, and forbidden. A soldier who throws himself on a grenade to save the life of his comrades, according to Urmson, is committing a supererogatory act. It is neither required, nor morally neutral, nor forbidden by law. The standard view, generally held by philosophers Urmson (1958), Sheldon Peterfreund

(1978), and Robin Attfield (1979), is that an act becomes supererogatory when it meets three criteria: (1) it is beyond the call of duty, (2) it is meritorious or praiseworthy, and (3) omission of the act is not blameworthy. Secular acts of supererogation have been argued to include legal pardon and clemency by kings and presidents, volunteering and community service, acts of qualified self-sacrifice such as election to be an organ or blood donor, and acts of forgiveness, conscientious tolerance, and forbearance (Heyd, 1982; Benbaji & Heyd, 2001; Portmore, 2003).

To be clear, little has been written about supererogatory rights and duties, but some debate around the criteria for supererogatory acts continues in the disciplines of philosophy and ethics. One group argues that supererogatory actions must be self-sacrificial and other-regarding: the act should be "completely gratuitous" (e.g., Heyd, 1982), it should bring "much good for the other person," and should be performed "at considerable cost or risk to the agent" (Rawls, 1971, p. 11), and should be "more onerous for ourselves" than for others (Hale, 1991). Others disagree, arguing that supererogatory acts can be self-regarding (Kawall, 2009) and without benefit or even intended benefit for others (Mellema, 1991). Susan Hale (1991) argues that there are no truly supererogatory actions, only apparently supererogatory actions motivated by duty or principle. This is reminiscent of debates in social psychology about whether or not there really is *altruism*, behavior intended to help another, without regard for benefit to oneself. Among the major theories of altruism, the empathy-altruism model of Batson (1995) is closest to assuming there is true altruism—all of the others dismiss this assumption (Moghaddam, 1998, Chapter 9). In this discussion we are not interested in the question of whether or not either supererogatory acts or altruism actually exist according to some objective criteria, but in the question of how, by labeling a behavior as "supererogatory," society influences behavior. In the next section, we further clarify our conceptual orientation.

Five Basic Questions

At the outset it is useful to clarify our position on five foundational questions concerning duties and rights: source, function, relationship to supererogatory rights, free will, and replaceability. First, what is the source of duties and rights, particularly as set out in formal or black-letter law? Second, what is the functional nature of black-letter law? Third,

what is the relationship between black-letter law and supererogatory duties and rights? Fourth, should we assume that humans have some measure of free will in the domain of rights and duties, at least? Fifth, are rights and duties replaceable?

With respect to the source, there are two major positions: *natural law*, whereby duties and rights are assumed to have been discovered by humans; and *positive law*, where duties and rights are human sources, and to have been developed strongly supports constructions and can vary over time and across societies. The account we develop strongly supports a positive law interpretation, based on cultural evidence. We argue that duties and rights arise out of cultural evolution that is to some degree shared between humans and other animals, but we do not see it as necessary to assume an inherent universal "moral grammar" (Hauser, 2006). Rather, we adopt a functional interpretation whereby certain behaviors, later interpreted as duties and rights, prove to be adaptive and continue to manifest themselves in the behavior of animals and humans.

Second, we adopt a minimalist interpretation with respect to the functional nature of black-letter law. That is, black-letter law answers the question: what is the minimal or lowest standard of acceptable behavior? This "minimal" takes shape, we believe, with respect to the functional needs of society. Black-letter law reflects the baseline conditions for the survival of a particular form of society, given its various characteristics, and especially its group-based inequalities and power relationships. From this perspective, then, law is a set of rules, enforced by institutions, that sets the minimal acceptable standard of behavior, to sustain a particular type of sociopolitical order.

Third, black-letter law and supererogatory duties and rights together define the boundaries of obligations, since we argue that supererogatory duties and rights establish the "upper level" for standards of behavior in a given society, just as black-letter law establishes a minimal or "lower level" standard of behavior. For example, imagine if Sam is standing on a bridge, looking down at the boats passing in the river below. A father and child are standing near Sam. Black-letter law sets the minimal "lowest" standard for Sam's behavior: Sam must not push the

child into the river, since doing so would be a criminal offense. On the other hand, if the child accidentally falls into the river, black-letter law does not stipulate that Sam must dive into the river to save the child. If the child falls into the river and drowns, Sam will not be sent to jail for failing to be courageous enough to dive into the river to save the child. However, if Sam does dive into the river and saves the child, she will be enthusiastically applauded and she might even receive a medal: a supererogatory duty fulfilled (see Figure 38.1)

Although informal social and cultural norms influence parenting practices, and in turn, the formation of rights and duties, formal black-letter law also influences family contexts and informal norms. The relationship is reflexive. For example, black-letter law formally defines certain parental duties according to definitions of abuse and neglect. However, numerous instances illustrate the mismatch that can occur between parenting practices and the law, particularly among immigrant groups; parenting practices that are common in one culture may be legally construed as neglect and a failure to fulfill parenting duties in another. The practice of *cupping*, a traditional medical technique performed in some cultures, is interpreted as child abuse in some contexts. In regions of Africa, a mother who fails to circumcise her female child is chastised by other women in the community, whereas female circumcision in the United States is punishable by prison and the child may even be removed to government child custody. Similarly, Hmong parents who view epilepsy as a form of spiritual rapture have often been charged with neglect for not seeking treatment for their children (Coleman, 2007).

Also, black-letter law reifies the informal rights and duties in the family. Imagine a woman named Helen, a retired English banker living in Paris, who decides to make a will that leaves almost all of her considerable fortune to charity. This is accepted by her first husband and their two children, who are English and live in England. Indeed, after the initial shock of learning about the contents of the will, most of Helen's English family applauds her action as an example of a supererogatory duty. However, the situation is very different with Helen's second husband, a Frenchman, and their three French

Black letter law



Supererogatory rights and duties

Figure 38.1 The continuum of "minimal standard" (black-letter law) to exemplary (supererogatory rights and duties) behavior.

children, who all live in Paris and adhere to French law. From the perspective of Helen's French family, her will is not only illegal, but immoral. Indeed, in 26 out of 27 member countries of the European Union (EU), Helen's will would be regarded as illegal, because in most of these countries about half of the estate is automatically inherited by surviving children (unless they have committed parent killing or the like). In most of the European Union, Helen would not be legally allowed to leave her estate to charity.

The situation in England and Wales is very different because the individual enjoys almost complete freedom to decide who will inherit the estate, and thus there is room for Helen to carry out a supererogatory duty by allocating her estate to charity. This Anglo-Saxon tradition of individual choice is also present in the United States. Now consider the influence of black-letter inheritance law for a recent immigrant family to the United States. If the family immigrated from one of those 26 EU nations in which Helen's action was illegal, informal family perceptions of inheritance rights and duties will likely give way to formal law, over successive generations. In essence, black-letter law sets the boundaries of supererogatory duties and rights.

Fourth, in religious systems as well as in secular ethics, a supererogatory act assumes at least a minimal level of free will and conscious choice, so that merit can be rewarded on the basis of the assumption that the meritorious person freely chose to do good rather than evil. It is assumed, for example, that saints and heroes are not forced to do good works; they act as individual agents. But in traditional experimental psychology, it is assumed that independent variables (such as environmental factors external to the person, or cognitive mechanisms within the person) serve as causes, and bring about changes in dependent variables. In this cause-effect relationship, there is no room for free will. An argument has been made that while some behaviors are causally determined, other behaviors, including behavior in the realm of duties and rights, are better explained through a normative account, which does allow for free will (Moghaddam, 2002).

A *normative account* of behavior assumes that much of human thought and action is regulated by norms, rules, and other features of the normative system. Most of the time, most people behave according to the rules for correct behavior in a given context. However, people can choose to behave in non-normative ways; second, certain behaviors are

causally determined rather than normatively regulated. For example, when her optician asks Susan, "Can you read the last line?" This has to do with Susan's visual performance being causally determined by factors such as aging (what Moghaddam, 2002, has termed *performance capacity*). Susan could read the last line when she was 20 years old, but can no longer read it now that she is 50 years old. But if Susan's optician asks, "What do you think that symbol means?" This question has to do with the meaning we ascribe to things, or what Moghaddam (2002) has termed *performance style* (for example, "Oh yes, that symbol represents a mysterious love potion on this tropical island!" versus, "That symbol is just a gimmick used by the local tourist board to attract more visitors to this island!").

The fifth question concerns the replaceability and interchangeability of duties and rights: can a duty always be reinterpreted as a right, and a right as a duty? We can identify two main conceptual positions on this issue (see Dembour, 2006 for an *example of a more detailed classification*). First is the natural law position, which holds that at least some duties and rights are fixed. For example, the duty to abide by certain moral imperatives, such as "thou shalt not steal," "thou shalt not kill," and so on are purely duties; a duty to abide by the command "not to steal," "not to kill," and so on, cannot be changed to a "right not to steal," a "right not to kill," and so on. Similarly, a "right to freely choose a God" cannot be replaced by a "duty to freely choose a God."

The other view, which we find more compelling, takes positive law as a point of departure, where duties and rights can be interpreted as replaceable in almost all cases. This is suggested by various examples across societies in areas such as inheritance of estates and voting in elections.

The Power of Context and Replaceability of Rights and Duties

Our final two suppositions—the power of social context to influence choices and free will, and the replaceability of rights and duties—merit special attention as keystones in our argument. For the first, consider Gregory Mellema's (1991) prisoner example. A man is held prisoner by political terrorists, and he is commanded to swear allegiance to the leader of the terrorists—and to renounce allegiance to his own government. The prisoner knows that a refusal to cooperate will result only in bad consequences. He will be beaten, and the angered terrorists will only stiffen their resolve to

justify all opposition to their cause. Moreover, no one but the terrorists will ever know if he refuses. Nevertheless, the man is willing to endure these bad consequences. As a man of high principle, he is simply unwilling to renounce allegiance to his own government. Mellema considers the prisoner's decision supererogatory because he acts out of a concern for morality or principle. It would appear that the prisoner chooses this freely, without force or coercion—indeed, against coercion.

Now suppose the prisoner had been a member of the Taliban government in 2001, and his capturer had been an American military officer. Would it make a difference on whether the act can be called supererogatory? Then, would it make a difference if the prisoner were John Walker Lindh, an American citizen who fought on the side of the Taliban? In the first case, we must ask: whose morality and whose consequences make the act supererogatory? In the second example, group affiliation and expectations of citizenship matter: John Walker Lindh is an American citizen, but affiliated with the Taliban. For Lindh, a decision not to renounce allegiance to the Taliban would be supererogatory within the norms of Taliban group identity, and forbidden within the norms of American group identity. In fact, Lindh did not report his American citizenship to his captors, despite the fact that it might have provided him better treatment. What becomes apparent is that assumptions of praise are relative to perspective: Who blames? Who praises? In both cases, the moral logic is rooted in group identity.

Free will, for an individual, therefore presumes certain group constraints. However, a social psychological perspective also considers collective and communal acts, beyond individual choices. Duties and rights are fundamentally normative expressions, and norms are shaped by groups and cultures more than individuals. Consider a collective agreement by a military group not to pillage an enemy village captured in war, or to show clemency when it is neither required nor forbidden. If supererogatory acts may be collective expressions, it follows that supererogatory rights and duties can be expressed through groups and networks: family networks, tribal networks, nation-states, and networks of nation-states such as the United Nations. Indeed, international declarations of human rights and duties may be argued as supererogatory acts themselves, as meritorious expressions by diverse communities responding to global forces.

Importantly, as we will observe through animal and cross-cultural human examples in the next section, the fact that supererogatory duties and rights are manufactured by culture does not make them arbitrary. In practice, duties and rights embody internal logic and serve adaptive purposes for survival. Our argument assumes a social intuitionist model, where morality, like language, is an evolutionary adaptation for intensely social life; moral intuitions are both innate and enculturated and can best be understood in an evolutionary context (Bekoff, 2005; Haidt, 2001).

To some extent, attention to cultural context makes it obvious that rights and duties are replaceable. Replaceability can simply be a matter of group perspective. Suppose there is an English woman of some wealth named Lady Slattery, and Lady Slattery writes a will leaving the bulk of her estate to her gardener. One group of villagers claim that Lady Slattery "Did not have a right to do this!" while another group claims, "She did her duty, because the gardener was completely devoted to her." Because Lady Slattery lives in England, black-letter law allows her to fulfill this right/duty. But as seen in an earlier example, had she lived in France she would be obligated (by French law as it stands in 2010) to leave at least half of her estate to her children—and her choice would have been limited at the outset.

Similarly, in the domain of elections, the act of voting can be interpreted as a right or a duty, depending on context. According to black-letter law, voting is treated as a right in some countries (such as the United States) but a duty in some others (such as Australia, Belgium, and Switzerland). Even in countries where voting is treated as a right, the attitude of (at least some) citizens is that citizens have a duty to vote. For example, among some groups of "patriots" it would be unpatriotic for a citizen not to vote in national elections. On the other hand, among other groups, who might also see themselves as patriotic, it is a duty not to vote, because voting in national elections would strengthen the central government and thus work against their libertarian vision of what the nation should be in the ideal (i.e., a country of free individuals unencumbered by a strong central government).

A clearer variation across countries concerns the participation of prison inmates in elections. In the United States, inmates are banned from voting in most states, and even former inmates are banned in some states. In the European Union, seven of the 27 European Union member states (including the

United Kingdom) do not permit inmates to vote in elections. In these countries, inmates do not have the opportunity to carry out voting as a supererogatory duty, because they do not have it as a legal right. In other countries where inmates have the right to vote in elections, voting can become a supererogatory duty.

The proposition that duties and rights are replaceable is also supported by a number of empirical studies (Moghaddam & Riley, 2005), particularly in the family context. For example, in studies of families with young children, researchers found that parents tried solving sibling conflicts through "care" orientations emphasizing duties ("You should share your toys with your sister because she loves you") while young children prioritized "justice" orientations emphasizing rights ("It's not fair—these are my toys!") (Lollis, Ross, & Leroux, 1996; Lollis, Van Engen, Burns, Nowak, & Ross, 1999). The same transaction, sharing a toy with a sibling, led different actors to invoke either rights or duties in accordance with their perspective. As the authority figures in the family system, parents appealed to duties; in contrast, children challenged parental authority by invoking their rights (Moghaddam & Riley, 2005).

Primitive Social Relations and the Evolution of Duties and Rights

Having explored a few ways that duties and rights are bound by group context and social positioning, we now turn to illustrations that help describe duties and rights as functional adaptations that evolve over time. A *cultural evolution* explanation assumes two major stages in the development of duties and rights: first, the emergence of certain styles of behavior, termed *primitive social relations* (Moghaddam, 2002, p. 40), that are adaptive and enable some people to compete better for scarce resources and to improve survival chances; second, at a later stage the labeling of such adaptive behaviors as a duty or a right, depending on cultural conditions. The timing and sequence of the second stage, labeling and interpreting primitive social relations in terms of duties and rights, is unclear. It might evolve tens of thousands of years after the emergence of a particular primitive social relation, or shortly after. In this theory, primitive social relations arise out of the common challenges confronted by humans. These challenges are partly based on human physical characteristics and the physical environment. Commonalities here—bodily and environmental

constraints—result in certain universal styles of behavior adopted by humans, the roots of which lie in our evolutionary past.

Primitive Social Behaviors among Animals

The evolutionary account we provide suggests that the roots of "fairness" should be found in animal behavior and, indeed, there is some evidence to support this idea. Rudimentary behaviors that later developed to be labeled as duties and rights are reflected in cooperation and empathy among animals (Bekoff, 2005). Elephants help injured or ill members of their group, as do whales and dolphins. During play, high-ranking wolves are known to "handicap" themselves by engaging in role reversal with lower-ranking wolves, even allowing the low-ranking wolves to bite. If the low-ranking wolves bite too hard, it will initiate a "play bow" of submission before the play resumes. Coyotes who bite too hard during play can be ostracized by the rest of the group (Bekoff & Allen, 1997). Ant colonies are highly cooperative; often individual ants will sacrifice themselves to increase survival chances of the group (Wilson, 1975). Monkeys react negatively when they witness other monkeys receiving more favorable rewards for the same effort, or for less effort (Brosnan & de Waal, 2003). Mice reacted in ways that could be interpreted as empathic when they observed cagemates, but not strangers, suffering pain (Langford et al., 2006). Although insects and animals do not make sacrifices, act empathic, or feel unfairly treated out of political ideology or principle, their behavior has been interpreted as reflecting "wild justice" (Bekoff, 2005) and demonstrating a level of behavioral continuity between animals and humans. Humans were able to move to increasingly complex interpretations of justice through the evolution of their sophisticated social lives.

Human Settlements, Duties, and Rights

The evolution of duties and rights in human societies took a dramatic turn after the transition, around 12,000 years ago, from hunter-gatherer to settlement societies. Development of agriculture and the domestication of animals allowed for the growth of a reliable surplus, which was used by power elites to develop institutions for governance and control. Through the monopoly and control of the surplus, power elites supported security and military forces, as well as administrations for collecting taxes and redistributing wealth to benefit their supporters.

These developments led to the growth of larger and more complex urban centers, with an established culture enjoying "high culture." For example, the Minoan civilization that flourished on the island of Crete lasted about 1,500 years, from 2,600 to 1,100 B.C., and centered around luxurious palaces with over 1,000 rooms each. The Minoans were one of a number of civilizations that flourished in the Mediterranean region from around 5,000 years ago and laid the foundation for the Greek city-states, culminating in the golden age of Athenian democracy. The foundation for these developments was made between stable and secure urban centers and the development of interstate and intrastate trade and flourishing of interstate and intrastate trade and commerce had foundational implications for social relations, because now a normative system was needed to regulate frequent and necessary interactions between strangers, rather than just kin. Until this time, and for almost all of our evolutionary history, we lived in small, nomadic groups. Evidence suggests that during the many thousands of years of our existence as hunter-gatherers, we lived in groups numbering a few hundred in size (e.g., Dunbar, 1993). This long evolutionary past has led some researchers to argue that the optimal size for human groups continues to be 150 to 200 members (see Moghaddam, 2008, p. 34). Certainly, this "optimal group size" seems to exert influence on the way even high-income twenty-first-century societies are organized, particularly in terms of the organization of local or "everyday-level" small groups. For example, although many people now work in organizations with hundreds of thousands of employees and live in cities with millions of inhabitants, they actually function in small work units (e.g., the office or university department) and neighborhoods that allow some level of intimacy and face-to-face interaction with other group members (Moghaddam, 2008, pp. 77-79). However, whereas during our hunter-gatherer era our small groups consisted mainly of others who were our kin, in twenty-first-century Western societies our work, neighborhood, and even social groups tend to consist of nonkin.

Our of interactions between nonkin individuals and groups has evolved practices such as turn-taking, which appears across multiple cultures (Moghaddam, 2000), as well as other practices that help mitigate competition over resources and encourage collective fairness. These normative practices continue to influence behavior in modern societies, so that for the most part order is maintained

without "calling in the law" (Ellickson, 1991). Here duties and rights appear as functional adaptations, with cultural variations reflecting local conditions, a topic we turn to next.

Culture and Supererogatory Acts

Whereas our argument for universals in rights and duties was top-down and began with discussions of primitive social relations and evolutionary processes at a high level of abstraction, we now turn to a bottom-up analysis to highlight variations in rights and duties across cultures. Our specific focus is on supererogatory rights and duties in Afghan, Asian (especially Korean), and Latino- and Spanish-culture family contexts. Family units are primary sites for the development and transmission of supererogatory rights and duties. Certainly, the family is only one of many social systems into which a developing child is socialized, but all societies have developed one or another form of family structure (Segall, Dasen, Berry, & Poortinga, 1999). In family contexts we can observe how culture defines certain behaviors as either duties or rights, obligatory or supererogatory. However, in highlighting variations across cultures, we do not lose sight of possible universals and in the concluding discussion we argue that the highlighting of cultural variations ultimately serves the purpose of pointing to a small number of commonalities across cultures.

Socialization of Rights and Duties in Families

Human beings do not develop in isolation, but rather in a unique physical and social context influenced by culture. Culture and child-rearing is therefore intimately linked: children must learn to survive and grow in their given context, and parents must prepare the next generation for integration into the existing culture (Bornstein, 2010). Cultural values therefore influence not only the form of families, but schools, neighborhoods, and other social structures. The shape that these social structures take has great implications for rights and duties, as we will see later.

Within families, duties can be delegated to parents, children, or members of the extended family. In most cultures, however, actors with the greatest face-to-face interactions with children—for example, parents, teachers, and babysitters in Western contexts—are most directly responsible for providing the bare necessities of development. In many contexts now, failure to fulfill these duties can be

formally prosecuted as child abuse or neglect. Nevertheless, it is important to remember the origins of these behaviors as informal duties establishing a minimum requirement for behavior.

In countries such as the United States, for example, parents are almost solely responsible for feeding, protecting, and nurturing their child. In other more collectivistic cultural environments, the child's regular face-to-face interactions include members of the extended family, neighbors, and family friends. By extension, the minimal duties assigned to parents in the United States are now assigned to aunts, uncles, grandparents, and the like. Among the Nso in Cameroon, for example, a child "belongs" to the community as a whole. Educating the child according to social norms and enforcing discipline is an obligation shared by all adults, not merely parents (see Nsamenang in this volume for a discussion of social exchanges in non-Western family contexts.) The exercise of such duties is not seen as encroaching on a parent's responsibilities because the parents are not solely accountable for the child—and perhaps not even principally responsible for the child's development (Rabain, 1979).

Beyond these minimalist obligations, characterizing behaviors as supererogatory duties becomes difficult because what is laudable (though not required) in one context may be expected in another. There are informal pressures at play, which complicate assumptions about what is "required." For example, payment by an uncle for his nephew's school tuition may be supererogatory in Western contexts though required in others. In the United States, an uncle would not be the boy's legal guardian, so he has no minimum legal responsibility. In the absence of social norms that pressure him into supporting a child that is not his, the uncle's contribution is supererogatory by virtue of meeting all conditions established by theorists: the act is beyond the call of duty, meritorious, and its omission is not blameworthy (Peterfreund, 1978). However, if the uncle lives in a context where there are informal social pressures to support his nephew—e.g., an assumption that males must be caretakers of extended kin, as often the case in tribal societies—paying for the nephew's education fails the first condition of a supererogatory act and becomes an ordinary duty.

Then there may be substantive varieties, a division of labor in supererogatory duties, as it were. For example, kin support among African-American families usually takes the form of practical support (child care, help with transportation, household

work, and so on), whereas European-American kin support is characterized by the extended family providing economic resources or emotional support to parents (Sarkisian & Gerstel, 2004). In both cases, members of the extended family are not expected to provide resources to the same degree as parents. Nevertheless, they are commended for their actions on behalf of children for which they are not directly responsible.

RIGHTS AND DUTIES IN ASIAN FAMILIES

Culture dictates more than who is responsible for what within the family; the family is also "nested" in a context of larger social and religious values. For example, among the Javanese, Indonesia's largest ethnic group, a patriarchal social structure and the heavy influence of Hinduism means that individuals' opportunities, duties and rights are determined by their gender as well as their caste. Boys—particularly eldest sons—have greater responsibilities than their siblings, but they also enjoy more attention from their families and have greater rights than their sisters. Similarly, individuals from the *Brahmana* (spiritual leaders) caste enjoy greater rights than those in the *Ksatria* (warriors), *Waisya* (traders), and *Syudra* (low class society) (Shwalb et al., 2010).

Perhaps one of the best-known examples can be found in East Asians' parenting practices; a review of this literature shows that socialization goals of Asian and Asian-American mothers emphasize children's duties to bring honor to the family in a way that is consistent with the interdependent and collectivistic Asian culture (Kim & Wong, 2002). Many attribute this phenomenon to East Asia's cultural roots in Chinese *Confucianism*, a comprehensive philosophical system encompassing ethics, interpersonal relations, and governance. This philosophy is the basis for *filial piety* (*Xiao*), one of the most important and distinctive concepts of Asian families. In Korea, for example, the devotion of children to parents involves a number of duties that can be classified into five broad categories: obeying (e.g., *Myong-Shin-Bo-Kam*, children must immediately answer when called), attending (e.g., *Kuk-mong-yo-keul*, when parents are ill, children must give priority to attending to their illness), supporting (e.g., *Don-Mon-Seun-Sup*, children must ensure parents are comfortably housed and fed), comforting (e.g., *Yi-ki*, children must be careful not to expose themselves to danger and cause their parents distress), and honoring (e.g., *So-hak*, children must restrain themselves from dietary and sexual

...for 3 years after their parents' death) (Kim & Choi, 1994). Filial piety rooted in Confucian values is widespread throughout other countries as well, including Vietnam and Japan. Surveys reveal the importance of children's duties in Vietnam and Korea: more than 90% of adolescents agreed with the statement that no matter what the circumstances, they would support their parents in their old age (Le, 2000). However, some research suggests that filial piety has weakened in postmodern societies (Shwalb et al., 2010).

In addition to these filial duties, parents in Asian societies also have duties to their children. In order for children to reach maturity and exercise these obligations, parents must first raise, care for, and educate their children. Indeed, in Korea, Vietnam and other Asian societies, the concept of "womb education" (*thai giao* in Vietnamese) stipulates particular duties for a woman to her unborn child (Shwalb et al., 2010; Kim & Choi, 1994). Although basic parental duties of raising children may be fairly uniform—feeding, protecting, socializing to cultural norms—the nuances and meanings of these duties vary by cultural context. For example, one ethnographic study revealed cultural differences in attitude toward motherhood among Korean and Canadian women (Kim & Choi, 1994). Whereas Canadian mothers emphasize personal (career) development and maternal caregiving equally, Korean mothers place greater weight on their role as caregivers, and see little conflict in sacrificing their careers for their children. This reflects the Korean culture's deep-rooted consciousness of parent and child unified in "body and soul" (*ilshim dongche*; Choi, 2000; Shwalb et al., 2010). Parents' continual support for their children is also seen in their greater willingness to support their adult children financially. In a cross-national survey of European, North American, and Asian countries, Korean parents were most willing to pay off their children's debt, contribute to college education, and pay for wedding celebrations (Gallup, 1983 as cited in Kim & Choi, 1994). This intense child-centeredness reflects many parents' beliefs about their role in the lives of their children: it is the parents' duty—and a critical part of their existence—to continually sacrifice for their children (Shwalb et al., 2010).

RIGHTS AND DUTIES IN SPANISH-ORIGIN FAMILIES

Respect for parents and hierarchical family structures, however, are not unique to East Asian

contexts. Much like Koreans, Latino- or Spanish-origin families are also characterized by an interdependent orientation (Oyserman, Coon, & Kemmelmeir, 2002). A review of literature indicates that three cultural values rooted in this orientation—familism (*familismo*), respect (*respeto*), and moral education (*educación*)—are held by Latinos of all national origins and underlie many parenting decisions, including the assignment of rights and duties (Halgunseth, Ispa, & Rudy, 2006). Of these, *respeto* and *educación* are most relevant for our discussion of rights and duties, since they bear on the duties of children and parents, respectively.

In an ethnographic study of Mexican-American immigrant families, researchers described that by the age of 4 years, children are taught verbal and nonverbal rules of demonstrating respect, such as politely greeting elders, not challenging elders' views, and not interrupting adults' conversations (Valdes, 1996). Thus, behaviors parallel some of the filial duties apparent in East Asian cultures. However, the meaning of *respeto* is more comprehensive in that it includes respecting the role of each member of the family, not just parents. For example, sisters did not act affectionately toward their husbands or boyfriends in front of their brothers because to do so would be interpreted as a *falta de respeto*, an affront to the brothers' sense of dignity and their roles as brothers (Valdes, 1996).

Respeto is also an important motivator in the grief responses of children and other survivors when a loved one dies. In an account of the funeral ceremonies of Mexican-Americans in Texas during the 1930s through 1950s, Williams recounts family obligations surrounding the funeral rites. Wakes were held in the home over the course of an entire night, and talking and laughing were strictly prohibited during the viewing. At no point was the body left unattended, since doing so would be a sign of disrespect. At that time, widows were also expected to wear black for the remainder of their lives, a concrete symbol of their enduring duty and loyalty to the deceased (Williams, 1990).

If *respeto* is the value most central to children's duties in this culture, *educación* is the most important value for understanding adults' duties to their children. *Educación* extends beyond the English word "education" in that it also refers to the training in responsibility, morality, and interpersonal relations. A close comparison is the concept of *bildung* (education) active in German taxonomy since the sixteenth century: broadly, *bildung* refers to not

only a transfer of literacy or a body of knowledge, but also to a process of personal and cultural maturation (Schmidt, 1996). Ethnographic accounts of Mexican immigrant mothers indicate that mothers often mention *la educación de los niños* (the moral education of their children) as an important parental responsibility. Further studies also indicate the importance of this duty: in a study on child-rearing practices of U.S.-born and foreign-born parents of European, Mexican, Cambodian, and Vietnamese descent, Mexican parents reported that social skills and motivation were as or more important for children's school readiness than cognitive skills (Okagaki & Sternberg, 1993). Similarly, a second study found that Latinos gave higher importance ratings to children's socio-emotional characteristics than Euro-American or Asian-American parents (Okagaki & Frensch, 1998).

Just as respeto motivates the duties surrounding funeral ceremonies, educación plays an important role in the birth and baptism ceremony, another important traditional life-cycle ritual. Most important here is the *compadrazgo* (literally co-parent-hood), the practice of expectant parents selecting a married couple from among their friends to be the child's sponsors at a baptismal ceremony. On the day of the ceremony, the *compadres*, which the child will eventually refer to as *madrina* and *padrino*, are responsible for purchasing the white christening outfit. This functions as a symbol of the *padrinos'* duty: to take care of the child's physical and spiritual needs in the event of the parents' absence (Williams, 1990).

RIGHTS AND DUTIES IN FLUX

Although the previous case studies have focused primarily on duties—whether of parents, children, friends, or extended family—it is nevertheless important to address the issue of rights as well. Earlier we argued that rights and duties are in the vast majority of cases replaceable, and that children will give preference to autonomy while adults will emphasize obligations. We also illustrated the influence of culture and group context on the formation of rights and duties. But what happens when families move from one cultural context to another? How are diverse perspectives and identities negotiated, and what does this mean for rights and duties?

In immigrant families, conflict over diverse perspectives and identities is marked by generational differences. For successive generations of Mexican and Central American families in the United States,

adolescents in one study were increasingly likely to believe that disagreeing with parents was acceptable and that autonomy was desirable (Fuligni, 1998). This seemed to indicate a shift from duties (obedience to parents) to rights (freedom to make personal decisions). Another example concerns changing expectations around the marriage decisions of sons and daughters. Spanish-heritage families often experience conflict in these areas, since parents emphasize children's duty to accept a "good match" while sons and daughters stress their right to choose a mate (Baptiste, 1987).

Between Laws and Norms: The Case of Afghan Rights and Duties

We have seen how black-letter law and informal perspectives influence each other, but what if enforcement of black-letter law appears weak or absent? Such is the case in Afghanistan. In Western literature, Afghanistan is often depicted as a "lawless" and tribal society where drug lords gather private armies and build mansions with illegally acquired gains. Despite a new constitution and strengthened national police force for enforcement, Afghan laws regarding safety, prohibition of alcohol and gambling, or compliance with intellectual property rights are rarely enforced. The Afghan-Pakistan border has remained highly porous; credentials of Pashtun tribal identity are often a more important "passport" than actual citizenship for travel across the Durrand Line envisioned by the British (Barfield, 2010). At the same time, Afghanistan is remarkably rule-bound. Daily life is regulated by a mix of "renegade" freedoms and strict cultural, moral, and religious codes—most orally, informally, and locally transmitted through family and village networks. During Taliban rule and still today, an Afghan man could own and operate a gun, drive a motorcycle, and set up his own dentist's office without a government-issued license. However, during Taliban rule the same man would be expected to grow a beard to a fist's length, and perform *namaz* (Arabic, *salah*) prayers five times a day—or face imprisonment and beating. Even today, Afghans still accept harsh legal interpretations that most Western cultures would not tolerate. Under conservative interpretations of *Sharia* (Islamic) law, specifically for the *hudud*, adultery is punishable by death from public stoning. Religious conversion from Islam to any other faith tradition explicitly warrants the death sentence, though can be appealed under conditions of "insanity." In January 2008, an Afghani

court sentenced a 23-year-old journalism student to death for asking questions about women's rights under Islam (Sengupta, 2008).

Where these apparent paradoxes of lawlessness and strict rules intersect, a picture of cultural rights and duties emerges. Like any complex society, Afghans divide and order themselves along a multitude of different social categories, each with formal and informal rule structures. These categories may contradict each other, or apply simultaneously, depending upon the circumstances. Certain rights afforded by local interpretations of Sharia law may be encouraged or discouraged by local custom, and further negotiated at kinship levels. For example, an urban man who takes a second wife by choice, as allowed formally by law, will be ostracized and scorned by the first wife's family network, if conducted without their permission. Although the letter of the law, for moderate Islamic interpretations, requires women's hair to be covered in public, most late-teenage and adult Afghan women still dress in full-body *burqas*.

Not only is law bound, adapted, and sometimes extended by cultural customs, but also the enforcement of law and customs are negotiated at the level of kinship networks. Consider that in 2004, the Afghan *Loyal Jirga*, or Grand Assembly, agreed upon a constitution that provides that both genders "have equal rights and duties before the law" (Constitution of Afghanistan, Article 22:2). Culturally, women are generally not allowed to pedal bikes, drive cars, travel alone, or serve as primary household head in the presence of a male alternate. Women who run for political office, attend co-educational schools, or travel alone often face serious threats; many women have been killed or mutilated for taking these actions, even after the fall of the Taliban in 2001. Yet many Afghan families still urge their daughters to attend local schools, and restrictions on women's mobility and dress varies considerably across kinship networks and nuclear families. This heterogeneity is not arbitrary. In many cases, conditions of poverty at the village level trump conservative religious customs; women will work in fields without *burqas* and assume otherwise traditional patrilineal roles for survival. In the 2005 parliamentary elections, the world witnessed Afghan women running for parliamentary office, often campaigning through extended family networks of support. In 2005, Afghanistan nominated its first and only female governor, Habiba Sarobi, to assume control of the more liberal and

predominantly Shi'a region of the central highlands, Bamiyan province.

As these examples illustrate, what constitutes a duty or right—and therefore also what goes beyond the "minimum" behavior required—is negotiated on multiple levels. In tribal societies, lineage members generally have mutual obligations to assist each other—as well as mutual liabilities, in terms of honor and often finances. Anthropologist Bernd Glatzer (1996) observed that among Durrani Pashtun nomads in the western part of the country, patrilineally related kin provide social security and political support. But relations between them can become strained when competing for authority in the kin group and for inheritance. Property is passed patrilineally, as are feuds about previous inheritance. Within maternal kin, however, which lack this resource competition, relations tend to be marked by "cordiality and helpfulness" (Dupree & Gouttierre, 1997, p. 116).

A people, an ethnic group, and a tribe are called *qawm* in Pashto and Dari, and most other languages of Afghanistan. The term reveals that ethnic groups and tribes are structured by genealogical ties. Subtribe or clan is *khel* in Pashto often extending to the level of a neighborhood or village. Kin groups are normally expansive, stretching from the nuclear family unit and the *khel*, to the tribe, to the larger ethnic group. Last in line is the nation-state, which can be fluid where nation-state boundaries and *khel* or *qawm* boundaries contradict—such as along the border between Afghanistan and Pakistan. Local segmentations between tribes are sometimes described by the Arab proverb, "I against my brother. My brother and I against my cousin. My cousin, my brother, and I against the world." The potential for tension with kin is expressed in a common Afghan saying, "Do you have an enemy? I have a cousin." Beneath and between the formal law and vernacular practices governing social behavior are unwritten supererogatory rights and duties. An individual can be applauded for giving up an "unwritten" right, or expected to give up a particular right to preserve social harmony. When facing a shared enemy or threat, the importance of preserving harmony within these kinship bonds increases. An heir to an inheritance may volunteer to share portions of the inheritance with other kin, or demonstrate forbearance or tolerance over a past grievance, where that preserves kinship collaboration.

Another example of supererogatory duties and rights appears in the Pashtunwali code of

hospitality toward guests and travelers. A guest in someone's home has the supererogatory right to ask the host for tea and food. These are customarily offered by the host, with varying degrees of expectation that the guest should accept the offer. The guest has the unwritten right to accept these offers, but sometimes preserves social harmony by not doing so. Taken to an extreme, a guest may demand from the host extraordinary items beyond what is offered, including bedding, clothes, and even money. If the guest demands to be served meat, a luxury food for most Afghan families, the host family would be expected by custom to do so. A failure to serve the guest would be considered shameful. However, exercising these rights may provoke resentment from the host. Similarly, in the Christian parable of the Good Samaritan, the Samaritan offers the innkeeper money for the guest, and then promises to pay for anything more that the guest might need. Offering the option to the guest is supererogatory; it is granting a right, perhaps gratuitously, that simultaneously goes beyond the law and preserves honor within a kinship and cultural context.

Supererogatory duties and rights for guests apply even during wartime. Jason Eliot (1999) recalls a story of Ahmad Shah Massoud, leader of the Northern Alliance, who, while inspecting the front lines against the Taliban in the late 1990s, accidentally took a wrong turn, lost the route, and drove unarmed into the heart of a Taliban stronghold. Massoud, who was instantly recognized and facing almost certain death, demanded confidently to see their leader. So baffled were his hosts at the sudden appearance of their arch-enemy, they obliged, and a cordial exchange was reported between the rival leaders. Their meeting was just long enough not to offend custom, but short enough to prevent the Taliban from realizing that Massoud's appearance in their midst was nothing more than a one-in-a-million mistake (p. 76).

Whether this legend is exactly true or not, it conveys the reality of the Afghan duty of hospitality toward guests. In this case, it saved Massoud's life, but his protection was only afforded when he presented himself as a guest, rather than a fighter. The shift in positioning meant a shift in social codes for what constitutes fair behavior. Certainly, the very same shift in positioning would not work in a Western culture: a member of the Taliban wandering into an American military camp would be served something quite different than tea!

Common Goals, Different Expressions

As part of cultural evolution, rights and duties across cultures can best be understood as evolved ways of resolving dilemmas; solutions instead of black-letter law (Ellickson, 1991). As we have seen, these are best understood using an evolutionary-ecological approach. Dilemmas may arise from specific physical, environmental, cultural, and historical affiliations where adaptive duties and rights can be enforced (Ferguson & Whitehead, 1992). For example, in Sherry Ortner's (1989) study of the Sherpan Buddhist community of Darjeeling, Nepal, supererogatory acts were found to resolve contradictions in the social hegemony and strengthen low-class social identity. In particular, voluntary construction of Buddhist temples by low-class Sherpan workers in the nineteenth and early twentieth centuries served an adaptive function: on the one hand, these were acts of charity or religious devotion, but on the other, they were an expression of working-class empowerment. Constructing a temple was a "denial that having fewer material resources defined them as 'small,' and of no social consequence" (p. 151). The act carried indirect benefits, such as self-expression and expression of group identity, and resistance of culturally defined hegemony. Ortner explains that "many small [low-status] people who participated in the monastery foundations were like the returning heroes of the schema, newly empowered and expressing or claiming 'bigness'" (p. 153). Supererogatory acts maintained group harmony and collaboration. An informal system of meritorious acts made the working class powerful, and in turn, kept the powerful class in check: priests and power figures were praised for "making statements of smallness, of (political) concern for the people and of (religious) egolessness." Arguably, this expression is no different from the submissive "play-bow" among wolves or other cooperative, evolved animal behaviors.

Within family units, child-parent dilemmas of status, inheritance, and identity were resolved by sending the children to a monastery. Low-income parents unable to provide inheritance for children through property and arranged marriages, could otherwise elevate their family's status through religious participation. Many children pressured their parents to send them to be monks or nuns, where monasticism conveyed high status and exit from low-class obligation (p. 180). Sending a child to join was considered a super-meritorious act, and both parents and children were praised.

Not entirely dissimilar is the American tradition of encouraging teenagers from primarily low- and middle-income families to join the military, gaining access to higher status and income. The act of voluntarily leaving the military is generally considered meritorious, an opportunity to sacrifice for the benefit of one's country. When the risk of bodily self-sacrifice is involved, such as during active combat, the degree of respect and valor by their government and society increases. In theory, veterans of war are given special treatment. Super-meritorious and supererogatory acts in combat are rewarded with purple hearts, silver stars, and other medallions. Failure to exemplify special bravery in combat is not punished or blameworthy, but in the case of mandatory military service, failure to serve in combat can be punished.

The Soldier's Sacrifice

Can there be a "universal ethic" of service in a soldier's sacrifice? Possibly so, but from a functional perspective, supererogatory acts are informal methods of resolving dilemmas. They promote social harmony and survival, rather than a set of universal values per se. Supererogatory acts are best understood therefore not in categories but rather in functional shades and degrees. These degrees vary based on the pressures exerted by the social conditions and relevant spheres of cultural influence. Age, gender, and status, for example, may change the expectations beyond formal duty, as well as calculations of the sacrifice and intentions involved in a supererogatory act. Consider, for example, the case of the American Pat Tillman. Among the thousands of American soldiers who sacrificed their lives in Afghanistan and Iraq, the American press and the United States government gave special attention and praise to Tillman, stating the significance of his sacrifice. Tillman was an American football player who, after the events of September 11, 2001, turned down a multi-million dollar professional sports contract in May 2002, to enlist in the United States Rangers (Krakauer, 2009). Tillman's decision to join the military was considered supererogatory in large part because of the apparent sacrifice involved. A soldier from a low-status background with less access to resources than Tillman would not normally be given the same public praise for the deontological considerations of his supererogatory choice. Given so many financial and personal reasons not to join the military, Tillman is assumed to have acted out of principle rather than social or cultural pressures. It is our position, however, that supererogatory acts

are best understood with reference to principles that function within cultural and functional contexts, rather than separate from them.

Minority-Majority Cycle of Rights and Duties: An Example of Universals?

The identification of cultural variation in rights and duties can be useful, in part to demonstrate the enormous plasticity and range of possibilities in human social life. But we must also return to the question of universals: are there universals in rights and duties in the family context? If so, do they have wider implications outside the family context? Based on the functional analysis we have been using, one possible universal in this context is the *minority-majority cycle of rights and duties* (Moghaddam, 2004), elaborated below.

In all human societies, infants come into this world completely helpless and dependent on others. This means that the young have less power than their caretakers; it is the caretakers who (initially at least) set the rules for behavior and assign rights and duties to the young. Irrespective of whether the child is in a Spanish, Korean, Afghan, or any other culture, it is adults who assign duties in particular. In the caretaker-child relationship, caretakers tend to focus on the duties of children, whereas children assert their rights. This tendency is most extreme in Western societies, where youth rebellion has become a "tradition." Our contention is that the same tendency for caretakers to emphasize duties ("You have to do your homework;" "You must tend to the sheep.") and for the growing child to emphasize rights ("I want to go play with my friends.") is found across cultures (Moghaddam & Riley, 2004).

Although the child, a power minority, emphasizes rights, and the caretaker, a power majority, emphasizes duties, the child shifts position when she or he becomes an adult. The child who 20 years ago was rebelling against her parents ("I don't want to do that!") shifts position and emphasizes duties when she has her own child ("I am telling you, you have to do that!"). This "cycle" of rights and duties has wider implications outside the family context.

The study of minority-group behavior reveals that in their relationships with majority groups, minorities tend to give priority to rights—this is reflected in minority-rights movements around the world, along with movements for indigenous peoples' rights, Black rights, women's rights, gay rights, and so on. On the other hand, majority groups emphasize duties, broadly the duty to obey laws that

support the status quo. However, when a minority gains power and manages to become the majority, then there tends to be a shift of emphasis by that newly empowered group from rights to duties. This in part explains the so-called *paradox of revolution* (Middlebrook, 1995): prior to revolutions, minority groups emphasize rights (e.g., "The people must be free to speak and say what they want;" "The people have a right to a higher standard of living."), but if a revolution succeeds and a former minority group takes over the government, then the "new majority" shifts focus to duties (e.g., "That is not free speech, that is anarchy—we must have limits;" "The people have a duty to work hard."). The first author witnessed this firsthand during the 1978–1979 revolution in Iran: when in opposition to the Shah, Ayatollah Khomeini and his group demanded all kinds of freedoms and rights for the people, but when they became the government themselves, they clamped down on rights and used an iron fist to demand that people "do their Islamic duties."

Although the minority-majority cycle of rights and duties seems to be pervasive in actual political processes, there have also been attempts, on paper at least, to reinterpret and use duties to serve the interests of all humankind, including minorities, and to argue that duties are a precondition for rights. Two examples of this are the *Universal Declaration of Human Responsibilities*, proposed by the InterAction Council of Former Heads of State and Government (preamble, *Universal Declaration of Human Responsibilities*, 1996), and the *American Declaration of the Rights and Duties of Man*, proposed by the International Council of American States in Bogotá, Colombia in 1948.

Summary and Future Directions: In Search of Universals

We see the exploration of duties and rights to be part of a response to the urgent need for cultural psychology to address "The question of relationship between societies ..." (Valsiner, 2009, p. xi). Rights and duties are foundational to worldviews, and shared understandings of rights and duties can serve as a basis for organizing relationships between and within societies.

The functional argument we have proposed begins with certain behaviors, termed *primitive social relations* (Moghaddam & Riley, 2004), that prove to be advantageous for the survival of groups and become pervasive across groups in the course of evolution. An example is turn-taking, a behavior

that is manifested very soon after birth (Collis, 1985) and is essential for key aspects of social life, such as communications (Duncan, 1972). Without turn-taking, communication quickly breaks down. After the emergence of primitive social relations, there evolve cultural practices for labeling the behavior. For example, depending on cultural conditions, "having a turn to speak" can be interpreted as a right or a duty. In democratic societies, "the right to free speech" is given considerable importance, whereas in dictatorships this right is limited to certain power groups and leaders.

Irrespective of the political and family systems of societies, certain rights and duties are necessarily assigned and adopted as a requirement for using certain modern technologies. In these cases, the requirements of technology override local cultural variations. For example, Iran is a dictatorship in which women are treated as second-class citizens, whereas women enjoy equal rights in Western democracies. However, a woman driving a car in Iran participates in turn-taking in traffic with equal rights to other drivers, just as is the case in Western societies. This is because modern roads and cars require standardized rights and duties for all drivers. Of course, it is possible to deprive a group of the right to drive in the first place (for example, it is illegal for women to drive automobiles in Saudi Arabia).

Working bottom-up, we can identify almost countless cross-cultural variations in duties and rights, including supererogatory acts, reflecting the enormous plasticity of human behavior. However, our conceptual orientation allows us to also work top-down and to identify a small but important number of possible universals in the domain of duties and rights, an example being the minority-majority cycle of rights and duties. Of course, even in the case of this possible "universal," there are cultural variations in how it is manifested. For example, although parents in both the United States and Afghanistan emphasize the duties rather than the rights of their children in the home as they attempt to socialize them to behave "correctly," there will be differences in the nature of the duties emphasized, the communications used, rewards and punishments practiced, and so on. Consequently, we need to tread carefully in how we interpret "universals" rights and duties. This is an area for further research to test the universality of the rights-duties cycle, and to explore the different duties and rights emphasized in this cycle in different cultures.

Similarly, care is necessary when searching for and interpreting other universals in duties and rights. Although some attention has been given to the psychology of rights and possible universal human duties. For a right to be justified, it has to represent a justified claim against (a just-claim-against) and a justified claim-to (a just-claim-to) (a person's justified claim to, say, clean drinking water) and a justified addressee to make water available by polluting a water source) (Feinberg, 1973). Thus, any justified right—such as universal human rights—must be accompanied by a duty claim-against. However, little empirical work has been done to investigate these underlying duties, and whether there is cross-cultural agreement on them. For example, we can imagine different societies agreeing that something is a justified claim-to, but disagreeing about the justification of claim-against. Or perhaps arrive at the same conclusion about a justified right, but disagree on what claim-against was necessary to get there.

Duties underpin and complement rights, as has been previously suggested, and as our examples affirm. Thus, duties are a part of even the most individualistic cultures. It is important to note also that these prevailing cultural norms can be suspended temporarily, as is often the case during emergencies such as natural disasters or terrorist attacks. During this time, triage, the prioritization of patients based on severity of injuries and chances of survival, becomes the principle motivation for most medical actors and public managers. By necessity then, everyday notions of individual rights are often temporarily put on hold. Future research should focus on how these rights and duties are understood, maintaining an eye out for whether government recommendations to citizens should be couched as either rights or duties.

Future research should also attend to the implications of the different evolutionary paths through which duties and rights have come to take their contemporary shapes. For most of human history, societies have been organized as dictatorships, with people being trained to give highest priority to their duties to obey authority figures, such as emperors and popes. Rights, particularly individual rights, evolved out of revolutionary struggles of the relatively powerless against the powerful, as reflected in various conflicts, from the French Revolution to clashes involving Black Power, women's liberation, and various other

more recent minority movements. Whereas individual rights are a relatively recent focus, individual and collective duties have been a historical focus. Research is needed to explore the implications of these different paths of development for the behavior of citizens responding to government programs.

References

- The Anglican Church (1662/1999). *The book of common prayer*. London: Everyman's Library [1662 translation].
- Attfeld, R. (1979). Supererogation and double standards. *Mind*, 88, 481–499.
- Baptiste, D. A. (1987). Family therapy with Spanish-heritage immigrant families in cultural transition. *Contemporary Family Therapy*, 9, 221–251.
- Barfield, T. (2010) Afghanistan: A cultural and political history. Princeton, NJ: Princeton University Press.
- Batson, C. D. (1995). Prosocial motivation: Why do we help others? In A. Tesser (Ed.), *Advanced social psychology* (pp. 333–381). Boston: McGraw-Hill.
- Bekoff, M. (2005). *Wild justice and fair play: Cooperativeness, forgiveness, and morality in animals*. Boston: Bacon & Allyn.
- Beckoff, M., & Allen (1997). Cognitive ethology: Slayers, skeptics, and proponents. In R. Mitchell, N. S. Thompson, & H. L. Miles (Eds.), *Anthropomorphism, anecdote, and animals*. Albany, NY: SUNY Press.
- Benbaji, H., & Heyd, D. (2001). The charitable perspective: Forgiveness and toleration as supererogatory. *Canadian Journal of Philosophy*, 31, 567–585.
- Bornstein, M. H. (2010). Preface. In M. H. Bornstein (Ed.), *The handbook of cultural developmental science*. New York: Taylor & Francis.
- Brosnan, S. F., & de Waal, F. B. M. (2003). Monkeys reject unequal pay. *Nature*, 425, 297–299.
- Choi, S. J. (2000). *HanGukIn SimRihak* [Korean psychology]. Seoul, South Korea: Chung-Ang University Press.
- Coleman, D. (2007). The role of law in relationships within immigrant families: Traditional parenting practices in conflict with American concepts of maltreatment. In J. E. Lansford, K. D. Deater-Deckard & M. H. Bornstein (Eds.), *Immigrant families in contemporary society*. New York: Guilford Press.
- Collis, G. M. (1985). On the origins of turn-taking: Alternation and meaning. In M. D. Barrett (Ed.), *Children's single-words speech* (pp. 217–230). Chichester, England: Wiley, John & Sons, Inc.
- The Constitution of Afghanistan (2004). Article 22, Clause 2.
- Dembour, M. D. (2006). *Who believes in human rights? Reflections on the European Convention*. New York: Cambridge University Press.
- Dunbar, R. I. M. (1993). Coevolution of newocortex size, group size and language. *Behavioral and Brain Sciences*, 16, 681–735.
- Duncan, S. (1972). Some signs and rules for taking speaking turns in conversation. *Journal of Personality and Social Psychology*, 23, 283–292.
- Dupree, N. H., & Gouttierre, T. E. (1997). The society and its environment. In
- R. Nyrop, and D. Seekins (Eds.), *Afghanistan country study*. Washington, DC: Library of Congress.
- Ellickson, R. C. (1991). *Order without law: How neighbors settle disputes*. Cambridge, MA: Harvard University Press.

- Elliot, J. (1999). *An unexpected light: Travels in Afghanistan*. New York: Picador.
- Feinberg, J. (1973). *Social philosophy*. Englewood Cliffs, NJ: Prentice Hall.
- Ferguson, R., & Whitehead, N. (1992). The violent edge of empire. In R. Ferguson & N. Whitehead (Eds.), *War in the tribal zone: Expanding states and indigenous warfare*. Santa Fe, NM: School of American Research Press.
- Finkel, N., & Moghaddam, F. M. (Eds.) (2004). *The psychology of rights and duties: Empirical contributions and normative commentaries*. Washington, D.C.: American Psychological Association Press.
- Fuligni, A. (1998). Adolescents from immigrant families. In V. McLoyd & L. Steinberg (Eds.), *Research on minority adolescents: Conceptual, theoretical and methodological issues* (pp. 127-143). Hillsdale, NJ: Lawrence Erlbaum Associates.
- Glatzer, B. (1996). Dynamics of camp formation among Pashtun nomads in west Afghanistan. *Nomadic Peoples*, 39, 29-52.
- Haidt, J. (2001). The emotional dog and its rational tail: A social intuitionist approach to moral judgment. *Psychological Review*, 108, 814-834.
- Hale, S. C. (1991). Against supererogation. *American Philosophical Quarterly*, 28, 273-83.
- Halguneth, L. C., Ispa, J. M., & Rudy, D. (2006). Parental control in Latino families: An integrated review of the literature. *Child Development*, 77, 1282-1297.
- Hauser, M. D. (2006). *Moral minds: The nature of right and wrong*. New York: Harper Perennial.
- Heyd, D. (1982). *Supererogation: Its status in ethical theory*. Cambridge, UK: Cambridge University Press.
- InterAction Council (1996). *Universal declaration of human responsibilities*.
- Kawall, J. (2009). Virtue theory, ideal observers, and the supererogatory. *Philosophical Studies*, 146, 179-196.
- Kim, U., & Choi, S. H. (1994). Individualism, collectivism and child development: Korean perspective. In P. Greenfield & R. Cocking (Eds.), *Cross-cultural roots in minority child development* (pp. 227-257). Hillsdale, NJ: Erlbaum Associates.
- Kim, S. Y., & Wong, V. Y. (2002). Assessing Asian and Asian-American parenting: A review of the literature. In K. Kurasaki, S. Okasaki, & S. Sue (Eds.), *Asian American mental health: Assessment methods and theories* (pp. 185-219). New York: Kluwer Academic/Plenum Publishers.
- Krakauer, J. (2009). *Where men win glory: The odyssey of Pat Tillman*. New York: Doubleday.
- Lang, M. (2004). *The Athenian citizen*. Athens, Greece: The American School of Classical Studies at Athens.
- Langford, D. J., Crager, S. E., Shehzad, Z., Smith, S. B., Sotocinal, S. G., & Levenstadt, J. S. et al. (2006). Social modulation of pain as evidence for empathy in mice. *Science*, 312, 1967-1970.
- Le, H. V. (2000). *Vietnamese youth value beyond Doi Moi: Tradition, continuity and change in culturally shared outlooks on the family, education, leisure and community*. Master's thesis, RMIT University, Melbourne, Australia.
- Lollis, S., Ross, H., & Leroux, L. (1996). An observational study of parents' socialization of moral orientation during sibling conflicts. *Merrill-Palmer Quarterly*, 42, 475-494.
- Lollis, S., Van Engen, G., Burns, L., Nowak, K., & Ross, H. (1999). Sibling socialization of moral orientation: "Share with me!" "No, it's mine!" *Journal of Moral Education*, 28, 339-357.
- Luther, M. (1957). Explanation of the Ninety-Five Theses (Thesis 58), in H. Grimm (Ed.), *Works* (Vol. 31), Philadelphia: Muhlenberg Press.
- Louis, W. R., & Taylor, D. M. (2005). Rights and duties as group norms. In N. Finkel & F. M. Moghaddam (Eds.), *The psychology of rights and duties: Empirical contributions and normative commentaries* (pp. 105-134). Washington, D.C.: American Psychological Association Press.
- Mellema, G. (1991). *Beyond the call of duty: Supererogation, obligation, and offense*. Albany, NY: State University of New York Press.
- Middlebrook, K. J. (1995). *The paradox of revolution: Labor, state, and authoritarianism in Mexico*. Baltimore, MD: Johns Hopkins University Press.
- Moghaddam, F. M. (1998). *Social psychology: Exploring universals across cultures*. New York: Freeman.
- Moghaddam, F. M. (2000). Toward a cultural theory of human rights. *Theory and Psychology*, 10, 291-312.
- Moghaddam, F. M. (2002). *The individual and society: A cultural integration*. New York: Worth.
- Moghaddam, F. M. (2008). *How globalization spurs terrorism*. Westport, CT: Praeger Security International.
- Moghaddam, F. M., & Riley, C. J. (2005). Toward a cultural theory of human rights and duties in human development. In N. J. Finkel & F. M. Moghaddam (Eds.), *The psychology of rights and duties* (pp. 75-104). Washington, DC: American Psychological Association.
- Moghaddam, F. M. (2004). The cycle of rights and duties in intergroup relations. *New Review of Social Psychology*, 3, 125-130.
- New Revised Standard Version Bible (1989). New York: Division of Christian Education of the National Council of Churches of Christ in the United States of America.
- Nsamengang, A. B. (2011). Intergenerational continuity of values. In J. Valsiner & C. Zimmerman (Eds.), *The Oxford handbook of culture and psychology*. New York: Oxford University Press.
- Okagaki, L., & Frensch, P. (1998). Parenting and children's school achievement: A multiethnic perspective. *American Educational Research Journal*, 35, 123-144.
- Okagaki, L., & Sternberg, R. (1993). Parental beliefs and children's school performance. *Child Development*, 64, 36-56.
- Oxford English Dictionary (1989). "Supererogation." *Oxford English Dictionary* (2nd ed). Oxford: Clarendon Press.
- Ortner, S. B. (1989). *High religion*. Princeton, NJ: Princeton University Press.
- Oyserman, D., Coon, H., & Kimmelmeier, M. (2002). Rethinking individualism and collectivism: Evaluation of theoretical assumptions and meta-analyses. *Psychological Bulletin*, 128, 3-27.
- Peterfreund, S. (1978). On the relation between supererogation and basic duty. *Personalist*, 59, 54.
- Portmore, D. W. (2003). Position-relative consequentialism, agent-centered options, and supererogation. *Ethics*, 113, 303-332.
- Rabain, J. (1979). *L'enfant du lignage*. Paris: Payot.
- Rawls, J. (1971). *Theory of justice*. Cambridge, MA: Harvard University Press.
- Sarkasian, N., & Gerstel, N. (2004). Kin support among Blacks and Whites: Race and family organization. *American Sociological Review*, 6, 812-837.
- Schmidt, J. (1996). The fool's truth: Diderot, Goethe & Hegel. *Journal of the History of Ideas*, 57, 625-644.

- Segall, M. H., Dasen, P. R., Berry, J. W., & Poortinga, Y. H. (1999). *Human behavior in global perspective: An introduction to cross-cultural psychology*. Needham Heights, MA: Pearson Education Company.
- Singh, K. (2008, January 31). Sentenced to death: Afghan who dared to read about women's rights. *The Independent Online*. Accessed February 17, 2010 from www.independent.co.uk/news/world/asia/sentenced-to-death-afghan-who-dared-to-read-about-womens-rights-775972.html
- Stalla, S. (1978). On one aspect of law and morals in Jewish law: Loham Mishurat Hadin. *Israel Law Review*, 13, 359-390.
- Shwartz, D. W., Shwartz, B. J., Nakazawa, J., Hyun, J. H., Van La, H., & Satiadarma, M. P. (2010). *East and Southeast Asia: Japan, South Korea, and Indonesia*. In M. H. Bornstein (Ed), *The handbook of cultural developmental science* (pp. 445-464). New York: Taylor & Francis.
- Sophocles. (442 B.C./1977). *The Oedipus cycle: Oedipus Rex, Oedipus at Colonus, Antigone* (D. Fitts & R. Fitzgerald, Trans.). New York: Harvest/HBJ. (Original work written 442 B.C.)
- UNHCR. *United Nations universal declaration of human rights*. Accessed November 15, 2009 from <http://www.un.org/en/documents/udhr/>
- Urmson, J. (1958). Saints and heroes. In A. Melden (Ed.), *Essays in moral philosophy*. Seattle: University of Washington Press.
- Valdes, G. (1996). *Con respeto: Bridging the distances between culturally diverse families and schools. An ethnographic portrait*. New York: Teachers College Press.
- Valsiner, J. (2009). The importance of being in-between. In A. C. de Sousa Bastos & E. P. Rabinovich (Eds.), *Living in poverty: Developmental poetics of cultural realities* (pp. ix-xii). Charlotte, NC.: Information Age Publishing.
- Williams, N. (1990). *The Mexican American family*. New York: General Hall.
- Wilson, E. O. (1975). *Sociobiology: The new synthesis*. Cambridge, MA: Belknap.
- Zimbardo, P. (2007). *The Lucifer effect: Understanding how good people turn evil*. New York: Random House.