

PSIR Power 50 – Day 5 Capsule: Rights theories + Practice Qs

Here, I give you the summarised version of everything that I taught you in this topic in PSIR Optional Foundation classes. If you are not able to recall the scholar or a concept, then go back to class notes and handouts.

UPSC has asked **3 ten-mark questions, 5 fifteen-mark questions, and 5 twenty-mark questions** from this topic in last 12 years.

1. What are “rights” and why do they grow?

Corner-stone	Key idea	quotes / example
Co-relativity	Every right presupposes a matching duty ; without obligation the claim is empty.	“Rights and duties are two sides of the same coin.”
Social recognition	Rights do not float in a vacuum; they exist only through community acknowledgement .	Critics of “abstract” rights press this point.
Modernity	Pre-modern orders relied on concession or charity; modern revolutions (1789 France – “rights of man”) turned them into enforceable entitlements.	-
Expansion	New rights keep appearing — work, strike, privacy, environmental integrity.	Rights discourse is <i>dynamic</i> , not fixed.

2. Hohfeld’s Analytic Grid/ Incidence (1913)

Incidence	Opposite/Correlative	Essence
Claim	Duty	You <i>may</i> demand X of B.
Privilege (liberty)	No-right	You are <i>free</i> to do X.
Power	Liability	You can <i>alter</i> legal relations.
Immunity	Disability	You are <i>shielded</i> from A’s power.

3. Competing Theories of Rights

Theory	Core postulate	Chief advocates	Main criticisms
Natural-rights	Rights are pre-social, <i>self-evident</i> truths (life, liberty, property).	Locke, Jefferson (1776), French Declaration (1791), Herbert Spencer	Vague list, clashes (liberty vs equality), ignores social origin, fuels extreme individualism.
Legal / Positivist	Rights are <i>creations of law</i> ; state is the fountainhead.	Bentham (“nonsense upon stilts”), shade of Hobbes	Makes state omnipotent, forgets moral basis; law often codifies prior custom.
Historical / Conservative	Rights crystallise from long-standing custom .	Edmund Burke, Ritchie	Custom can sanctify slavery; stifles reform.

Social-welfare / Utilitarian	A right is any rule that maximises social expediency/happiness.	Bentham (in utility mode), J.S. Mill (qualified)	Greatest-number rule sacrifices minorities; happiness unquantifiable; may let ends justify means.
Marxist view (critique)	"Bourgeois" masks of atomistic society; genuine human emancipation lies beyond rights-talk.	Marx	Overlooks anti-statist protection value of rights.

4. Moving past the binaries — Laski's Social-Liberal Synthesis

Laski's thesis	Explanation
Rights as social conditions of self-realisation	Neither atomistic nor state-gifted; rooted in moral realm and collective welfare.
Capitalism fails rights test	Built on <i>privilege</i> , not equal rights; socialism offers fuller realisation.
Rights dynamic, not static	"Civilisation is not static"; rights evolve with social needs.
State recognises, does not create, rights	Echoes Spencer : law defines & protects pre-legal moral claims.
Threat map	Liberty endangered by fascism and unbridled capitalism; vigilance & reform perpetual.

5. Dworkin's Rights-as-Trumps

Pillar	Essence	Answer cue
Moral shield	Some rights place absolute limits on state action; they override "overall benefit" calculations.	<i>Taking Rights Seriously</i> (1977)
Non-negotiable	Inviolable, non-weighable, unconditional—protect dignity & autonomy.	Quote: " <i>Rights trump collective goals.</i> "
Qualified exceptions	Gov't may curb a right only if: (1) the right isn't genuinely at stake, (2) social cost is disproportionate, or (3) collision with dignity/other rights.	Frame any limit using Dworkin's 3-test rubric.

6. Generations of Human Rights – From Vasak to Sohn

Generation	Focus & examples	Key advocates / texts
1st	<i>Civil-political</i> (life, speech, fair trial) – "negative" duties.	Roots: Magna Carta → <i>Bill of Rights</i> → <i>ICCPR</i>
2nd	<i>Socio-economic-cultural</i> (work, health, social security) – positive state action.	Post-WW II constitutions; <i>ICESCR</i>
3rd	<i>Solidarity/collective</i> (self-determination, environment, development).	Decolonisation era; North–South dialogues.
4th?	Tech-future or vulnerability rights: genome, AI, digital access or special safeguards for tribals, women, disabled.	Louis B. Sohn ; alternative stream links to marginalised groups.

Debate & critiques

- **Karel Vasak** coined the 3-tier lexicon (1979).
- **Steven Jensen & Patrick Macklem**: neat “generations” mask messy historical overlaps.
- Global governance & biotech push the frame beyond the state → calls for a fourth tier.

7. Communitarian & Multicultural Challenges to Liberal Rights

Communitarian charge	Scholar	Key claim
Liberalism's “unencumbered self” myth	Michael Sandel , <i>Liberalism and the Limits of Justice</i>	Identity is forged in shared ends; politics should centre on common good , not atomistic rights.
Contextual justice & complex equality	Michael Walzer , <i>Spheres of Justice</i>	Distribution rules differ across social spheres; justice follows shared meanings .
Group-differentiated rights	Bhikhu Parekh	Minorities seek collective rights (language, land, veto) to protect culture; liberal law must adapt.

Multicultural fault-lines

- **Universal citizenship vs cultural recognition** → “difference-blind” equality is too thin.
- **Group rights vs individual rights** → autonomy, language or land claims may clash with liberal neutrality.
- Gender warning: cultural defenses can entrench patriarchal practices; liberal core values must still police oppression.

8. Human Rights

1 Post-1945 “Human Rights Turn”

	importance	Key Scholars / voices
Holocaust & Hiroshima	Exposed the dark side of absolute, Austinian sovereignty → moral space for international oversight of states.	Early UN drafters; Louis Henkin later codifies the “concern of mankind”.
International Bill of Rights	<i>UDHR 1948 + ICCPR & ICESCR 1966</i> form a single normative package—civil-political AND socio-economic guarantees.	Eleanor Roosevelt (UDHR chair); John Locke 's life-liberty triad and Immanuel Kant 's human dignity supply philosophical spine.

9. Globalisation & Human-Rights Four-Lens Audit

Generation touched	Globalisation boosts ...	Globalisation erodes ...	Scholars / cases
1st (Civil-political)	Quicker information flows; NGO watchdogs (Amnesty, HRW).	Mass surveillance, corporate capture.	Kofi Annan on sovereignty-plus-responsibility.
2nd (Socio-economic)	FDI can enlarge jobs, health spend.	IMF SAPs slash welfare; widening wealth gap.	Joseph Stiglitz , <i>Globalisation and Its Discontents</i> .
3rd (Solidarity / development)	Trans-border green activism, climate treaties.	Resource rush → ecological harm & local displacement.	

4th (Vulnerable groups / tech)	Digital inclusion, tele-medicine.	Data colonialism, AI bias.	Louis B. Sohn on genome rights.
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Optimists see market-led rights diffusion; *pessimists* call it “de-development”. Reality = dual impact.

10. Western Universalism vs Cultural Relativism

Claim	Illustration	Counter-
Cultural Relativists: rights are Western individualism masquerading as universal; “Asian values” (Lee Kuan Yew, Mahathir).	Selective West-led critiques (e.g., Kashmir vs silence on allies).	UNESCO Art 4 & Vienna 1993 reject culture as excuse for abuse.
Universalists: rights precede culture; indivisible minimum.	Responsibility to Protect (ICISS 2001).	Risk of imperial overreach → Makau Mutua’s “saviour-victim-savage” caution.
Relative Universalism	Rights are global in principle but domestically “vernacularised”.	Donnelly; Amartya Sen’s dialogic approach.

11. Indian Context – Post-colonial Asymmetries

Features

1. Modern coercive state vs pre-modern social hierarchies (caste, tribe).
2. Strong police-paramilitary, weaker conflict-resolution institutions.
3. Narrow social base for rights consciousness.

Challenges

- Promotion gap, weak implementing agencies.
- Culture-specific tensions (particularism).
- Surveillance rise (“Orwellian state”).
- Forced displacement, xenophobia.

Amartya Sen: freedom is *instrumental, constitutive & constructive* to development—eroded when HR slide.

Practice questions Answer-Writing Frameworks

Theme heading	
Cultural Relativism Tight rope	Boas’s anti-ethnocentrism → Geertz’s <i>understand before judge</i> → UNESCO Art 4 limit → Donnelly’s weak relativism “relative universality”.
Changing State Conduct	Post-1945 duty-bearers → treaty monitoring → R2P & Annan → critics (selectivity / Asian values) → keep pressure multilateral & rule-bound.
Universalism ⇄ Relativism Dialectic	UDHR floor; imperial risk → relativism shields patriarchy → Donnelly’s overlapping consensus; Sen/Nussbaum “public reasoning”; Mutua power lens.

Scholars Index -

Kofi Annan | Jeremy Bentham | Franz Boas | Edmund Burke | Jack Donnelly | Ronald Dworkin | Louis Henkin | Thomas Hobbes | Wesley Hohfeld | Thomas Jefferson | Steven Jensen | Immanuel Kant | Harold Laski | Lee Kuan Yew | John Locke | Patrick Macklem | Mahathir Mohamad | Karl Marx | John Stuart Mill | Makau Mutua | Martha Nussbaum |

Bhikhu Parekh | David G. Ritchie | Eleanor Roosevelt | Michael Sandel | Amartya Sen | Louis B. Sohn | Herbert Spencer | Joseph Stiglitz | Karel Vasak | Michael Walzer

(Cohort 1 of PSIR O-AWFG & ATS programmes, starting **11 June**, will track these shifts through and my evaluation will be looking for the contextual mentioning of these scholars in your copies)

Practice Questions (Write before 4 p.m.)

Question 1. Write on Cultural Relativism.” (UPSC 2022, 10 marks)

Question 2. The implementation of human rights is regarded as a matter of changing the conduct of states. Comment. (UPSC 2016, 15 marks)

Question 3. The debate on human rights is caught between the limitations of both universalism and cultural relativism. Comment. UPSC (2024 , 20 Marks)

✦ Model answers drop this evening on the Telegram channel:
<https://t.me/psirbyamitpratap> – keep notifications on.

See you tomorrow with Day 6—until then, keep writing.
—Amit Pratap Singh & Team

A quick note on submissions of copies and mentorship

- **2025 Mains writers: Cohort 1 of O-AWFG** kicks off **11 June** and **ATS** on **15 June**. The above practice set will serve as your *revision tool* for Test 1, just **do not miss booking your mentorship sessions** for personalised feedback especially for starting tests. Come with your evaluated test copies.
- **2026 Mains writers** - keep uploading through your usual dashboard. This topic is in test 4 of PSIR-AWFG and ATS 1
- Alternate between mini-tests (**O-AWFG**) and full mocks (**ATS**) to tackle speed, content depth, and structured revision—line-by-line evaluation pinpoints your weaknesses and errors. Follow your **PSIR O-AWFG & ATS** schedule and use the model answers to enrich your content, as rankers recommended based on their own success.

Keep writing—see you tomorrow with Day 6!