

“Citizens have responsibilities as well as rights”. Assess this view.

Introduction

I am a citizen of the United Kingdom, I belong to the country and I have both responsibilities and rights. According to the sociologist T. H. Marshall and his theory of citizenship, he elaborates his ideas around the three categories of rights, civil, political and social rights. Civil rights include the fundamental liberal rights such as the protection from discrimination, right to a fair trial, and freedom of expression. Political rights include the right to vote, and to participate representatively in political life. And social rights include the right to a basic standard of housing, adequate health care and life without poverty.¹ T. H. Marshall believes that rights are not absolute but are derived from social, economic and political conditions... It goes without saying that rights do not come free, for we also have responsibilities. These responsibilities tend to coincide to the rights we are given. This essay will submerge into the history of human rights, how we got them and examine the three categories of rights, assessing the responsibilities we in turn must perform.

Where do our rights come from?

As the Second World War came to a close, the world recognized that they must take a leap forward in the recognition and observation of human rights. When representatives of the four major powers met in 1944, two world wars had been fought in less than 30 years, and cruelty beyond moral belief had been inflicted on members of the Jewish race in Europe. An atomic bomb was about to be set off that would show what enormous destructive power mankind could unleash.² All in all, the world was in madness. The leaders felt that there must be a better way for the nations and peoples to live in a world together, so the countries came together and formed the United Nations. Their basic purpose was:

“to reaffirm faith in fundamental human rights, in the dignity and worth of the human person.”³

Under the supervision of Eleanor Roosevelt the United Nations agreed on a set of rights that applied to absolutely everyone; the Universal Declaration of Human Rights. However, this declaration was not legally enforced, rather it was a statement of what these nations coming together believed and aspired to. This would lead to other documents and international laws being created which would legally enforce the rights they saw fit. As a citizen of the United Kingdom, our right comes from the European Convention of Human Rights.

Civil Rights and Responsibilities

Civil rights are often referred to as the basic human rights. It is a class of rights that protects our freedoms from unwanted infringement by the government and private organisations, they ensure a citizens ability to participate in the civil life of state without discrimination. Civil rights include the reassurance of peoples’ integrity and safety; protection from discrimination on grounds such as gender, religion, race, age, gender or disability. It sounds great, but civil rights have not always existed for everyone.

Back in the 20th century, in America, schools were segregated in the South... but not only that, segregation applied to activities such as eating in a restaurant, drinking from a water fountain and even using a public toilet! In 1954 in *Brown v Board of Education of Topeka* the Supreme Court declared that segregated schools was unconstitutional

¹ Tim H. Rowley et al, *AS Citizenship Studies for AQA* (Oxfordshire: Hodder Education, 2009), p. 7.

² Universal Rights. n.d. *Creation of the Declaration* [Online]. Available at: www.universalrights.net/main/creation.htm [Accessed 14 September 11]

³ United Nations. 2011. *Charter of the United Nations* [Online]. Available at: www.un.org/en/documents/charter/preamble.shtml. [Accessed 12 August 11]

and that states should desegregate their schools “with all deliberate speed”.⁴ The Republicans passed the Civil Rights Act of 1957 sending troops to desegregated schools. President Harry Truman issued an Executive Order in 1948 to desegregate the army. At that moment in time, the public had a prominent view that different races could not coincide with each other, as a result many anti-black campaigns were initiated, with the most radical being the Ku Klux Klan using violence to instigate their ideals.

As citizens of the United Kingdom we have protection from discrimination. Discrimination occurs when a certain social group is treated less favourably than another in a similar situation. As I mentioned above, in America, those of the African community were seen as lower class to those who weren't. Of course now, discrimination is not as severe... but it still goes on. It is important to understand that the Human Rights Act does not protect an individual from discrimination in all areas of life. Instead it protects individuals from discrimination in the enjoyment of those human rights protected by the European Convention of Human Rights. No matter who it is, they will have the same rights and should have access to them. The protection against discrimination is not enforced. In other words, in order to rely on this right, it needs to be shown that the ability to enjoy a right in the Act has been affected by the discriminatory treatment. The Human Rights Act prohibits discrimination on a wide range of grounds including “sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”⁵

With regards to this, as citizens we have the responsibility not to negatively discriminate on those grounds, although sometimes it is legitimate to treat people differently. For example, a court imposing a sentence on someone who has been found guilty of a criminal offence due to a mitigating circumstance etc. This is known as positive discrimination, the notion that a disadvantaged group is treated more favourably in order to overcome an existing situation of inequality.⁶ As citizens we have the responsibility to take positive action; doing something to help someone who has a protected characteristic.⁷ This may be taken because someone is at a disadvantage due to their protected characteristics, people with a protected characteristic have particular needs or are under-represented in an activity or type of work. Other affirmative action include: charities, sports, competitions, political parties, blood donations etc.⁸

A fundamental civil right is freedom of expression which is very controversial and may in fact be hypocritical regarding discrimination rights and responsibilities. Freedom of expression includes any act of seeking, receiving and imparting information or ideas. The rights to freedom of expression are incorporated in the European Convention of Human Rights Article 10, it states “this right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.” So does this give citizens the right to discriminate? Article 10 section 2 in summary states that citizens have responsibilities regarding this right, these responsibilities coincide with what is known as the “harm principle”, that the actions of individuals should only be limited to prevent harm to other individuals. In the case it doesn't, those who abuse the

⁴ Anthony J. Bennet, *US Government & Politics* (Oxfordshire: Hodder Education, 2009), p. 121.

⁵ Equality and Human Rights Commission. 2006. *Protection from Discrimination* [Online]. Available at: www.equalityhumanrights.com/human-rights/what-are-human-rights/the-human-rights-act/protection-from-discrimination [Accessed 26 September 11]

⁶ Equality and Human Rights Commission. 2006. *Protection from Discrimination* [Online]. Available at: www.equalityhumanrights.com/human-rights/what-are-human-rights/the-human-rights-act/protection-from-discrimination [Accessed 26 September 11]

⁷ Directgov. n.d. *Discrimination – what are your rights?* [Online]. Available at: www.direct.gov.uk/en/governmentcitizensandrights/yourrightsandresponsibilities/dg_10014458 [Accessed 26 September 11]

⁸ Equality and Human Rights Commission. 2006. *When Discrimination is Lawful* [Online]. Available at: www.equalityhumanrights.com/advice-and-guidance/guidance-for-service-users-pre-october-2010/shops-and-services/when-discrimination-is-lawful [Accessed 26 September 11]

right will receive the necessary punishment. They may be subject to “such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society.” ... citizens have both rights and responsibilities.

Political Rights and Responsibilities

The United Kingdom is a democratic country, which means it is “ruled by the people”. As a representative democracy we must vote for a candidate and consequent party, doing so will elect an individual to represent us. Therefore it is important that we have the right to vote; to vote for our elected representative, matters of policy, and in general, things that affect us. The right to vote is fundamental in any democracy.

If you are 18 years of age or over, a resident in the United Kingdom and a British citizen or a citizen of the Republic of Ireland... then you can vote.⁹ These requirements are very broad and do not leave out or discriminate against any particular social group. However, it has not always been like this. Throughout history the right to vote has been constrained from certain religions, social class, race, age and gender. In 1432 King Henry VI of England established that only male owners of property worth at least forty shillings (a significant sum of money!) were entitled to vote. This notion proceeded until in 1832 where a Reform Act extended voting rights to adult males who rented properties of a certain value; this opened voting rights to 1 in 7 males. The 1867 Reform Act allowed all male householders to vote, this brought the voting population up to 60% of all males, whilst women could not vote. This changed during 1885 to 1918 where advancements were made by the suffrage movement to ensure votes for women. After the First World War, the government were persuaded to expand rights to women, due to their efforts at war. The Representation of the People Act 1918 expanded the right to vote, for all men over the age of 21, and women, although they now were given these property restrictions and limited to those over 30 years old. The next Representation of the People Act in 1928 finally made women’s voting rights equal with men, and the Act in 1969 extended to those 18 and over.

The right to vote is fundamental in any democracy; it is not just a right but also a responsibility. It is important for all citizens to vote in every election to make sure that the democratic, representative system of government is maintained.¹⁰ After all, people have fought and died for this right, some risk their lives to go to the polls not just to vote for a candidate, but to vote for their confidence in democracy. Although there are requirements to voting, e.g. must be over the age of 18, live within the United Kingdom etc. A lot of the people who can vote do not. In the 2010 General Election only 65% of the United Kingdom population voted.¹¹ Those who did not vote have justified their actions, most argue that a small number cannot make a difference or that one vote will not matter at all. They believe doing so is harmless but in actuality they are undermining the freedoms that people have fought for. After all, “Freedom is not free”¹², we have the responsibility to keep it.

Voting rights have been debated extensively within our society, more so in recent times, in light of prisoner’s rights to vote.¹³ This advancement initiated after a European Court of Human Rights decision in Strasbourg which ruled that banning convicted killer John Hirst from the polls had breached his right to participate in the democratic

⁹ Electoral Commission. n.d. *Who is eligible to vote at a UK general election?* [Online]. Available at: www.electoralcommission.org.uk/faq/voting-and-registration/who-is-eligible-to-vote-at-a-general-election [Accessed 26 September 11]

¹⁰ Ben’s Guide. 1999. *Responsibilities of Citizens* [Online]. Available at: www.bensguide.gpo.gov/6-8/citizenship/responsibilities.html [Accessed 26 September 11]

¹¹ General Election. 2010. *UK Local and General Election Debate* [Online]. Available at: www.general-election-2010.co.uk/2010-general-election-results.html [Accessed 26 September 11]

¹² Washington D.C. Monument from the Korean War.

¹³ Guardian. 2010. *Prisoners to get the right to vote* [Online]. Available at: www.guardian.co.uk/uk/2010/nov/02/prisoners-vote-european-court-human-rights [Accessed 26 September 11]

process... to vote; consequently prisoners must be given the right. Prime Minister David Cameron was “absolutely horrified” by the idea of changing the law, he and the government disagreed with the notion of allowing prisoners to vote, but were advised by the European court that by continuing to resist the ruling could lead to compensation payout to prisoners costing millions of pounds. David Cameron accepted that there was no other alternative.¹⁴ It seems that prisoners serving up to four years will be entitled to vote. Is this fair? If they have been convicted of rape or murder why should they keep their privilege to vote? It seems somewhat a mockery of justice... In essence, it is because they have a responsibility to vote, to uphold the democratic government, not a right to. Being convicted does not make you a non-person, thus they should still have a say in how our society is to develop, as their opinions do count.

Social Rights and Responsibilities

Social rights are aimed at ensuring that an individual has a specified standard of living. It includes the right to social security, of a family, an adequate standard of living, and to health.¹⁵ We have already seen that civil and political rights are the product of centuries of amendments. They are immediately applicable on the prohibition of states to do something, such as taking actions that curtail freedom of speech, freedom of religion, or right to vote. Social Rights require states to take active and specific measures, such as legislation, policies or programmes, in order for those rights to be recognised.¹⁶ They are progressive, as they can only be achieved gradually.

The right to a family is a fundamental social right. And is an example of what is meant by progressive. It seems simple; citizens have the right to start a family and marry, in return must provide for the family. Parents must ensure that children have adequate food, shelter, clothing and are healthy, failing to do so is a statutory offence under the Children and Young Person's Act (1933). However, the right to start a family is a complex issue. In the United Kingdom this right does not apply to everyone. For example, same sex marriages in the United Kingdom is not legal, despite so many people in favour of it.

Conclusion

As citizens of the United Kingdom, we have many rights; we have civil rights, political rights and social rights. But in turn for these, we have responsibilities. These coincide with the rights we are given. We have the right to expression, but we have the responsibility to prevent harm to other individuals; we have the right to vote, and we also have the responsibility to; we have the right to a family, and we have a responsibility to keep them safe. Citizens have rights as well as responsibilities.

¹⁴ BBC. 2011. *UK prisoners' right to vote* [Online]. Available at: www.bbc.co.uk/news/uk-11674014 [Accessed 26 September 11]

¹⁵ Metagora. n.d. *Social Rights* [Online]. Available at: www.metagora.org/training/encyclopedia/social.html [Accessed 26 September 11]

¹⁶ Metagora. n.d. *Social Rights* [Online]. Available at: www.metagora.org/training/encyclopedia/social.html [Accessed 26 September 11]

Bibliography

Anthony J. Bennet, *US Government & Politics* (Oxfordshire: Hodder Education, 2009)

Tim H. Rowley et al, *AS Citizenship Studies for AQA* (Oxfordshire: Hodder Education, 2009)

www.bbc.co.uk/news/uk-11674014

www.equalityhumanrights.com/human-rights/what-are-human-rights/the-human-rights-act/protection-from-discrimination

www.equalityhumanrights.com/advice-and-guidance/guidance-for-service-users-pre-october-2010/shops-and-services/when-discrimination-is-lawful

www.general-election-2010.co.uk/2010-general-election-results.html

www.un.org/en/documents/charter/preamble.shtml.

www.universalrights.net/main/creation.htm

www.guardian.co.uk/uk/2010/nov/02/prisoners-vote-european-court-human-rights

www.metagora.org/training/encyclopedia/social.html

www.bensguide.gpo.gov/6-8/citizenship/responsibilities.html

www.direct.gov.uk/en/governmentcitizensandrights/yourrightsandresponsibilities/dg_10014458

www.electoralcommission.org.uk/faq/voting-and-registration/who-is-eligible-to-vote-at-a-general-election