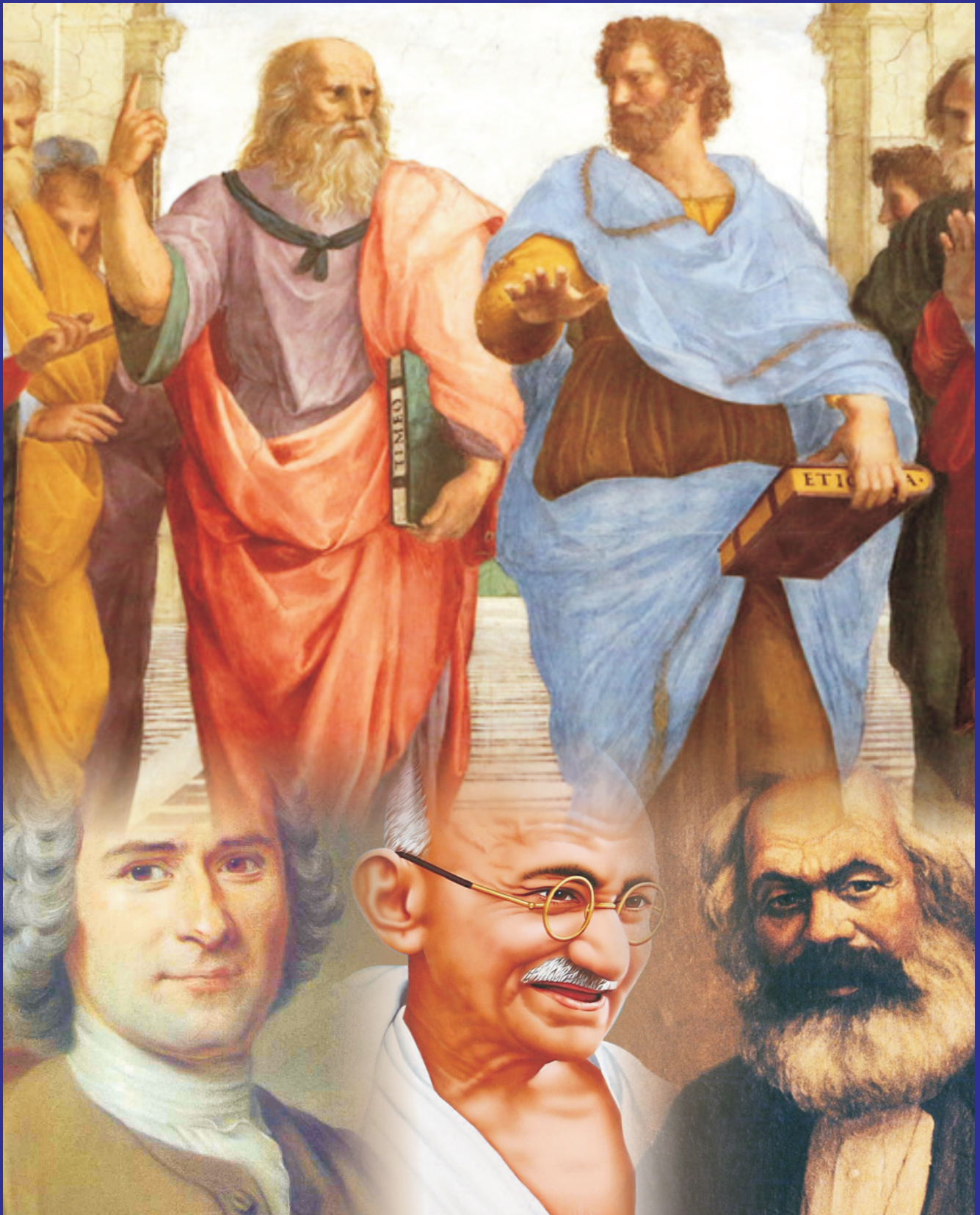




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Indira Gandhi National Open University  
School of Social Sciences

# BPSC-131 INTRODUCTION TO POLITICAL THEORY



# **INTRODUCTION TO POLITICAL THEORY**

**School of Social Sciences  
Indira Gandhi National Open University**

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# COURSE INTRODUCTION: INTRODUCTION TO POLITICAL THEORY

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Theories are the conceptual lenses through which we can sort out the plethora of facts that we confront daily. A good theory has certain features. The first virtue is parsimony. A theory should be parsimonious to forgo unnecessary speculation and confusing details. Second feature of a sound theory is *accuracy*. Theories must be sufficiently detailed to allow for accurate assessments and explanations of the world. An elegant theory simply yet precisely interprets, describes, explains or predicts some aspect of the world. However, these virtues are mostly identified as features of scientific theories. The explanatory and predictive behaviour of natural sciences is not found in social sciences as too many uncontrolled and unforeseen forces affect political and social life and that is why, social and political practices are seldom replicable. In the light of these problems, some experts have argued that social scientists should not try to mimic the natural sciences; instead, they should develop their own standards and procedures. For theorists of social and political life, therefore, the ability to feel and think in ways similar to the object of study is a crucial component of their task.

Political theory does not exist in a vacuum and it should reflect social realities and human concerns. A good political theorist is able to move between social conditions and political concepts. Political theory must involve a good deal of knowledge of political practice and should explain how states, cultures and societies respond to political, social and economic changes. Another aspect of political theory is that it is always defined by the specific situations and problems political thinkers have witnessed. To understand political theory, we need to understand both the history of ideas on which the thinkers draw and the problems they considered themselves to be facing and to which their work was addressed. Studying the context in which political theory originally arose allows us to critically assess whose particular interests it reflected.

In the light of the above discussion, this course on **Introduction to Political Theory** is divided in four blocks.

Block 1 is **Introducing Political Theory** and has two units namely **What is Politics** and **What is Political Theory**. This section introduces the students to the idea of political theory, its historical evolution and main approaches to study it. This section also provides an insight into concepts of politics, state and power.

Block 2 is **Concepts** and has four units namely, **Liberty, Equality, Justice and Rights**. Block 3 is also **Concepts**, having four units namely, **Democracy, Gender, Citizenship, Civil Society and State**. These key concepts lay down the foundation for understanding of political theory and these two blocks cover their various interpretations.

Block 4 is **Debates in Political Theory** and has four units namely, **Democracy vs. Economic Growth, Liberty vs. Censorship, Protective Discrimination vs. Principle of Fairness and Family, State and Law**. These debates prompt us to consider that there is no settled way of understanding concepts and new insights and challenges help in understanding new political debates. Each unit has inbuilt Check Your Progress Exercises which would help students in examining their conceptual understanding of the subject. At the end of the course, Suggested Readings cover a list of useful books for further analysis.

**Block 1**  
**Introducing Political Theory**



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## **BLOCK 1 INTRODUCTION**

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Block 1 titled **Introducing Political Theory** is the introductory block of the present course and contains two units dealing with political theory. Political theory is political science in the full sense, and there could be no science without theory. So, political theory may legitimately and accurately be used as synonymous with political science. In this context. **Unit 1** What is Politics? deals with concepts of politics, state, power, legitimation and also the relationship among them. **Unit 2**, What is Political Theory? highlights concepts like political theory, thought and ideology. It also covers major approaches to study political theory.



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# UNIT 1 WHAT IS POLITICS?\*

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## Structure

- 1.0 Objectives
- 1.1 Introduction
- 1.2 Politics as a Practical Activity
  - 1.2.1 Politics Difficult to Define Precisely
  - 1.2.2 Nature of Politics
  - 1.2.3 Politics: An Inescapable Feature of the Human Condition
- 1.3 What is Politics?
- 1.4 What is State?
  - 1.4.1 State: Differences on Account of Political Institutions/ Social Context
  - 1.4.2 Ralph Miliband's Views on State
  - 1.4.3 Various Forms of State
- 1.5 Politics as a Vocation
- 1.6 The Legitimate Use of Power
  - 1.6.1 Max Weber on Legitimation
  - 1.6.2 Legitimation: Central Concern of Political Science
  - 1.6.3 Process of 'Delegitimation'
  - 1.6.4 Manipulated Consent
  - 1.6.5 Personnel of the State Machine: The Elite
- 1.7 Let Us Sum Up
- 1.8 References
- 1.9 Answers to Check Your Progress Exercises

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## 1.0 OBJECTIVES

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This introductory unit of the first block of the new course in political theory at the Bachelor's Degree level tells you about the basic meaning of politics and thus, about the fundamentals of the discipline of political science. After going through this unit, you should be able to:

- Explain what is politics;
- Explain the meaning of state;
- Describe and explain the concept of power; and
- Discuss legitimation and delegitimation.

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## 1.1 INTRODUCTION

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The main objective of this unit is to understand the concept of 'political'. The essence of political is the quest for bringing about an order that men consider good. The term politics is derived from the Greek word polis meaning both 'city' and 'state'. Politics among the ancient Greeks was a new way of thinking, feeling and above all, being related to one's fellows. As citizens they all were

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\* Contributed by Dr. Manoj Sinha, University of Delhi, Delhi, Adapted from Unit 1, EPS-11



equal, although the citizens varied in positions in terms of their wealth, intelligence, etc. It is the concept of political which makes the citizens rational. Politics is the activity specific to this new thing called a citizen. A science of politics is possible, because politics itself follows regular patterns, even though it is at the mercy of the human nature from which it arises.

Greek political studies dealt with constitutions and made generalisations about the relations between human nature and political associations. Perhaps, its most powerful component was the theory of recurrent cycles. Monarchies tend to degenerate into tyranny, tyrannies are overthrown by aristocracies, which degenerate into oligarchies exploiting the population, which are overthrown by democracies, which in turn degenerate into the intolerable instability of mob rule, whereupon some powerful leader establishes himself as a monarch and the cycle begins all over again. It is Aristotle's view that some element of democracy is essential to the best kind of balanced constitution, which he calls a polity. He studied many constitutions and was particularly interested in the mechanics of political change. He thought that revolutions always arise out of some demand for equality. Ancient Rome is the supreme example of politics as an activity conducted by human beings holding offices that clearly limit the exercise of power. When the Romans thought about power, they used two words in order to acknowledge an important distinction.

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## **1.2 POLITICS AS A PRACTICAL ACTIVITY**

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Politics as a practical activity is the discourse and the struggle over organisation of human possibilities. As such, it is about power; that is to say, it is about the capacity of social agents, agencies and institutions to maintain or transform their environment, social and physical. It is about the resources, which underpin this capacity, and about the forces that shape and influence its exercise. Accordingly, politics is a phenomenon found in all groups, institutions and societies, cutting across private and public life. It is expressed in all the relations, institutions and structures that are implicated in the production and reproduction of the life of societies. Politics creates and conditions all aspects of our lives and it is at the core of the development of collective problems, and the modes of their resolutions.

### **1.2.1 Politics Difficult to Define Precisely**

A crisp definition of politics—one that fits just those things we instinctively call 'political' – is impossible. Politics is a term with varied uses and nuances. Perhaps, the nearest we can come to a capsule statement is this: politics is the activity by which groups reach binding collective decisions through attempting to reconcile differences among their members. There are significant points in this definition.

### **1.2.2 Nature of Politics**

Politics is a collective activity, involving people who accept a common membership or at least acknowledge a shared fate. Thus, Robinson Crusoe could not practice politics. Politics presumes an initial diversity of views, if not about goals, then at least about means. Were we all to agree all the time, politics would be redundant. Politics involves reconciling such differences through discussion and persuasion. Communication is, therefore, central to politics. Political

decisions become authoritative policy for a group, binding members to decisions that are implemented by force, if necessary. Politics scarcely exists if decisions are reached solely by violence, force, or use of threat, undermining the process of reaching a collective decision. The necessity of politics arises from the collective character of human life. We live in a group that must reach collective decisions: about sharing resources, about relating to other groups and about planning for the future. A family discussion where to take its vacation, a country deciding whether to go to war, the world seeking to limit the damage caused by pollution – are examples of groups seeking to reach decisions which affect all their members. As social creatures, politics is part of our fate: we have no choice but to practice it.

### 1.2.3 Politics: An Inescapable Feature of the Human Condition

So although the term ‘politics’ is often used cynically, to criticize the pursuit of private advantage under the guise of public interest, politics is in fact, an inescapable feature of the human condition. Indeed, the Greek philosopher Aristotle argued that ‘man is by nature a political animal’. By this, he meant not just that politics is unavoidable, but rather that it is the essential human activity; political engagement is the feature which most sharply separates us from other species. For Aristotle, people can only express their true nature as reasoning, virtuous beings through participation in a political community. Members of a group rarely agree; at least initially, on what course of action to follow. Even if there is agreement over goals, there may still be a skirmish over means. Yet a decision must be reached, one way or the other, and once made it will commit all members of the group. Thus, politics consists in procedures for allowing a range of views to be expressed and then combined into an overall decision. As Shively points out, ‘Political action may be interpreted as a way to work out rationally the best common solution to a common problem - or at least a way to work out a reasonable common solution.’ That is, politics consists of public choice.

#### Check Your Progress 1

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What is politics as a practical activity?

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2) Discuss the essential nature of politics.

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## 1.3 WHAT IS POLITICS?

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Everybody has some idea about the meaning of the term politics; to some people the question may even appear quite superfluous. 'Politics' is what one reads about in the papers or watches on television. It deals with the activities of the politicians, notably the leaders of political parties. What is politics all about? Why, precisely, are these activities 'political' and what defines the nature of politics? If one starts with a definition couched in terms of the activities of politicians, one might say that politics concerns the rivalries of politicians in their struggle for power. This would certainly be the kind of definition with which most people would agree. There would, also, probably be agreement that politics refers to the relationship between states on an international scale. 'Politics is about power and how it is distributed.' But power is not an abstract entity floating in the void. It is embodied in human beings. Power is relationship existing wherever a person can impose his will on other persons, making them obey whether they want to or not. Hence, a situation arises characterized by leadership, a relation of domination and subordination. Max Weber, in his famous lecture of 1918, 'Politics as a Vocation', started by proposing that the concept of politics was 'extremely broad-based and comprises any kind of independent leadership in action.' In whatever context such leadership in action exists, politics is present. In our terms, political would include any situation where power relations existed, i.e. where people were constrained or dominated or subject to authority of one kind or another. It would also include situations where people were constrained by a set of structures or institutions rather than by the subjective will of persons. Such a broad definition has the advantage of showing that politics is not necessarily a matter of government, nor solely concerned with the activities of politicians. Politics exists in any context where there is a structure of power and struggle for power in an attempt to gain or maintain leadership positions. In this sense, one can speak about the politics of trade unions or about 'university politics'. One can discuss 'sexual politics', meaning the domination of men over women or the attempt to alter this relation. In a narrower sense, however everything is politics, which affects our lives through the agency of those who exercise and control state power, and the purposes for which they use that control. In the lecture quoted above, Weber after initially giving a very broad definition of politics in terms of general leadership, went on to produce a far more limited definition: 'We wish to understand by politics', he wrote, 'only the leadership, or the influencing of leadership, of a political association, hence today, of a state'. In this perspective, the state is the central political association. A political question is one that relates to the state, to the topic of who controls state power, for what purposes that power is used and with what consequences, and so on.

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## 1.4 WHAT IS STATE?

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A new issue comes here: what is state? The question is by no means an easy one to answer, nor is there a general agreement as to what the answer should be. It must first be noted that there are various forms of the state, which differ from one another in important ways. The Greek city-state is clearly different from the modern nationstate, which has dominated world politics since the French Revolution. The contemporary liberal-democratic state, which exists in Britain and Western Europe, is different from the fascist-type state of Hitler or Mussolini. It is also different from the state, which existed in the former USSR and in

Eastern Europe. An important part of the study of politics, and certainly an integral element of this book, is the explanation of what is meant by those terms. The purpose is to show how each form distinguishes itself from the other and what the significance of such distinction is.

### **1.4.1 State: Differences on Account of Political Institutions/ Social Context**

States differ in terms of their political institutions as well as in terms of the social context within which they are situated and which they try to maintain. So, while the liberal-democratic state is characterized by representative institutions such as a parliament and an independent judiciary, the leader controls the fascist state. With respect to the social context, the crucial contrast is between Western and Soviet type systems in so far as the former are embedded in a society which is organized according to the principles of a capitalist economy, while in the latter case the productive resources of society are owned and controlled by the state. In each case, therefore, the state is differently structured, operates in a social framework of a very different kind, and this affects and influences to a large extent the nature of the state and the purposes, which it serves.

There are different forms of the state, but whatever form one has in mind, the state as such is not a monolithic block. To start with, the state is not the same as the government. It is rather a complex of various elements of which the government is only one. In a Western-type liberal-democratic state, those who form the government are indeed with the state power. They speak in the name of the state and take office in order to control the levers of state power. Nevertheless, to change the metaphor, the house of the state has many mansions and of those, the government occupies one.

### **1.4.2 Ralph Miliband's Views on State**

In his book *The State in Capitalist Society*, Ralph Miliband registers those different elements, which together constitute the state. The first, but by no means the only element of the state apparatus, is the government. The second is the administrative element, the civil service or the bureaucracy. This administrative executive is, in liberal-democratic systems, supposed to be neutral, carrying out the orders of politicians who are in power. In fact, however, the bureaucracy may well have its own authority and dispose of its own power. Third, in Miliband's list come the military and the police, the 'order-maintaining' or the repressive arm of the state; fourth, the judiciary. In any constitutional system, the judiciary is supposed to be independent of the holders of government power; it can act as a check on them. Fifth, element is the local government. In some federal systems, these units have considerable independence from the central government, controlling their own sphere of power, where the government is constitutionally debarred from interfering. The relationship between the central and the local government may become an important political issue, as witnessed by the controversy in British politics over the abolition of the Greater London Council and the metropolitan counties, the argument about financing local government, 'rate capping', and so on. Sixth and finally, one can add to the list representative assemblies and the parliament in the British system. One may also mention political parties, though they are not normally part of the state apparatus, at least not in a liberal democracy. They play their obvious role in the

representative assembly and it is there that, at least partly, the competitive fight between the government and the opposition is enacted.

### 1.4.3 Various Forms of State

Modern state is identified as the nation state. The state has come to acquire its present character through a historical process that extends to thousands of years. It is interplay of various factors like religion, kinship, war, property, political consciousness and technological advances. In the process of historical evolution of state, there have been following forms – Tribal State, Oriental Empire, Greek City State, Roman World Empire, Feudal State and the Modern Nation State. The Modern Nation state arose after the Treaty of Westphalia was signed in 1648. It led to emergence of territorial state consolidating political authority within a particular territory excluding domestic from external. The separation of territory into distinct states each with their own national spirit paved the way for establishment of Modern Nation State along with rise of international law, legal equality of states and modern theory of sovereignty. American and French revolutions further contributed to emergence of nation states.

The modern concept of state is dominated by Liberal and Marxist perspectives. The liberal perspective is dynamic as it has changed with time depending on interests and needs of individuals and the society. The early liberal view of state was negative as it favored non-interference in individual matters. However, 20<sup>th</sup> century liberalism is associated with welfare state which tries to reconcile individual liberty with social good. The Marxist notion rejects liberal idea of state, calling the state as an instrument of class and seeks to establish a classless and stateless society through the proletarian revolution. However, that did not happen after the Russian revolution in Russia and instead of a classless and stateless society, we saw power getting concentrated in hands of a few during Soviet times. Feminist perspectives on state can be mainly seen from two angles – liberal and radical. Liberal feminists say that state can play a role in bringing equality among men and women by taking steps like increasing seats for women in parliament, extending welfare schemes to women etc. However, radicals see state as an instrument of power and blame unequal distribution of labor in a family for women’s unequal status in society. Hence, they contest the liberal view that state is impartial and neutral.

#### Check Your Progress 2

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What do you understand by the term politics?

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2) Describe Ralph Miliband’s views on state.

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3) Discuss various forms of state.

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## 1.5 POLITICS AS A VOCATION

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The point brings us back to Weber and his already quoted lecture, ‘Politics as a Vocation’. After arguing that politics is concerned above all with the central political association, the state, Weber continued by maintaining that a definition of the state could not be given in terms of the tasks which it undertakes or of the ends it pursues. There was no task, which specifically determined the state. Therefore, one had to define the state in terms of the specific means, which it employed, and these means were, ultimately, physical force. The state, Weber wrote, ‘is a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory’. There are three distinct elements combined here: a given territory, or geographical area, which the state controls; the use of physical force to maintain its control and thirdly, but most important, the monopoly of the legitimate use of such force or coercion. This legitimacy must be acknowledged by most, if not all, of those who are subject to the state’s power. Weber concluded that for him politics meant ‘striving to share power or striving to influence the distribution of power either among states or among groups within a state.’ It was also mentioned that each state exists within a particular social context. The study of politics is vitally concerned with the relationship of state and society. A state centered perspective on politics does not imply that its study should neglect what happens in the wider sphere of society and how that may, as Weber says, ‘influence the distribution of power’. A further fact cannot be ignored: this is the continued growth and centralization of state power. If one sees the state in terms of a specialized apparatus of domination, then the history of modern times has been marked by the extension of its scale and grip. The modern state requires an increasingly complex bureaucracy dealing with a mounting variety of tasks. It needs larger and more sophisticated armed forces, more regulative welfare agencies, and engages in a wider range of activities than was the case before. This extension of the state’s sphere of action, its growth and development, applies both to liberal-democratic systems in their capitalist socio-economic context, and to socialist systems with their collective economic framework. Weber saw such growth manifested above

all in the emergence of a trained, skilled and rationally effective bureaucracy. Someone of quite a different political and theoretical background, Marx, agreed with him on this point. Marx wrote in the *Eighteenth Brumaire of Louis Bonaparte* about the growth of state power in France, which he saw as typical of the modern state. He described how through socialism, eventually the state would be abolished and society would govern itself without a specialised apparatus of repression. Weber, on the contrary, believed that socialism would need even more officials to administer a collectivised economy and society.

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## 1.6 THE LEGITIMATE USE OF POWER

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The point is that, although the state depends on force, it does not rest on force alone. Here, the notion of the legitimate use of power comes in. Power, in general, and so the power of the state, can be exercised in different ways. Coercion is one form of power and perhaps the easiest to understand, but it is not the only one. Not all power relations are to be understood on the basis of the same crude model. If a lecturer through force of argument and breadth of knowledge helps students to form their ideas, such a person exercises a kind of power, though not against the students' will. More to the point, all holders of power try to get those who are subject to their rule to believe in the rightness and justness of the power they wield. This attempt at justification in order to make people consent constitutes the process of legitimation. One can refer to such justified or accepted power as 'authority' to distinguish it from such power as is obeyed only because of a fear of sanctions. In such a situation of legitimate power, or authority, people obey because they think it is right to do so. They believe, for whatever reason, that the power-holders are entitled to their dominant role. They have the legitimate authority, a right to command. In the words of one recent analyst of power, 'Legitimate authority is a power relation in which the power holder possesses an acknowledged right to command, and the power subject, an acknowledged obligation to obey.'

### 1.6.1 Max Weber on Legitimation

According to Weber, there are three types of legitimation, i.e. three methods by which the wielding of power can be justified. The first type pertains to traditional domination. There, power is justified because the holders of power can appeal to tradition and habit; authority has always been vested in them personally or in their families. The second type is charismatic legitimation. People obey the power-holder because of the exceptional personal qualities displayed by the leader. Finally, the third type is of the legal-rational kind. People obey certain persons who are authorized by specific rules to command in strictly defined spheres of action. One might also say that the first two types are of a personal nature, while the legal-rational type shows a procedural character. As such it corresponds to the modern conception of political authority. It is, as Weber says, 'domination as exercised by the modern "servant of the state" and by all those bearers of power who in this respect resemble him.' It is obvious that the power-holders in any system will wish to have their power accepted as legitimate. Seen from their point of view, such an acceptance will permit a considerable 'economy' in the use of force. People will obey freely and voluntarily. The means of coercion, then, will not need to be constantly displayed; they can rather be concentrated on those who do not accept the legitimacy of the power structure. In any political

system, there will be those who comply with the rules only because non-compliance will be punished. Clearly, however, the stability of any political system is enhanced to the degree that people voluntarily obey the rules or laws because they accept the legitimacy of the established order. Hence, they recognize the authority of those empowered by the rules to issue commands. In reality, all political systems are maintained through a combination of consent and coercion.

### 1.6.2 Legitimation: Central Concern of Political Science

These are the reasons because of which, as C. Wright Mills puts it, 'The idea of legitimation is one of the central conceptions of political science.' The study of politics is centrally concerned with the methods by which holders of power try to get their power justified, and with the extent to which they succeed. It is crucial in studying any political system to investigate the degree to which people accept the existing power structure as legitimate, and thus, how much the structure rests on consent as distinct from coercion. It is also important to ascertain the actual justifications of power, which are offered; that is to say, the methods by which a system of power is legitimised. This, as the elitist theorist Mosca points out, is the 'political formula' of any political system. The question of legitimacy, furthermore, is highly important in dealing with the topics of stability and change of political systems. Consent may be granted or withdrawn. It is true that political systems can survive in situations where large sections of the population cease to accord any legitimacy to the system. The case of South Africa may be cited as an example; similarly, that of Poland, where it seemed that the Jaruzelski regime had little legitimacy in the eyes of substantial popular elements. The point is that in such a situation, a regime has to rely mainly on force. It then finds itself in a more precarious position, vulnerable and open to the impact of fortuitous events. The system may survive for quite a time. However, once it rests on force far more than on consent, one condition for a revolutionary change presents itself.

### 1.6.3 Process of 'Delegitimation'

This explains why a revolution is often preceded by a period when the dominating ideas of the system are subjected to sustained criticism. One may call this a process of 'delegitimation' whereby the ideas, which justify the existing structure of power, come under attack. Long before the fall of the ancient regime in France, the ideas of *Divine Right* and of autocracy were ridiculed and refuted by the philosophers, the critics of the absolute state. Such a movement of delegitimation contributed to undermine the foundations of the old order. It prepared the way for its revolutionary overthrow. A case in point in modern times would be the fate of the Weimar Republic when large sections of the German population lost confidence in the democratic regime and, fearing a communist alternative, gave their support to Hitler's National-Socialist party. The result was the fall of the republic without much of a struggle. Similar causes had similar effects all over the European Continent. Many western systems of liberal democracy were overthrown and replaced by fascist or semi-fascist authoritarian systems as happened in Italy, Spain, Austria and Hungary. The conclusion, in a general sense, must be that any system loses its stability once it ceases to enjoy legitimacy in the eyes of its subjects. Finally, it must be noted that even in normal times, processes of legitimation and delegitimation are permanent features of any political system. The process of legitimation is carried on in more or less subtle



ways through many channels available for the legitimation of the existing order. Legitimising ideas are absorbed from the earliest stages of education, diffused through a variety of forms of social interaction, and spread especially through the influence of the press, television and other mass media. Views, which are accepted or considered to be within the boundaries of the system, are almost forced on readers, listeners and viewers. Action, which goes beyond those limits, is presented as illegitimate. Being made to look very unattractive blocks off a range of political alternatives.

#### **1.6.4 Manipulated Consent**

There are still more effective methods available to prevent subversive ideas from even arising. They may be intercepted at source, the source being the conscious and even the subconscious mind. An important dimension of power is the capacity to affect and mould people's consciousness so that they will accept the existing state of affairs without ever becoming aware of alternative possibilities. Consent, then, becomes manipulated consent. To a certain extent we are all affected by the prevailing 'climate of opinion'. From there an ascending scale leads to a position where the moulding of minds, manipulation, is made the deliberate purpose of the state in order to create a monolithic popular mentality. Such was the purpose of Goebbels' propaganda machine in Nazi Germany and this is still, the purpose of any totalitarian regime. Manipulation is 'power wielded unknown to the powerless', as C. Wright Mills defines it. Peter Worsley points out that 'the mechanisms by which consciousness is manipulated are of growing importance in modern society.' In Marxist language, such manipulated consent would eventually produce a 'false consciousness'. Against that, it could be argued that where people are free to choose and to express their choice as in liberal-democratic systems, the manipulation of consciousness is not possible. Manipulation can only occur where free choice does not exist, as in one-party systems. It is also argued that wherever people are free to choose, but do not in fact choose an alternative to the existing order—for example, by supporting parties committed to radical changes—it is safe to assume that the existing structure of society is broadly 'what people want'. This would lead to the conclusion that the importance of political choice and the ability to freely express that choice cannot be overrated. However, 'what people want' is to some extent conditioned by various factors. Choice does not take place in a vacuum. In short, the choice itself cannot be considered as completely free from the impact of a process of legitimation.

#### **1.6.5 Personnel of the State Machine: The Elite**

From the short survey we have so far made of political problems, a few points of importance emerge which will recur in the following discussion. They chiefly stem from the fact that state power is structured or broken up, so to speak, into distinct sectors. It has already been mentioned that the specific relationship of the various sectors is determined by the political system within which they operate. The internal structure, say, of a communist state. A further question involves the personnel of these sectors. The state, after all, is not a machine; though the phrase 'machinery of the state' may be used. The state is a set of institutions staffed by people whose ideas and basic attitudes are largely influenced by their origin and social environment. The composition of the state elite is an important problem in the study of politics. J.A.C. Griffith in *The Politics*

*of the Judiciary*, exemplifies what is meant by the term ‘state elite’ with reference to a study done earlier. It shows that in Britain, ‘in broad terms, four out of five full-time professional judges are products of the elite. It is not surprising that while discussing ‘judicial opinion about political cases’, Griffith finds ‘a remarkable consistency of approach in these cases concentrated in a fairly narrow part of the spectrum of political opinion.’

It must be noted here that from different theoretical points of view, different answers will be given to the question as to how decisive the nature and composition of the state elite are. Elitist theories accord the highest importance to this factor. In their perspective, the nature of a political system is best explained by an analysis of its elite, that ruling minority, which controls the state apparatus. In this perspective, almost everything depends on the talents and abilities of the leaders. A low quality of leadership will have disastrous consequences. For that reason, Max Weber was much concerned with the nature of Germany’s political leadership. He was in favour of a strong parliament, which, he believed, would provide an adequate training ground to produce leaders willing and capable of responsible action. Alternatively, leadership would fall into the hands of the bureaucracy whose training and life style made them unsuitable material for creative leadership. Marxist theories would view the matter differently. They would accord less importance to the nature of the state elite. The argument would rather be that the purpose and the aims of state activity are determined less by the elite, but far more by the social context and the economic framework within which the state system is located. This structure is of greater significance, in this view, than the character of the personnel that staff the state machine. Generally, ‘structural’ theories would emphasize the constraints on the government stemming from the social structures within which the government has to operate. Nevertheless, the two types of interpretation need not be mutually exclusive. This brings us to a final question, which deals with the relation of state and society. The phrase, which Marx applied to the Bonapartist state, that its power was not ‘suspended mid-air’, can be generalised to apply to all types of state systems. Then, several problems present themselves. How does the power structure of society affect and constrain the political leaders? To what extent does the state interfere to maintain and legitimise or, alternatively, mitigate the inequalities of the social system? To what extent indeed is ‘civil society’ independent of the state? For some theorists, the concept of ‘totalitarianism’ is meant to suggest a situation where society is totally controlled by state power and, therefore, has no independence at all.

**Check Your Progress 3**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What is understood by politics as a vocation?

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2) What is legitimation? What are Max Weber’s views on it?

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3) What is deligitimation?

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4) How is consent manipulated?

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### 1.7 LET US SUM UP

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It may be conceded that understanding the political means understanding the needs, objectives and goals of human life. It is related with the political activities of human beings. Politics is the game of power. Various players play this game at the same time and compete with each other. The state forms the central point of this whole activity, since in the national affairs it is within the state and in the international affairs, it is among the states. The state is authorized for the legitimate use of power. Authority is the right to rule. Authority is a broader notion than power. The dictates of the situation mean the understanding of the political. It is the product of a situational event. The rise of modern nation state has given stability to international system but there are a number of challenges that are before today’s nations. Some communities are scattered over many parts but feel united based on common culture, language or religion. For ex, Kurds are scattered over Iraq, Syria and Turkey but demand a separate state. There have been opposite examples as well, where various ethnic groups formed a state but were not able to assimilate as a nation, for ex former Soviet Union. Then there are issues of people who have migrated to other countries and have become naturalized citizens but they continue to have links with countries of their origin. There are non-traditional threats like terrorism, climate change, drug trafficking, food security etc which cannot be tackled by a country alone but require cooperative security. This would also require that states cede some

of their authority and sovereignty in the larger interest of humanity. Hence, the modern nation state needs to address these issues to stay relevant in changing times.

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## 1.8 REFERENCES

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## 1.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress 1

- 1) Your answer should highlight how politics is an all pervasive activity permeating every section of society
- 2) Your answer should highlight it is a collective activity, assumes diversity of views/goals and means, reconciliation of differences through discussion/persuasion, collective and authoritative decision making and an inescapable feature of human condition

### Check Your Progress 2

- 1) Your answer should highlight popular perception – rivalries of politicians in their struggle for power, relationship between states on an international level and meaning of power especially with reference to Max Weber’s views
- 2) Your answer should mention the name of his book and discuss the elements of state described in it
- 3) Your answer should mention the sequence of emergence of different forms of state, Treaty of Westphalia and the Liberal and Marxist perspective of state

### Check Your Progress 3

- 1) Your answer should highlight views of Max Weber as given in his lecture ‘Politics as a Vocation’, Marx’s views on state in the ‘Eighteenth Brumaire of Louis Bonaparte’
- 2) Your answer should define legitimation and discuss Weber’s three types of legitimation
- 3) Your answer should define it and give examples from history
- 4) Your answer should highlight mechanisms for manipulating consent

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## UNIT 2 WHAT IS POLITICAL THEORY?\*

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### Structure

- 2.0 Objectives
- 2.1 Introduction
- 2.2 Political Theory and Other Interrelated Terms
- 2.3 Development in Political Theory
- 2.4 Towards Definition of Political Theory
- 2.5 Importance of Key Theoretical Concepts
  - 2.5.1 Is Political Theory Dead?
  - 2.5.2 Revival of Political Theory
- 2.6 Approaches in Political Theory
  - 2.6.1 Historical Approach
  - 2.6.2 Normative Approach
  - 2.6.3 Empirical Approach
  - 2.6.4 Contemporary Approach
- 2.7 Let Us Sum Up
- 2.8 References
- 2.9 Answers to Check Your Progress Exercises

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### 2.0 OBJECTIVES

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This unit concerns itself with the need for political theory. After going through this unit, you should be able to:

- Distinguish political theory from other similar terms;
- Examine whether political theory is dead; and
- Know various approaches to study political theory.

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### 2.1 INTRODUCTION

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Political theory is one of the core areas in political science. It is only in recent times that it has emerged as an academic discipline. Earlier, those who engaged in this enterprise styled themselves as philosophers or scientists. Political theory is the most appropriate term to employ in designating that intellectual tradition which affirms the possibility of transcending the sphere of immediate practical concerns and ‘viewing’ man’s societal existence from a critical perspective. Political theory was political science in the full sense, and there could be no science without theory. So, political theory may legitimately and accurately be used as synonymous with political science.

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\* Contributed by Dr. Rajendra Dayal & Dr. Satish Kumar Jha, University of Delhi, Delhi, adapted from Units 3&4, EPS-11

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## 2.2 POLITICAL THEORY AND OTHER INTERRELATED TERMS

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A distinction can be made between political theory and similar terms like political science, political philosophy and political ideology, though many treat them interchangeably. The differentiation between political theory and political science arises because of the general shift in intellectual perceptions brought about by modern science. Political Science has tried to provide plausible generalisations and laws about politics and political behaviour. Political theory reflects upon political phenomenon, processes and institutions and on actual political behaviour by subjecting it to philosophical or ethical criterion. It considers the question of the best political order, which is a part of a larger and a more fundamental question; namely, the ideal form of life that a human being ought to lead within a larger community. In the process of answering immediate and local questions, it addresses perennial issues, which is why a study of the classical texts form an important component of the discipline. A classic in political theory has the essential ingredients of a great literary work, which in spite of its local setting, deals with the perennial problems of life and society. It contains the quintessence of eternal knowledge and is an inheritance not of any one culture, place, people or time, but of the entire humankind.

Specific political theories cannot be considered as the correct or final understanding of an event. The meaning of an event is always open to future interpretations from new viewpoints, each explaining and analysing from a particular standpoint or concern in political life. Furthermore, political theory is critical in its endeavour, for it gives an account of politics that rises above those of ordinary people. There is no tension between political theory and political science, for they differ in terms of their boundaries and jurisdiction, and not in their aim. Political theory supplies ideas, concepts and theories for the purpose of analysis, description, explanation and criticism, which in turn are incorporated in political science.

Political philosophy provides general answers to questions such as what is justice, concepts of right, the distinction between 'is' and 'ought' and the larger issues of politics. Political philosophy is a part of normative political theory, for it attempts to establish inter-relationships between concepts. It is, perhaps, accurate to say that every political philosopher is a theorist, though every political theorist is not a political philosopher. Political philosophy is a complex activity, which is best, understood by analysing the many ways that the acknowledged masters have practiced it. No single philosopher and no one historical age can be said to have defined it conclusively, any more than any one painter or school of painting has practiced all that we mean by painting.

Political thought is the thought of the whole community that includes the writings and speeches of the articulate sections such as professional politicians, political commentators, society reformers and ordinary persons of a community. Thought can be in the form of political treatises, scholarly articles, speeches, government policies and decisions, and also poems and prose that capture the anguish of the people. Thought is time bound; for instance, the history of the twentieth century. In short, political thought includes theories that attempt to explain political behaviour, and values to evaluate it and methods to control it.

Political theory, unlike thought, refers to the speculation by a single individual, usually articulated in treatises as models of explanation. It consists of theories of institutions, including that of the state, law, representation and of election. The mode of enquiry is comparative and explanatory. Political theory attempts to explain the attitudes and actions arising from ordinary political life and to generalise about them in a particular context: this political theory is concerned about/with the relationships between concepts and circumstances. Political philosophy attempts to resolve or to understand conflicts between political theories, which might appear equally acceptable in given circumstances.

Political ideology is a systematic and all embracing doctrine, which attempts to give a complete and universally applicable theory of human nature and society along with a detailed programme of attaining it. John Locke is often described as the father of modern ideologies. Marxism is also a classic example of an ideology summed up in the statement that the purpose of philosophy is to change and not merely interpret the world. All political ideology is political philosophy, though the reverse is not true. The twentieth century has seen many ideologies like Fascism, Nazism, Communism and Liberalism. A distinctive trait of political ideology is its dogmatism, which unlike political philosophy, precludes and discourages critical appraisal because of its aim to realise the perfect society. According to Gamine and Sabine, political ideology is a negation of political theory because an ideology is of recent origin, and under the influence of positivism is based on subjective, unverifiable value preferences. Gamine, furthermore, distinguishes a political theorist from a publicist. According to him while the former has a profound understanding of issues, the latter is concerned with immediate questions.

Furthermore, Germino, like Plato has distinguished between opinion and knowledge and the latter being the starting point of a political theorist. Every political theorist has a dual role; that of a scientist and a philosopher and the way he divides his roles will depend on his temperament and interests. Only by combining the two roles can he contribute to knowledge in a worthwhile manner. The scientific component of a theory can appear coherent and significant, if the author has a preconceived notion of the aims of political life. The philosophical basis is revealed in the manner in which reality is depicted.

Political theory is dispassionate and disinterested. As a science, it describes political reality without trying to pass judgement on what is being depicted either implicitly or explicitly. As a philosophy, it prescribes rules of conduct which will secure a good life for all in the society and not simply for certain individuals or classes. The theorist, will not himself have a personal interest in the political arrangements of any one country or class or party. Devoid of such an interest, his vision of reality and his image of the good life will not be clouded, nor will his theory be special. The intention of an ideology is to justify a particular system of power in society. The ideologue is an interested party : his interest may be to defend things as they are or to criticise the status –quo in the hope that a new distribution of power will come into being. Rather than disinterested prescription, we have rationalisation. Rather than dispassionate description, we have a distorted picture of reality.

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## 2.3 DEVELOPMENTS IN POLITICAL THEORY

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Developments in political theory always reflect the changes which occur in society. Political theories are produced in response to the challenges which emerge at different times. Hegel's symbolic characterisation of political theory as 'the owl of Minerva takes flight when shadow of darkness falls' is very apt. However, we will do well to remember that political thought, which also emerges due to societal challenges, is bound by time as well as space, and is therefore, different from theory which breaks such barriers and proves its worth in understanding and explaining political phenomena of different nature and origin. This happens, because theories are purged and purified from ideologies and biases and arrive at certain principles, which are not only timeless, but may even be called knowledge. Political theorists, while indulging in theorisation, pursue ideas not for the sake of fulfillment of their fads and fantasies, but in order to search those principles whose understanding can make life better. And in this enterprise, theorists, by and large, are motivated by the concrete political situation. The history of political theory bears out how ills and maladies afflicting societies have lubricated the tools of theorisation, through which various accepted principles and practices and the assumptions behind them were questioned and the blueprint for the future was drawn. It is, however, true that the stimulus for theory always comes from some sort of failure and a related conviction that things can be bettered through an improved understanding and may, ultimately be resolved. Hence, political theory's task is not limited to providing a fleeting response and getting contented with a compromise. Rather, it has to reach at the root of the problem and has to discover remedies in the form of an alternative set of principles. Hence, any project on theory requires a 'vision' through which a theorist could think not only about the problems at hand, but also beyond them. It is here that political theory might be differentiated from art or poetry. In terms of vision, reflections and ruminations, there is not much difference between political theory and other creative activities like art and poetry. But what sets apart the political theorist from the poet is that his urge and search are a conscious act with a definite design, whereas a poetic act is one of spontaneity. Therefore, it is not creativity, but consciousness that denies poetry the status of a theory.

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## 2.4 TOWARDS A DEFINITION OF POLITICAL THEORY

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Political theory is defined in different ways by different people. The definitions vary on the basis of emphasis and understanding of its constitutive elements. Sabine's well known definition of political theory is that it is something 'which has characteristically contained factors like the factual, the causal and the valuational'. To Hecker, political theory is 'dispassionate and disinterested activity. It is a body of philosophical and scientific knowledge which regardless of when and where it was originally written, can increase our understanding of the world in which we live today and we live tomorrow'. Therefore, one may say that what we mean by political theory is a coherent group of propositions, with some explanatory principle, about a class of political phenomena. It implies that a theory unlike thought, cannot consider a multitude of phenomena at a time, and will have to get concerned with a class or type of issues only.



**Check Your Progress 1**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What do you understand by political theory?

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2) Distinguish political theory from other inter-related terms.

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**2.5 IMPORTANCE OF KEY THEORETICAL CONCEPTS**

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A reader getting introduced to political theory for the first time may think it sufficient to study the institutions rather than abstract concepts in order to understand the character and nature of society. While a study of institutions is possible, one has to realise that institutional arrangements vary from society to society because they are based on divergent sets of ideas. This realisation takes us to the heart of the matter as to what is more important, reality or ideas, facts or concepts. Do ideas reflect reality or is reality based on ideas?

**2.5.1 Is Political Theory Dead?**

In the middle of the twentieth century, many observers readily wrote an obituary of political theory. Some spoke of its decline. Others proclaimed its death. One referred to political theory as being in the doghouse. This dismal view is because the classical tradition in political theory is, by and large, loaded with value judgements beyond the control of empirical testing. The criticism of normative theory came from logical positivists in the 1930s and from behaviouralism, subsequently. Easton contends that since political theory is concerned with some kind of historical form, it had lost its constructive role. He blames William Dunning, Charles H. McIlwain, and George M. Sabine for historicism in political theory. This kind of political theory has dissuaded students from a serious study of value theory and rejects elements of history and philosophy in political theory.

Easton examined the reasons for the decline of political theory in general and its decline into historicism in particular. First, and foremost, is the tendency among

political scientists to conform to the moral propositions of their age leading to a loss of the constructive approach. The emphasis is to uncover and reveal one's values which imply that there is no longer the need to enquire into the merit of these moral values, but merely understand their 'origins, development and social impact'. History is used to endorse existing values. Secondly, moral relativism is responsible for the attention a theory received with history. Overall, he gave four reasons for decline of political theory – historicism, moral relativism, hyperfactualism and positivism.

## 2.5.2 Revival of Political Theory

In the 1930s, political theory began studying the history of ideas with the purpose of defending liberal democratic theory in opposition to the totalitarian tenets of communism, fascism and nazism. Lasswell tried to establish a scientific political theory with the eventual purpose of controlling human behaviour, furthering the aims and direction given by Merriam. Unlike the classical tradition, scientific political theory describes rather than prescribes. Political theory in the traditional sense was alive in the works of Arendt, Theodore Adorno, Marcuse, and Leo Strauss. Their views diametrically differed from the broad ideas within American political science for they believed in liberal democracy, science and historical progress. All of them reject political messianism and utopianism in politics. Arendt focussed mainly on the uniqueness and responsibility of the human being, with which she initiates her criticism in behaviouralism. She contended that the behavioural search for uniformities in human nature has only contributed towards stereotyping the human being.

Strauss reaffirms the importance of classical political theory to remedy the crisis of the modern times. He does not agree with the proposition that all political theory is ideological in nature mirroring a given socio-economic interest, for most political thinkers are motivated by the possibility of discerning the principles of the right order in social existence. A political philosopher has to be primarily interested in truth. Past philosophies are studied with an eye on coherence and consistency. The authors of the classics in political theory are superior because they were geniuses and measured in their writings. Strauss scrutinises the methods and purposes of the 'new' political science and concludes that it was defective when compared with classical political theory, particularly that of Aristotle. For Aristotle, a political philosopher or a political scientist has to be impartial, for he possesses a more comprehensive and clearer understanding of human ends. Political science and political philosophy are identical, because science consisting of theoretical and practical aspects is identical with philosophy. Aristotle's political science also evaluates political things, defends autonomy of prudence in practical matters and views political action as essentially ethical. These premises Behaviouralism denies, for it separates political philosophy from political science and substitutes the distinction between theoretical and practical sciences. It perceives applied sciences to be derived from theoretical sciences, but not in the same manner as the classical tradition visualises. Behaviouralism like positivism is disastrous, for it denies knowledge regarding ultimate principles. Their bankruptcy is evident, for they seem helpless, unable to distinguish the right from the wrong, the just from the unjust in view of the rise of totalitarianism. Strauss counters Easton's charge of historicism by alleging that the new science is responsible for the decline in political theory, for it pointed to and abetted the general political crisis of the West because of its overall neglect of normative

issues. Vogelín regards political science and political theory as inseparable and that one is not possible without the other. Political theory is not ideology, utopia or scientific methodology, but an experiential science of the right order in both the individual and society. It has to dissect critically and empirically the problem of order. Theory is not just any opining about human existence in society, it rather is an attempt at formulating the meaning of existence by explicating the content of a definitive class of experiences. Its argument is not arbitrary, but derives its validity from the aggregate of experiences to which it must permanently refer for empirical control.

**Check Your Progress 2**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Examine the debate about relevance of political theory.

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**2.6 APPROACHES IN POLITICAL THEORY**

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It is quite difficult to identify and categorise various conceptions of political theory which are put into use by theorists. The difficulty emanates from a tendency among theorists to go for an exercise in which they start drawing on different conceptions and traditions. This is truer, as we will see later, with contemporary political theory than with the ones which preceded it. In the past, theorists somewhat maintained a purity of conception in theory – building and seldom out stepped the framework they had chosen. But this does not apply to the contemporary times, which are a witness to a crop of theory which appears hybrid in nature. But broadly speaking, three different conceptions emerge in political theory on the basis of which both the past and the present theories can be conceptualised, judged and evaluated. They are: Historical, Normative, and Empirical.

**2.6.1 Historical Approach**

Many theorists have attempted theory – building on the basis of insights and resources from history. Sabine is one of the main exponents of the historical conception. In his opinion, a question such as what is the nature of political theory can be answered descriptively; that is, how theory has responded to historical events and specific situations. In other words, in this perspective, political theory becomes situation dependent in which each historical situation sets a problem, which in turn is taken care of through solutions devised by the theory. This conception of political theory is deferential to tradition. Cobban also believes that the traditional mode, in which a sense of history is instilled to the full, is the right way to consider the problems of political theory. It is true that the past acts as a valuable guide in our endeavour of theory – building and

teaches us not to be too sure of our originality. It also hints that it is possible to think in ways other than those which are fashionable and dominant, besides shedding light on the sources. The historical understanding also sensitises us about the failings of the past generations and ties them with the collective wisdom of the present and promotes imaginativeness in us.

Over and above this, the historical conception also contributes significantly to our normative vision. The history of ideas may tell us that our social and political universe is a product of things whose roots lie in the past. And knowing them better would tell us how we have certain values, norms and moral expectations and from where they have come. With this sense in us, it is possible to interrogate these values and critically assess their utility. But a blind adherence to this conception is not without its folly. The novelty of the project called political theory is that each specific situation is unique, riddled with new challenges. Hence, worth of the past sometimes becomes redundant and could even be a hindrance, if one is oblivious of this aspect. Therefore, the utility of this approach in political theory beyond a certain level is doubtful as it is always wedded to outmoded ideas from outmoded ages. The suggestive values of the ideas remain, but the theoretical function recedes considerably.

### 2.6.2 Normative Approach

The normative conception in political theory is known by different names. Some people prefer to call it philosophical theory, while others refer to it as ethical theory. The normative conception is based on the belief that the world and its events can be interpreted in terms of logic, purpose and ends with the help of the theorist's intuition, reasoning, insights and experiences. In other words, it is a project of philosophical speculation about values. The questions, which are asked by the normativists, would be: what should be the end of political institutions? What should inform the relationship between the individual and other social organisations? What arrangements in society can become model or ideal and what rules and principles should govern it? One may say that their concerns are moral and the purpose is to build an ideal type. Hence, it is these theorists who have always conceived 'utopia' in the realm of political ideas through their powerful imagination. Normative political theory leans heavily towards political philosophy, because it derives its knowledge of the good life from it and also uses it as a framework in its endeavour to create absolute norms. In fact, their tools of theorisation are borrowed from political philosophy and therefore, they always seek to establish inter-relationships among concepts and look for coherence in the phenomena as well as in their theories, which are typical examples of a philosophical outlook. Leo Strauss has strongly advocated the case for normative theory and has argued that political things by nature are subject to approval or disapproval and it is difficult to judge them in any other terms, except as good or bad and justice or injustice. But the problem with the normativists is that while professing values which they cherish, they portray them as universal and absolute. They do not realise that their urge to create absolute standard for goodness is not without pitfalls. Ethical values are relative to time and space with a heavy subjective content in them, which precludes the possibility of any creation of absolute standard. We will do well to remember that even a political theorist is a subjective instrument in the assessment of the world and these insights are conditioned by many factors, which may be ideological in nature. The exponents of empirical theory criticise normativism for:

- a) Relativity of values
- b) Cultural basis of ethics and norms
- c) Ideological content in the enterprise and
- d) Abstract and utopian nature of the project.

But in the distant past those who championed normative theory always tried to connect their principles with the understanding of the reality of their times. In recent times, again the old sensibility within the normative theory has re-emerged and the passion for good life and good society has been matched by methodological and empirical astuteness. John Rawls' *A Theory of Justice* is a case in point which attempts to anchor logical and moral political theory in empirical findings. Rawls, with his imagination, creates 'original position' to connect normative philosophical arguments with real world concerns about distributive justice and the welfare state.

### 2.6.3 Empirical Approach

What has dominated political theory in the twentieth century is not normativism, but another conception known as empirical political theory which derives theories from empirical observations. Empirical political theory refuses to accord the status of knowledge to those theories which indulge in value judgements. Naturally, therefore, normative political theory is debunked as a mere statement of opinion and preferences. The drive for value – free theory started in order to make the field of political theory scientific and objective and hence, a more reliable guide for action. This new orientation came to be known as *positivism*. Under the spell of positivism, political theorists set out to attain scientific knowledge about political phenomena based on the principle which could be empirically verified and proved. Thus, they attempted to create a natural science of society and in this endeavour; philosophy was made a mere adjunct of science. Such an account of theory also portrayed the role of a theorist as of a disinterested observer, purged of all commitments and drained of all values.

This empirical project in political theory was premised on the empiricist theory of knowledge which claims to have the full blown criteria to test what constitutes truth and falsehood. The essence of this criterion is lodged in the experimentation and the verification principle. When political theory was reeling under this influence, a so called revolution started and became popular as 'Behavioural Revolution'. This revolution reached a commanding position within political theory in the 1950's and engulfed the entire field of study and research by advocating new features. They included :

- a) Encouragement to quantitative technique in analysis
- b) Demolition of the normative framework and promotion of empirical research which can be susceptible to statistical tests
- c) Non-acceptance and rejection of the history of ideas
- d) Focus on micro-study as it was more amenable to empirical treatment
- e) Glorification of specialisation
- f) Procurement of data from the behaviour of the individual and
- g) Urge for value-free research.

In fact, the behavioural climate got surcharged by an anti-theory mood and those who lambasted theory in a conventional sense had a field day. Theory was caricatured and made synonymous with ideology, abstraction, metaphysics and utopia. Some adventurists even advocated farewell to theory as an enterprise. In the zeal of attaining objective knowledge, they even reduced thought to an aspect of reality and blurred the distinction between thought and reality. Thus, they soon attracted the ire and fire of some philosophers of science who offered a vision for a post-positivist approach to science. Karl Popper set the new mood by laying down the principle of ‘falsification’ as a criterion of scientific knowledge and argued that all knowledge was conjectural, tentative and far from the final truth. The real turn or breakthrough came in the philosophy of science when Thomas Kuhn, Imre Lakatos and Mary Hesse blasted the so called scientific theory. Kuhn’s book *The Structure of Scientific Revolution* was a pioneer in bringing out the shortcomings and failures of the positivist theory and it demonstrated how all cognitions were dependent on understanding and interpretation as a means of inter-subjective communication. Kuhn cogently argued that it was not only the irrational conventions which lurked behind the construction of the semantic framework, but were also informed by rational discourses framed by interpretation and criticism.

**Check Your Progress 3**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Distinguish between the empirical and normative conceptions of political theory.

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**2.6.4 Contemporary Approach**

Contemporary political theory made its appearance on the intellectual scene in the 1980s and 90s, mostly as a reaction against the established traditions in theory and put the categories of Enlightenment like reason and science to which all traditions in political theory were tied, to a scathing and searching criticism. They brought in many aspects which were conquered as the foundation of truth by political theory under the scanner and set out to lay down the new principles to understand and imagine the new social and political universe which some of them put as ‘post-modern condition’. However, it would be arbitrary to yoke the various theoretical trends visible today under one broad frame of analysis. For example, discussing post-structuralism and post-modernism with communitarianism and multiculturalism together would amount to intellectual atrocity against them and their concerns and commitments. Because their history,

their normative concern as well as the theoretical apparatuses and empirical referents have a significant dissimilarity and diversion. But still one can layout the theoretical terrain on which their engagement with political theory takes place. The broad thrusts which bring many of the contemporary theorists and theories together could be put under the following:

a) **Opposition to Universalism**

Political theorisation in contemporary times has gone for subjecting the universal claims of political theory of yesteryears, irrespective of the tradition to which they belonged, to critical scrutiny. Liberal universalism has appeared to them as devoid of a social and temporal context and in their opinion, the hidden 'particularism' mostly based on the experience of western society has masqueraded as universal values and norms. They argue that the appeal to universal principles is tantamount to standardisation; hence, violative of justice which may be inherent in a particular community or form of life and which may embody its own values and normative principle. The communitarian theory and the multicultural theory in recent times have highlighted it quite forcefully and called this so called universalist theories as 'exclusivist' at the core, which has always presented one vision of 'good' as the only vision of mankind.

b) **Critique of Grand Narratives**

The grand narratives of both the liberal and the Marxist variety have come under fire on the premise that there is an overarching or transcendental 'foundation' of reality and truth. Some of the contemporary theories have been declared 'anti-foundational', because of the continuous contestation of all well accepted foundations in political theory, viz, state, sovereignty and power. In all fairness to them, they do not reject all foundations, but only transcendental ones. The post-modernists are in the forefront in attacking the grand narratives and argue that there is nothing like objective pre-given reality or an objective social good which can support such grand narratives and their designs.

c) **Post-positivism**

It is reminiscent of the earlier engagement with value neutrality in social science once championed by the behaviouralists in political theory. The contemporary theories call value-free enterprises as useless and believe that political theory is an inherently normative and politically engaged project, which is supposed to offer prescription and a vision for the future.

d) **Empirical and Comparative**

The post-positivist thrust among contemporary theorists do not stop them from advocating the need for empirical and comparative approaches before any generalization attempt is made. Multiculturalism is one such example, which is sensitive to the context. In fact, this kind of empirical – comparative methodology would be a check on the broad generalisation across cultures and continents. In spite of the new insights which come from contemporary political theory, they suffer from many weaknesses. Unlike classical political theory, there is not much comparative – empirical inquiry as yet and the tendency among theorists to borrow from the other theorists is galore. The normative enterprise can be useful only when it is tied to reality. Therefore,

the real challenge lies in grounding normative theory to empirical reality of society and politics. This is the only way a valid political theory with just generalisations can emerge, which would also overcome the limitation of the post-modernist perspective and its weaknesses of relativity and diffusion which are not always congenial for political projects. This may fructify what Sheldon Wolin calls ‘epic theory’.

**Check Your Progress 4**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

- 1) Discuss some of the broad thrusts which bring contemporary theorists together.

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**2.7 LET US SUM UP**

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Since we have different conceptions of political theory, they acquire different meanings in different traditions. We have seen why political theory emerges and how it shapes and decides the course of history by facilitating human intervention in politics. What are the different conceptions held by the theorists have also been discussed and their pitfalls highlighted. The contemporary enterprise, which claims to open new vistas in our understanding of social and political reality, has been discussed along with its limitations. What emerges clearly from the preceding discussion is that philosophy and science cannot replace each other in the project called political theory, if a vision for the emancipation of mankind is the mission and that even in the absence of anything called objective ‘good’ or objective ‘truth’, the practical basis for theory should be attempted. It is not only desirable, but also derivable. Any project in political theory which unifies empirical findings with normative thinking by subjecting them to rigorous criticism can open the gate for creativity in political theory on the basis of which we can navigate into the future.

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**2.8 REFERENCES**

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## 2.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress 1

- 1) Your answer should highlight the following points:
  - How political theory is synonymous with political science
  - Discuss inter-relationship of political theory and political philosophy
  - Elaborate on Hegel's quote on political theory
  - Variations in defining political theory.
- 2) Your answer should explain how it is different from political science, political thought and political ideology.

### Check Your Progress 2

- 1) Examine the debate on whether political theory is dead and also discuss views of Levi Strauss.

### Check Your Progress 3

- 1) Your answer should highlight the fact-value dichotomy and mention their strengths and weaknesses.

### Check Your Progress 4

- 1) Highlight opposition to universalism, critique of grand narratives, Post-positivism and focus on empirical and comparative.

**Block 2**  
**Concepts**



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## BLOCK 2 CONCEPTS

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Block 2 has four units that deal with values of liberty, equality, justice and rights in political science. **Unit 3** highlights the concept of liberty, one of the three ideals the French Revolution sought to achieve apart from equality and justice. Liberalism has an obvious emphasis on liberty and John Locke gave the negative view of liberty. The concept has come a long way since then with development of positive liberty in 20<sup>th</sup> century advocated through the writings of J S Mill, T H Green and others. A different interpretation was given by Isaih Berlin who tried to reconcile the negative and positive views of liberty. **Unit 4** covers the concept of equality which has been established in two forms in modern societies. The first is equality of democratic citizenship and the other is equality of condition. Equality of democratic citizenship is mainly associated with equal enjoyment of basic rights like right to vote, right to freedom etc. However, to compensate for social differences among various individuals, there is need for substantive equality so that there is equality of condition as well. **Unit 5** highlights ideas about justice, a normative concept that is integrally connected with liberty and equality. It can be distributive, procedural, harmonizing or social. All these aspects have been discussed in this unit with a separate discussion on ideas of John Rawls. **Unit 6** covers the concept of rights, its theories and also the idea of human rights.



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## UNIT 3 LIBERTY\*

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### Structure

- 3.0 Objectives
- 3.1 Introduction
- 3.2 The Meaning of Liberty
- 3.3 J.S.Mill's Notion of Liberty
- 3.4 Isaiah Berlin and the Two Concepts of Liberty
- 3.5 Marxist Critique and the Idea of Freedom
- 3.6 Other Contemporary Ideas on Liberty
- 3.7 Let Us Sum Up
- 3.8 References
- 3.9 Answers to Check Your Progress Exercises

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### 3.0 OBJECTIVES

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Liberty is considered a core concept and a fundamental democratic value in modern political and social theory. The notion of liberty emerged in the context of the formation of modern civil society and political authority. While the concept is intimately associated with liberal thought, liberals have looked at the notion in different ways. Marxists are critical of liberal notions of liberty and would refashion the concept on entirely different assumptions of individual and society. In this unit, we shall look at different perspectives on liberty, and try to know the meanings, justifications and limits of the notion. The unit has been divided into different sections, each dealing with a specific aspect of the notion.

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### 3.1 INTRODUCTION

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The idea of liberty as a core principle of liberal thought is most commonly understood as 'absence of restraints'. The notion of liberty emerged in the context of the establishment of new socio-economic and political relationships in modern Europe. At the basis of the notion was the idea of a rational individual, capable of taking reasoned decisions. The rational individual, it was thought, was capable of self-determination; in other words, capable of taking decisions which concerned his or her self. In order to develop his capacities, the individual required freedom from all kinds of social, political and economic constraints. Thus, the idea of liberty as absence of restraints, or a sphere of autonomy of the individual, developed. At the same time, however, the fact that within a social organization the individual is not alone and exists in relation with other individuals, required that an equal claim of other individuals to their spheres of autonomy should be recognized. In order that the respective claims of all individuals to autonomy can be realized with minimum conflict, it was imperative that a system of restraints and regulation was worked out and adhered to by everyone. The theories of *social contract* put forward by philosophers like Hobbes, Locke and Rousseau put forth the idea of liberty as absence of constraints. At the same time, they also

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\* Contributed by Dr. (Mrs.) Anupama Roy, Centre for Women's Development, Studies, New Delhi, adapted from Unit 19, EPS-11

proposed the framework within which individual freedom was to unfold. Thus, the idea of political community was based on a simultaneous recognition of the capacities and autonomy of individuals and the imperatives that all should be subjected to a common set of constraints on their liberty. Thus, it must be understood that liberty, which in common understanding means freedom, or absence of constraints and obstacles to individual action, and is considered a democratic ideal, has always been conceived as occurring within a *set* of specific constraints in social relationships. There are always limits to what is seen as acceptable forms of liberty in modern democratic societies. In the section which follows, we shall look at the meaning of liberty, focussing on its elements and the justifications for constraints on liberty.

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## 3.2 THE MEANING OF LIBERTY

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As mentioned in the introduction, liberty means freedom from, or absence of restraints. A person may be considered free or at liberty to do something when his or her actions and choices are not hindered or constrained by those of another. It is important to understand that constraints refer to impediments imposed by political and other authorities. Thus, imprisonment, bondage or slavery, subjection to laws, etc., may be seen as referring to conditions of unfreedom or absence of liberty. While states of unfreedom like imprisonment or subjection to laws may appear as constraints on liberty, we know that modern democratic social and political organisations are founded on legal and institutional structures, which aim at ensuring equal consideration of each individual's liberty. No society will, therefore, have an unlimited 'right to liberty'. Each society will have a set of restrictions on liberty, which are justified by the fact that people accept these restrictions as the best possible conditions in which liberty could be maximised.

The understanding of liberty as 'absence of restraints' or 'absence of external constraints' is generally described as negative. The negative nature of liberty appears in *two* different senses:

a) In the first, law is seen as the main obstacle to freedom. Hobbes, for instance, described freedom as the 'silence of the laws'. Such a view sees freedom as limited only by what others deliberately prevent individuals from doing. This understanding would, therefore, appear to imply a definite limit upon both *law* and government. Philosophers like John Locke have, however, pointed out that a commitment to liberty does not mean that the law should be abolished. Rather, it means that law should be restricted to the protection of one's liberty from encroachment by others. Locke suggested therefore, that law does not restrict liberty, it rather enlarges and defends it.

b) The second view sees liberty as 'freedom of choice'. *Milton Friedman*, for example, in his work, *Capitalism and Freedom* (1962) proposes that 'economic freedom' consists of freedom of choice in the marketplace – the freedom of consumer to choose what to buy, the freedom of the worker to choose his job or profession and the freedom of the producer to choose what to produce and whom to employ. 'To choose' implies that the individual can make unhindered and voluntary selection from a range of different options.

While talking about liberty, a distinction is often made between negative and positive notions of liberty i.e., between the idea of 'absence of external

constraints' and 'the existence of conditions which enable or facilitate'. In other words, the distinction between 'freedom to do' something and actually being able to do it. To be free or at liberty to do something is not to be restrained or prevented from doing it. While to be able to do is to have the capacity, financial or otherwise, to do something. For example, one may be free or unrestrained to take up any job, yet, one may not have the qualifications or the economic resources which may make one's candidature worthwhile. Political theorists often make this distinction between liberty as an absence of restraints and the conditions which make liberty worthwhile. A starving person who is legally free (not prevented from) to eat in an expensive restaurant, may in fact, enjoy *no* liberty on the basis of the legal freedom. The freedom to eat in this case will require some positive action by the state. It is this reasoning that has been used to justify social legislation designed to increase opportunities for individuals. By such positive action, the state is said to be not only decreasing inequality, but increasing liberty.

The negative conception of liberty is a characteristic of a strand of English political thought represented by *Jeremy Bentham*, *James Mill*, *John Stuart Mill*, *Henry Sidgwick*, *Herbert Spencer* and the classical and neo-classical economists who supported the claims of individuals to break free from unnecessary restraints of arbitrary government. The main political axiom of negative liberty was that 'everyone knows his own interest best' and that the state should not decide the individual's ends and purposes. Essential to the doctrine was the sanctity of the contract. Implicit in this assumption of sanctity was the understanding that the act of entering into a contract, even if the terms of the contract were restrictive of individual freedom, was an expression of liberty, of the exercise of individual choice. Thus, to this strand of thinkers, a person's liberty was a function of that area in which he was left alone and not related to the quality of action. The concept of negative liberty is best understood as a doctrine about the meaning of liberty. Although negative liberty is often condemned as the 'freedom to starve', this understanding is somewhat misleading. It does *not* necessarily put a prohibition on state intervention, but merely holds that this cannot be justified on the ground that it increases freedom, although arguments from the arena of inequality may be called into force for justification. However, the historical connection between negative liberty and the *laissez-faire* economics cannot be denied, and most of its advocates favoured a minimal state. The concept is neutral in the sense that it is compatible with a wide range of politics, and describes a condition of liberty without indicating whether it is good or not.

Criticisms of the negative notion of liberty have come from modern liberals, social democrats and socialists. The liberals in the nineteenth century, primarily *T. H. Green* and to some extent *J. S. Mill*, developed some of the earliest critiques of negative freedom. They felt that capitalism had done away with feudal hierarchies and legal restrictions (especially of economic pursuits), but it had also subjected large masses of people to poverty, unemployment and disease. Such circumstances were seen as hindering liberty as much as legal restraints and social controls. One of the first liberals to embrace the positive notion of liberty was T. H. Green (1836-82), who defined freedom as the ability of people 'to make the most and best of themselves'. This freedom consisting not merely of being left alone, but in having the power to act, shifting attention thereby to the opportunities available to each individual. The concept of positive liberty has been at the basis of the Welfare State. The idea has acted as the moving

force behind social welfare provisions taken up by states, combining thereby freedom with equality.

In the section, which follows, Mill’s notion of liberty will be taken up for study. Mill appears to endorse a negative conception of freedom, or the individual’s sovereign control over his/her body and mind. In the ultimate analysis, however, Mill’s notion of ‘individuality’ brought him closer to a positive notion of liberty.

**Check Your Progress 1**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Distinguish between positive and negative conceptions of liberty.

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**3.3 J.S. MILL’S NOTION OF LIBERTY**

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J. S. Mill’s *On Liberty* was influential in the academic debates in the 1960s. Mill’s work is seen as an exposition of the negative concept of liberty. At the basis of Mill’s arguments for individual freedom lay a strong sense of contempt for custom, and for legal rules and norms which could not be rationally justified. It is also sometimes argued that for Mill any free action, no matter how immoral, had some element of virtue in it, by the fact that it was freely performed. While Mill considered restraint on individual’s actions evil, he did not consider restraints to be entirely unjustifiable. He felt, however, that within the society there was always a presumption in favour of liberty. Any constraints on liberty, therefore, had to be justified by those who applied them.

For Mill, the purpose of liberty was to encourage the attainment of ‘individuality’. Individuality refers to the distinctive and unique character of each human individual, and freedom means the realisation of this individuality, i.e., personal growth or self determination. It was the property of individuality in human beings that made them active rather than passive, and critical of existing modes of social behaviour, enabling them to refuse to accept conventions unless they were found reasonable. Freedom in Mill’s framework, therefore, appears not simply as the absence of restraints but the deliberate cultivation of certain desirable attitudes. It is because of this that Mill is often seen as gravitating towards a positive conception of liberty. Mill’s conception of freedom is also rooted in the notion of choice. This is evident from his belief that a person who lets others ‘choose his plan of life for him’ does not display the faculty of ‘individuality’ or self-determination. The only faculty he or she seemed to possess was the ‘ape-like’ faculty of ‘imitation’. On the other hand, a person ‘who chooses to plan for himself, employs all his faculties’. In order to realise one’s individuality, and attain thereby the condition of freedom, it was essential that individuals resist forces or norms and customs which hindered self-determination. Mill, however,

was also of the view that very *few* individuals possessed the capacity to resist and make free choices. The rest were content to submit to ‘ape-like imitation’, existing thereby in a state of ‘unfreedom’. Mill’s conception of liberty can be seen for this reason as elitist, since individuality could be enjoyed only by a minority and not the masses at large.

Mill, as other liberals, emphasised a demarcation of the boundaries between the individual and society. While talking about reasonable or justifiable restrictions on individual liberty, Mill distinguished between self-regarding and other-regarding actions, i.e., actions, which affected the individual only, and actions which affected the society at large. Any restriction or interference with an individual could be justified only to prevent harm to others. Over actions that affected only himself, the individual was sovereign. Such an understanding of legal and societal constraints conveys the idea of a society in which the relationship between individual and society is not ‘paternal’, i.e., the individual being the best judge of his interests, law and society could not intervene to promote a person’s ‘best interests’. Similarly, the idea that an act can be constrained only if it harmed others, rules out the idea that some acts are intrinsically immoral and therefore, must be punished irrespective of whether they affect anyone else. Further, Mill’s framework rules out ‘utilitarianism’, as enunciated by Bentham, which would justify interference if it maximized the general interest. Yet, the demarcation between the individual and the society is not strict in Mill in the sense that all acts do affect others in some way, and Mill believed that his principle did not preach a moral indifference towards the self-regarding behaviour of others, and felt that it was permissible to use persuasion to discourage immoral behaviour. Also, Mill strongly believed in the instrumental value of liberty in the promotion of social goods. This is especially true of his arguments for the complete liberty of thought, discussion and expression and the right to assembly and association. Mill felt that all restrictions on free discussion should be removed because truth would emerge from a free competition of ideas. It may be pointed out that in today’s catalogue of liberties, freedom of expression is valued perhaps more than economic liberty as a democratic ideal.

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### **3.4 ISAIAH BERLIN AND THE TWO CONCEPTS OF LIBERTY**

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In his now classic, *Two Concepts of Liberty* (first published in 1958) Isaiah Berlin tries to reconcile the negative and positive notions of liberty, i.e., the notion of liberty as the absence of restraints with the various views pertaining to its operation within the social context. For Berlin, the ‘negative’ notion of liberty can be understood by addressing the following question: ‘What is the area within which the subject – a person or group of persons – is or should be left to do or be what he is able to be, without interference by other persons?’. On the other hand, the positive sense is concerned with the answer to the question: ‘what, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?’.

Positive liberty, on the other hand, does not interpret freedom as simply being left alone but as ‘self-mastery’. The theory involves a special theory of the self.



The personality is divided into a higher and a lower self. The higher self is the source of an individual's genuine and rational long-term goals, while the lower self caters to his irrational desires which are short-lived and of transient nature. A person is free to the extent that his higher self, is in command of his lower self. Thus, a person might be free in the sense of not being restrained by external forces, but remains a slave to irrational appetites; as a drug addict, an alcoholic or a compulsive gambler might be said to be unfree. The main feature of this concept is its openly evaluative nature, its use is specifically tied to ways of life held to be desirable. The idea of positive liberty involves a special interpretation of the self and assumes not just that there is a realm of activity towards which the individual ought to direct herself/himself.

The notion suggests that the individual is being liberated when he or she is directed towards it. Critics of Berlin's notion of positive liberty feel that a belief in positive liberty may involve the idea that all other values, equality, rights, justice etc., are subordinate to the supreme value of higher liberty. Also, the idea that the higher purposes of the individual are equivalent to those of collectivities such as classes, nations and race, may lead to the espousal of totalitarian ideologies.

**Check Your Progress 2**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Discuss J S Mill's views on liberty.

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**3.5 MARXIST CRITIQUE AND THE IDEA OF FREEDOM**

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The Marxist concept of freedom is different from the liberal views, which have been discussed above. The main points of difference emerge from the Marxist understanding of the individual and society, the relationship between the individual and society, and the Marxist critique of capitalist society. While the liberal view is based on the centrality of the individual and his freedom of choice, the Marxists would see the notion of liberty based on the liberal notion of individual and society as conditions of unfreedom. For Marxists, the individual is not separated from other individuals in society by boundaries of autonomous spaces for the free exercise of choice. They are rather bound together in mutual dependence. The notion of individuality is likewise transformed into a notion of rich individuality, which emphasises the social embeddedness of the individual,

the idea that individuals can reach a state of creative excellence and develop their capacities only in a society which seeks the development of all its members. For the Marxists, therefore, freedom lies in the development of creative individuality, and cannot be achieved in a capitalist society where individuals are separated by boundaries of self-interest and where they can only imagine themselves to be free when in reality they are bound by structures of exploitation. It is only in a society, which is free from the selfish promotion of private interests that a state of freedom can exist. Freedom, thus, cannot be achieved in a capitalist society.

These views have been articulated in Friedrich Engel's *Anti-Duhring* and Karl Marx's *Economic and Philosophic Manuscripts of 1844*. Engels discusses the notion of freedom as a state of transition from necessity to freedom. The state of necessity is defined by a situation in which the individual is subjected to another's will. Engels points out that man has the capacity to identify and understand the forces, which condition and determine his life. Man has, thus, obtained scientific knowledge about the laws of nature, which determine his existence and also learnt how to live with these laws in the best possible way. Ironically, man has not been able to break free from the bondage of the forces of production, which have historically kept him under subjection, or in other words, confined him to the realm of necessity. In order to reach a state of freedom, man not only has to have knowledge of human history, but also the capacity to change it. It is only with the help of scientific socialism that man can hope to leave the realm of necessity and enter the realm of freedom. Freedom is a significant component of the idea of communist society laid down by Marx and Engels in *Communist Manifesto*. It was only in a communist society where there will be no class exploitation that freedom will be achieved.

In his work, *Manuscripts*, Karl Marx avers that the capitalist society is dehumanizing. It not only alienates the individual from his true self, it separates him from the creative influences of society. Marx proposes that it is only by transforming those conditions in which alienation takes place, can freedom be restored. Thus, it was only in a communist society where the means of production were socially owned, and each member of society worked in cooperation with the other for the development of all, that true freedom could be achieved. Thus, in Marx's framework, freedom is seen in a positive sense, denoting self-fulfillment and self-realisation, or the realisation of one's true nature. Marx described the true realm of freedom as 'the development of freedom for its own sake'. This potential could be realised, Marx believed, only by the experience of creative labour, working together with others to satisfy our needs. Under this framework, Robinson Crusoe, who enjoyed the greatest possible measure of negative freedom, since no one else on his island could check or constrain him, was a stunted and therefore unfree individual, deprived of the social relationships through which human beings achieve fulfilment. This notion of freedom is clearly reflected in Marx's conception of 'alienation'. Under capitalism, labour is reduced to a mere commodity controlled and shaped by de-personalised market forces. In Marx's view, capitalist workers suffer from alienation in that they are separated from their own true nature: they are alienated from the product of their labour, alienated from the process of labour itself, alienated from their fellow human beings, and, finally alienated from their 'true' selves. Freedom is, therefore, linked to personal fulfilment which only unalienated labour can bring about.

**Check Your Progress 3**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Discuss the Marxist critique of liberty.

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**3.6 OTHER CONTEMPORARY IDEAS ON LIBERTY**

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Apart from Berlin whose work is perhaps the most significant among the contemporary works on liberty, there are other thinkers who have discussed the idea of liberty elaborating upon the ideas expressed by thinkers on both sides of the ideological divide. *Milton Friedman*, like Mill and Berlin was a liberal who in his work *Capitalism and Freedom* developed a notion of liberty as a significant aspect of capitalist society. The freedom of exchange was an essential aspect of liberty. To promote this freedom, Friedman required the state to give up its concern for welfare and social security and devote itself to maintaining law and order, protecting property rights, implementing contracts etc. For Friedman, not only was liberty essential for free and voluntary exchange among individuals, it was only within a capitalist society that this freedom could be achieved. Moreover, it was economic freedom that provided the opportune and essential condition for political liberty.

In his work, *The Constitution of Liberty* (1960), *F. A. Hayek* has propounded a theory of liberty, which emphasises the negative role of the state. For Hayek, a state of liberty is achieved when the individual is not subject to the arbitrary will of another individual. Hayek calls this individual freedom and distinguishes it from other forms of freedom, establishing at the same time the primacy and independence of individual liberty from other forms of freedom, including political freedom. Hayek recommends that the original meaning of liberty as the ‘absence of restraints’ should be preserved. The enlargement of state intervention in the name of freedom would mean the demise of real liberty which consists in the freedom of individual from restraints.

Another group of thinkers evidently influenced by the Marxist notion of freedom emphasised that liberty as practiced in modern capitalist societies breeds loneliness. *Eric Fromm* (1900-1980) explained that in modern societies, aloofness was brought about owing to the separation of the individual from his creative capacities and social relations. This separation generated physical and moral aloofness in the individual affecting his mental well-being. It was only through creative and collective work that the individual could restore himself to society. *Herbert Marcuse* in his work *One Dimensional Man: Studies in the Ideology of Advanced Industrial Society* (1968), also explored the nature of alienation in

capitalist societies. Marcuse asserts that the creative multidimensional capacities of the individual get thwarted in capitalist societies. Man is able to express himself only as a consumer constantly engaged in the satisfaction of his physical needs.

**Check Your Progress 4**

- Note:** i) Use the space given below for your answer.  
 ii) See the end of the unit for tips for your answer.

1) Discuss some of the contemporary ideas on liberty.

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**3.7 LET US SUM UP**

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The idea of liberty is at the core of liberal thought, which places the rational individual at its center and draws a boundary between the individual and his/her sphere of autonomy, the state and society. Liberty in its common understanding means an ‘absence of constraints’. In other words, it signifies a condition in which an individual who is capable of taking reasoned decisions pertaining to his/her own affairs is free to take any action without and restraints from outside, including state and society. At the same time, however, the notion of liberty, evolved at the same time as the idea of a political community and political authority. This simultaneous evolution has meant an equal recognition of the liberties of all individuals and the understanding that reasonable restrictions on individual liberty could be justified on the grounds that they provided the conditions in which individual liberty could be enjoyed without conflict. The idea of liberty as the absence of restraints is associated with a ‘negative’ notion of liberty. A ‘positive’ notion of liberty was articulated by thinkers like T.H.Green who took into account the conditions, which enabled an individual to be actually free. Thus, liberty as a positive notion consisted in having the power to act, and the opportunities which enabled action. The idea of the welfare state was premised on this idea which required the state to take positive steps to provide the conditions within which individuals could actually be free to act and develop themselves. While philosophers like J.S.Mill and Isaiah Berlin attempted to reconcile the two notions, Marxists felt that freedom could not be experienced in a capitalist society. A capitalist society, they emphasized separates an individual from his/her social contexts and from his/her own nature. Liberty as can be seen, has been understood differently by different strands of thought. It remains, however, a fundamental concept in democratic thought.

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**3.8 REFERENCES**

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### **3.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES**

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#### **Check Your Progress 1**

1) Highlight following points:

- Negative liberty means absence of external constraints.
- Positive liberty means existence of conditions which enable or facilitate better development

#### **Check Your Progress 2**

1) Highlight following points:

- Mill highlighted negative concept of liberty.
- Opposed restriction on individual liberty.
- Distinction between self-regarding and other-regarding actions.

#### **Check Your Progress 3**

1) Highlight Following points:

- Unlike liberals, Marxists see mutual dependence between individuals and society.
- Capitalism alienates individuals from their true self and creative influences of society.
- Freedom can be restored in a communist society only.
- Example of Robinson Crusoe.

#### **Check Your Progress 4**

1) Highlight ideas of Milton Friedman, F A Hayek, Eric Fromm and Herbert Marcuse.

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## UNIT 4 EQUALITY\*

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### Structure

- 4.0 Objectives
- 4.1 Introduction
- 4.2 Different Types of Equality
  - 4.2.1 Formal Equality
  - 4.2.2 Equality of Opportunity
  - 4.2.3 Equality of Outcomes
- 4.3 Some Basic Principles of Equality
- 4.4 Some Arguments against Equality
- 4.5 Liberal Justification of Inequality
- 4.6 Equality and Feminism
- 4.7 Equality and Liberty
- 4.8 Let Us Sum Up
- 4.9 References
- 4.10 Answers to Check Your Progress Exercises

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### 4.0 OBJECTIVES

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The main objective of this unit is to understand the meaning of equality and address some of the important theoretical issues connected with this concept. As you go through this unit, you should be able to:

- Explain the concept of equality;
- Discuss some of the basic principles of equality;
- Explain formal equality, equality of opportunity and equality of outcomes;
- Examine some of the anti-egalitarian positions;
- Discuss the liberal justification of inequality and finally; and
- Evaluate the relationship between equality and liberty.

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### 4.1 INTRODUCTION

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The idea of equality seems to be the central concern of modern politics and political thought. Hierarchy in society based on birth was accepted as natural. For a very long time, this is no longer the case. In fact, modern political thinking starts from the assumption that all human beings are equal. The *French Revolution* in 1789 and the *American Civil War* remain two very historically significant landmarks in the articulation of the idea of democracy, equality and freedom. Medieval hierarchies were challenged by one, and the other drew attention to inequalities based on race. However, the acceptance of the idea of equality was not easy. Writing in 1931, *R.H. Tawney* lamented what he described as the ‘Religion of Inequality’ in British society. What seems to have bothered him

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\* Contributed by Prof. Krishna Menon, Ambedkar University of Delhi, Delhi, adapted from Unit 18, EPS-11

was not just the existence of inequalities in society, but its acceptance as natural and inevitable. In the post-second world war period, many changes have taken place and the idea of equality has gained a much wider currency. The upsurge in the colonized world added another significant dimension to the debate on equality, as has the women's movement.

In today's context, we could say that equality has been accepted as a very important principle of organizing human life; however, intense battles rage about where and how should equality be applied? A much more contentious field is the application of the principle of equality to the distribution of wealth and income in society. In this context, it would be useful to mention that in recent years there has been a serious resurgence of anti-egalitarian thinking reinforced by the growing popularity of that school of political economy which argues that egalitarian measures stifle market efficiency and in the long run, make everyone worse off. Egalitarians are, thus, required to sharpen their arguments in response to a new set of challenges; they usually set to do this by establishing clearly the fact that they are not demanding absolute equality and hence, uniformity is not a part of their scheme at all. On the contrary, what they seek to preserve, is variety.

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## 4.2 DIFFERENT TYPES OF EQUALITY

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### 4.2.1 Formal Equality

*John Locke*, the English philosopher remains one of the most eloquent defenders of the idea of equality based on the natural equality of men. (Needless to add that in Locke's scheme of affairs, women did not feature at all!) Kant reinforced this position further by talking about universality and equality as a consequence of this universal humanity. Thus, formal equality came to imply that by virtue of their common humanity, all individuals should be treated equally.

The most important expression of this idea is the principle of legal equality or equality before the law. All individuals should be treated equally by the law irrespective of their caste, race, colour, gender, religion, social background and so on. While this was a welcome step in the fight against special privileges based on race, gender, social background and other similar criterion, it remained a very limited notion on its own. This principle ignores the fact that handicaps imposed by caste, gender or social background could be so overwhelming that individuals would not be able to benefit from the formal equality that the law bestows upon all individuals.

In this context, it would be appropriate to note that it was this inadequacy that led Marx to examine this question in his essay 'On the Jewish Question'. He contended that formal equality while being a significant step forward could not bring about human emancipation. While the market did free people from the barriers imposed by social rank and other similar categories, it did nevertheless create differences based on *class* that were upheld by the existence of private property. This implied that individuals had starkly different market values and hence, Marxists describe formal equality in this context as market equality, which is little more than a façade to disguise the deeply unequal nature of society.

Today, egalitarians have moved away from the notion that all human beings are created equally and hence, must have equal rights; this is so because of the fact

that in most of the important aspects, human beings are not equal. Therefore, today, the word equality is used more in a prescriptive rather than a descriptive sense; those policies would be backed that promote the ideal of equality without having to depend upon some descriptive properties of human beings.

**Check Your Progress 1**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What was it that disturbed R.H. Tawney about the British society?

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2) What is the basic philosophy guiding the principle of formal equality?

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**4.2.2 Equality of Opportunity**

Understood very simply, equality of opportunity means the removal of all obstacles that prevent personal self-development. It means that careers should be open to talent and promotions should be based on abilities. Status, family connections, social background and other similar factors must not be allowed to intervene.

Equality of opportunity is an extremely attractive idea that is concerned with what is described as the starting point in life. The implication is that equality requires that all individuals begin from a level playing field. However, the consequences of this need not be egalitarian at all. Precisely because everyone started equally, unequal outcomes are acceptable and legitimized. This inequality would then be explained in terms of differing natural talents, ability to work hard or even luck.

Constructed like this, it seems that equality of opportunity provides an equal opportunity to compete in a system that remains hierarchical. If so, then it does not appear to be a substantially egalitarian principle. Equality of opportunity, thus, points to an inegalitarian society, albeit based on the exalted ideal of *merit*. This idea rests itself on the distinction between nature and convention, the argument being that distinctions that emerge on the basis of different natural qualities like talents, skills, hard work and so on are morally defensible. However, differences that emerge out of conventions or socially created differences like



poverty, homelessness are not. The fact, however, is that it is a specific societal predilection that makes a natural distinction like beauty or intelligence a relevant ground for making distinctions in society. Thus, we see that the distinction between nature and convention is not as clear-cut as egalitarians imply.

Equality of opportunity is institutionalized through the acceptance of keeping careers open to talents, providing fair equal opportunity, and the many variations on the principle of positive discrimination. All of these work to make the system of inequality seem reasonable and acceptable. The underlying assumption is that so long as the competition has been fair, advantage itself is beyond criticism. There is no doubt that a system such as this would create people, who concentrate only on their talents and individual attributes. This robs them of any feeling of community with their people, because they can only think in terms of competing. Perhaps, the only community this can create is a community of the successful on the one hand, and a community of the *unsuccessful* on the other which blames itself for its supposed failure. Yet another problem with equality of opportunity is that it seeks to create an artificial disjunction between the successes and failures of one generation and the next.

Thus, it is seen that the liberal position on equality is based on equality of opportunity. This advocacy is contrary to any substantive idea of equality because these are opportunities which lead to unequal outcomes. This principle is, thus, unconcerned with the outcomes and is interested only in the procedure. This is entirely in keeping with the liberal idea that individuals are the basic unit of society and society must make it possible for individuals to satisfy their own interests.

Does this mean that egalitarians would ignore equality of opportunity? The answer is clearly no. However, they would work with a wider definition of equality of opportunity that would give everyone the means to develop their capacities in a satisfying and fulfilling way. An egalitarian society would not deny to some people the genuine opportunity to develop their capacities. The genuine egalitarian use of this opportunity would be to lead a worthwhile life. Since it is not possible to ensure that each individual leads a worthwhile life, what egalitarians would try for would be the creation of social conditions that give the opportunity to all individuals to lead worthwhile lives.

### Check Your Progress 2

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What is equality of opportunity?

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### 4.2.3 Equality of Outcomes

Yet another articulation of the idea of equality would be in terms of the equality of outcomes, moving away from the starting point in life to look at the outcome. *Marx*, for instance, was of the opinion that any right to equality circumscribed by a bourgeois economy can only be partial. He, thus, argued for absolute social equality, possible only if private property was abolished. Defenders of equality of outcome believe that the guarantee of all other equalities would be inadequate so long as equality of outcome is not ensured.

Critics of equality of outcome point out that such a pursuit would only lead to stagnation, injustice and worse of all, tyranny. *Hayek*, for instance, has argued that people being very different have different aspirations and goals and any system that treats them equally actually results in inequality. The drive for equality, it is argued, is at the cost of individual liberty. It is argued that the imposition of socialist egalitarian measures undermines the dignity and self-respect of the individual and the inherent paternalism accompanying such measures denies the ability of the individual to be a rational chooser.

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## 4.3 SOME BASIC PRINCIPLES OF EQUALITY

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Egalitarians do not believe that everybody is same or should be the same. It is not a simple mathematical idea. It would help us to put down some of the core principles that egalitarians would be committed to. The first commitment is to the idea that every individual has a right to the satisfaction of his or her basic needs and a society characterised by wide disparities in the standard of living is not acceptable to them. They are committed to a society where living conditions are not just bearable, but are capable of providing a satisfying and fulfilling life to all.

Another significant principle is that of equal respect, which implies opposition to any form of degrading treatment or circumstances; ideally, a society based on fellow feeling. An egalitarian position would oppose huge differences in income and wealth not only between individuals, but even between nations. It would also involve democratic control of the economy and the workplace, apart from the possibility of dignified, interesting and safe work for everyone. Political equality, needless to add, is not just the right to vote or to stand for any public office, but a wide network of civil rights and a democratic participation in all aspects of life so that individuals are enabled to control and shape their lives in a more significant way.

Sexual, racial, ethnic and religious equality are some of the other components of the complex idea of equality. Needless to add that one cannot aim at a totally exhaustive list of equalities, and in that lies the reforming potential of the concept of equality.

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## 4.4 SOME ARGUMENTS AGAINST EQUALITY

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Equality, it is argued, is a concept that is untenable in reality because society and social processes are likened to a competition in which not everyone can end up being a winner. We have already noted such objections earlier in the context of our discussion on equality of outcomes. What one could say in response is

that this objection emerges out of a specific construction of the nature of society and the individual.

In recent times, the names of *Hayek*, *Friedman* and *Nozick* are associated with the position that holds egalitarianism as a threat to freedom. Nozick is particularly critical of liberals like John Rawls and Dworkin for their commitment to welfare provisions in order to enlarge equality of opportunity. In response to those who say that inequality in society undermines self-respect, libertarians like Nozick argue that on the contrary, it is egalitarianism that robs people of their self-respect. Nozick claims that inegalitarian societies show more respect for individuals by acknowledging the distinctiveness of each individual and the difference between individuals. Since an egalitarian society would be bereft of any differences based on power, rank, income or social status, there would be no basis for self-esteem, because self-esteem is based on criteria that differentiate people.

A very strong objection comes from those who believe that any attempt to establish equality results in the strengthening of the state and thereby, weakens individual freedom. This is at the heart of the well known question in western political theory of the relationship between equality and liberty which we will address a little later.

### Check Your Progress 3

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Explain how according to Nozick an egalitarian society robs people of their self-respect.

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## 4.5 LIBERAL JUSTIFICATION OF INEQUALITY

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Liberals reject sex, race, or class as the relevant criteria for treating people differently, but they do believe that it is just and fair if inequalities are earned and deserved by virtue of their different *desert* or merit. Thus, liberal theory holds stubbornly that so long as inequality can be justified on the basis of rewards or desert for special qualities and abilities or special contribution to society, it is acceptable. One cannot help note here that what is meritorious, special or a contribution to the society are all circumscribed by the specificities of the society in question. Moreover, it is very difficult to isolate the worth of an individual's contribution, and if one takes back after contributing, then is one really contributing anything at all? This whole position seems to contradict the basic liberal position that all individuals have equal worth and respect and reduces people to a bundle of talents and abilities. In recent times, however, modern

liberals such as *Rawls* and *Dworkin* have rejected merit and desert as a criteria for justifying inequality. Instead, they advocate an equality of consideration based on the equal moral worth of all individuals, irrespective of their differing individual talents or skills. They base this equality on the idea that all human beings are equally endowed with the ability to make choices and formulate life plans. Rawls, for instance, rejects as morally arbitrary the distribution of rewards according to ability or effort, for differences in abilities and skills he contends, are simply facts of nature and no one is to gain or suffer because of the presence or an absence of these skills or abilities. Hence, he advocates the treatment of these natural abilities as a social asset so that the ‘basic structure of society can be arranged so that these contingencies work to the good of the least fortunate’.

The so called Difference Principle that Rawls enunciates, is to his mind, the best principle for ensuring that natural assets do not lead to unfair advantages. The Justice principle requires that social and economic inequalities should be so arranged that they are both a) to the greatest benefit of the least advantaged and b) attached to offices and positions open to all under conditions of fair equality of opportunity. This, thus, unlike the traditional liberal rights is a much wider understanding of equality. Unequal rewards are justified not on the basis of differing abilities, but as *incentives* so that they benefit the least advantaged. Dworkin also expresses displeasure with the traditional liberal ideas on equality and accepts the need for some redistribution and welfare policies.

*Macpherson* has criticised Rawlsian equality on the grounds that it assumes the inevitability of institutionalized inequalities between classes. In doing this, Rawls ignores the fact that class based inequalities create unequal power relationships among individuals of different classes and would thus, impinge on other aspects of equality.

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## 4.6 EQUALITY AND FEMINISM

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Feminists try to look at the issue of equality through the gender lens. An important book in this respect is *Susan Okin's Justice, Gender and the Family* (1980). It has been argued that equal opportunities legislation or redistributive justice through the extension of equality principles to different areas, in essence, cannot create equality as these rules and principles operate in an environment which is already contaminated by the inequality between the *sexes*: an inequality brought about by social practices. Many of these practices are not directly discriminatory toward women, but their overall effect is to reinforce inequality and give it a veneer of legitimacy. Thus, although the law may not formally differentiate between the sexes, it is the case that women tend to get segregated into particular occupations and married women who have careers are especially disadvantaged in a gender-biased society.

Feminists point out that the position of women's substantive inequality – their weak voice in familial decision making, their duty of child rearing and the subsequent withdrawal from the labour market – has nothing to do with natural and spontaneous operation of choices, but because roles are socially constructed. However, at the same time, it would perhaps be resented even by the feminists, if the state is involved, especially in family life, for eradicating gender differentiation. It is, perhaps, easier, to be aware of gender inequality and to locate into the social practices and the socially structured roles, but it is difficult

to go for a remedial measure. Unless the women themselves become aware of their inequality, of their subordinate role in family, and come forward to re-orient the social constructions, nothing concrete with respect to gender equality can be achieved.

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## 4.7 EQUALITY AND LIBERTY

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It is often claimed that liberty and equality are anti-thetical, and that this conflict therefore is irreconcilable. *De Tocqueville* saw equality as posing a likely danger to liberty, fearing as he did mass conformity and the tyranny of the majority. Friedman, Nozick and Hayek are some of the more recent names associated with this position. What such a position does is to deliberately pose a contradiction between liberty and equality by suggesting that attempts to establish equality immediately imply coercion and loss of liberty. They imply that since individuals are different in terms of their skills and abilities, differences in their lives are bound to exist, and thus there is bound to be a natural tendency towards inequality. Any attempt to correct this will have to be accompanied by authoritarian suppression and hence, loss of liberty. Here, there is a deliberate attempt to equate equality with uniformity; an egalitarian society is not a uniform society. It would be a society where every individual given her or his individual and differing talents could enjoy an equally worthwhile and satisfying life. Those who argue that equality and liberty are irreconcilable begin with a specific understanding of liberty; what has been described as the 'negative conception' of liberty. In fact, they contend that the positive concept of liberty is not liberty at all, but something masquerading as liberty. The negative picture of liberty sees liberty as the absence of deliberate interference in an individual's life. On the contrary, egalitarians see freedom as the availability and the ability to make choices that are meaningful and effective. Such an understanding of liberty would immediately link it to the issues of access to structures of social and institutional power, fulfilment of material and economic requirements, and of course, the possession of education and knowledge.

Therefore, egalitarians hold that equality in terms of social power, economic wealth and education is essential to ensure that everyone has an equally worthwhile and satisfying life. In doing this, egalitarians are pursuing equality stifled by social and institutional structures of power. Liberty is seriously hampered by the wide disparities of wealth. Education, by opening our minds and educating us with various skills is undoubtedly a liberating factor. Therefore, any inequality in access to any of these elements would, it can be argued, limit the individual's ability to lead a meaningful and satisfying life, which to the egalitarians is the essence of the idea of liberty. Egalitarians are arguing that human beings do not become free simply by being left alone. They argue that power, wealth and education are the basic sources of liberty and a society that cannot ensure equality in these aspects cannot be a free society. Thus, we see that liberty and equality far from being anti-thetical are actually not just compatible, but dependent on one other. Most of the twentieth century was a time when equality barely stood in need of justification. It was seen as the central principle around which nations and societies were to organise themselves. However, towards the close of this century, there is a serious intellectual as well as a political attempt to present equality as morally undesirable. The inviolable nature of the right to property and the essentially plural nature of society, the anti-egalitarians claim, would be severely threatened by a pursuit of equality.

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## 4.8 LET US SUM UP

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In this unit, we tried to examine what the concept of equality means. It is particularly significant given the fact that we live in a society that is battling against various kinds of inequalities. Equality in its most restricted sense is formal equality, which subscribes to the notion of universal humanity of all human beings. Equality of opportunity, which we saw, can be used to ultimately justify inequality. Equality of outcomes stretches the meaning of the term equality. We also took stock of the modern liberal defense of equality and how it justifies inequality, only if it works to the maximum advantage of the worst off in society. We also took note of the feminist critique of equality. Finally, we examined the debate about the relationship between equality and liberty, and saw that a negative conception of liberty makes the two concepts appear conflictual.

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## 4.9 REFERENCES

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## 4.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress 1

- 1) Existence of inequality in British society and its acceptance as natural and inevitable.
- 2) By virtue of their common humanity, all individuals should be treated equal irrespective of differences.

### Check Your Progress 2

- 1) Removal of all obstacles that prevent self-development.

### Check Your Progress 3

- 1) Since an egalitarian society would be bereft of any differences, there would be no basis for self-esteem as it is based on criteria that differentiate people from one another.

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## UNIT 5 JUSTICE\*

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### Structure

- 5.0 Objectives
- 5.1 Introduction
- 5.2 Meaning of Justice
  - 5.2.1 Justice and Law
  - 5.2.2 Justice and Discrimination
- 5.3 Distributive Justice
  - 5.3.1 Distributive Justice and Economic Justice
- 5.4 Social Justice
  - 5.4.1 Predominance of the Interest of the Community
  - 5.4.2 Reforms or Social Change
  - 5.4.3 Pound's Illustration of Social Justice
  - 5.4.4 Criticism of Social Justice
- 5.5 Procedural Justice
- 5.6 John Rawls's Theory of Justice
- 5.7 Justice: A Term of Synthesis
- 5.8 Let Us Sum Up
- 5.9 References
- 5.10 Answers to Check Your Progress Exercises

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### 5.0 OBJECTIVES

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This unit discusses the concept of justice, one of the most basic and important concepts in political science in general, and political theory in particular. After studying this unit, you should be able to:

- Define the concept of justice;
- Distinguish between the various aspects of justice;
- Identify and describe the different theories of justice; and
- Describe the relationship between liberty, equality, law and justice.

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### 5.1 INTRODUCTION

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By now, you all must be familiar with concepts like law, rights, liberty and equality. A prior study of these concepts will help in understanding the concept of justice. The element of justice, in fact, connects the above mentioned themes. In this unit, we shall first try to understand the meaning of the concept in its different aspects. Then, we shall study the different theories of justice. We shall also try to bring out the relationship between justice on one hand and law, liberty and equality on the other. Justice is one of the important aims of the state. One of the earliest treaties on politics, Plato's *Republic* was an attempt to construct a just state. Justice was its central concept. Therefore, a correct understanding of this concept will help in evaluating different political systems, their policies and

the ideologies on which they are based. Thus, justice is the reconciler and synthesizer of political values and as said by Aristotle it is ‘what answers to the whole of goodness’.

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## 5.2 MEANING OF JUSTICE

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Any discussion of the concept of justice has to take into account its multi-dimensional character. The answer to ‘what is justice’ can only be given by indicating guidelines (values) along which men have thought of justice and will continue to do so. It changes with the passage of time. Thus, what was justice in the past may be injustice in the present and vice-versa. Thus, there have been the ‘egalitarian’ perception of justice where the highest place is accorded to the value of equality; the ‘libertarian’ perception in which liberty is the ultimate value; the Divine view in which justice is the execution of God’s will, the ‘hedonist’ makes ‘the greatest good of the greatest number’ the criterion of justice; to the ‘harmonizer’ justice is the harmonizing of different elements and values to produce a satisfactory balance. Some identify justice with ‘duty’ or with maintenance of peace and order; others view it as an elitist function. Thus, justice concerns the rights of the individual as well as the social ordering of society. It is legal and moral at the same time. In short, it is an ethical concept.

### 5.2.1 Justice and Law

The Roman lawyers integrated the ideas of ‘natural justice’ with the positive law of the state. As such, the civil law and the law of nations are in conformity with the law of nature. This, however, is an abstract phase of jurisprudence. In fact, justice lies in the enforcement of the positive law. Both law and justice seek to sustain social order. *John Austin* is the main advocate, who tells that the law has to function as an instrument of justice, on one hand, and function as an instrument to suppress mischief, on the other. Legally, the administration of justice can be criticised as unjust if it fails to meet the standards of fairness required by the procedures of the legal system, viz. the accused should be informed of the charges levelled against him; he should be given a reasonable opportunity to defend himself etc; while morally, a law can be called unjust if it fails to meet the moral ideas of justice. Morality, however, goes beyond justice.

The symbol of justice is often portrayed as blindfolded because it is supposed to be impartial. There should be no discrimination between two extremes – rich or poor, high or low. Therefore, impartiality becomes a precondition to justice. Does it mean then that justice does not require discrimination at all?

### 5.2.2 Justice and Discrimination

Plato and Aristotle argued for a different interpretation of justice, “proportionate equality” with the idea of “righteousness”. The philosophical interpretation of justice takes an empirical direction in the hands of Aristotle who says: “Injustice arises when equals are treated unequally”. This means that if in a democracy there is discrimination on the basis of *sex*, it would mean treating the equals, unequally. Also, it would be unfair to pit a heavy-weight wrestler against a lightweight one. Thus, justice requires discrimination on the basis of differences, which is relevant to the functions performed. Plato’s theory of justice too implied that the life of people should conform to the rule of functional specialization.



Here, justice becomes another name for the principal of ‘proper stations’; i.e. a man should practice one thing only to which his nature is best adapted. This has both individual and social aspects. The highest good of both the individual and the society is conserved, if we take it for granted that there is nothing better for a man than to do a work that he is best fitted to do, there is equally nothing better for the society than to see that each should be filling the station to which he is best entitled by virtue of the special element of his personality. For this, the three elements of reason, spirit and appetite have been highlighted for the individual and the state, to keep their proper bounds.

Also, normally the law does not interfere in instances of discriminatory treatment in private life. But if it causes social harm, the state would be justified in interfering in it, like in instances of untouchability, where some groups are denied human rights. Therefore, a law against it would be just. Also, the separate facilities accorded cannot be truly equal. It is because of this that Babasaheb Dr. B R Ambedkar demanded the right of entry to temples for Scheduled Castes and opposed separate temples, schools or hostels for them.

### Check Your Progress 1

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What is justice?

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2) How does discrimination fit in the concept of justice?

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## 5.3 DISTRIBUTIVE JUSTICE

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The idea of Aristotle came to lay down the foundation of what is called the doctrine of distributive justice. The essential implication of Aristotle’s explanation is that justice is either ‘distributive’ or ‘corrective’; the former requires equal distribution among the equals and the latter applying wherein remedy for a wrong is provided. The principle that *Marx* puts forward for distributive justice in the post- revolutionary socialist society is ‘from each according to his ability to each according to his work. The idea of distributive justice is reflected in the work of some recent political economists. In this context, reference to the work

of *J.W. Chapmen* deserves merit, who seeks to integrate the idea of justice with his principles of ‘economic rationality of man’ and ‘consumer’s sovereignty’ coupled with the individual claim of ‘moral freedom’. To him, the first principle of justice appears to be the distribution of benefits, which maximise benefits in accordance with the principle of consumer’s sovereignty. The second principle is that a system is unjust, if the material well being of a few is purchased at the expense of many. It implies that justice requires that no one shall gain at the expense of another.

### 5.3.1 Distributive Justice and Economic Justice

Distributive justice subjects to the condition of general welfare. It demands that the state of national economy be reshaped in a way that the benefits are made available to the common man. In this way, the idea of economic justice comes to imply a socialistic pattern of society. The first task of economic justice is to provide employment, food, shelter and clothing to every able-bodied citizen. In regard to this area of satisfying the primary and basic needs of all, it has been correctly said that freedom is meaningless if it prevents the achievement of economic justice. Thus, the liberals believe that economic justice can be attained in society if the state provides welfare services and there is a progressive system of taxation; a fair return for work provision of social security like old age pension, gratuity and provident fund. However, the Marxist view of justice has its origins in the area of economics. According to Marx, the positive law of the state is imposed on its members by the authority of the class, which controls the means of production. Law is determined by the economic interest of the ruling class. When private property is abolished and the working class controls the means of production, then the laws are bound to reflect the interest of the working class. Therefore, the content of justice depends upon the *class* controlling the means of production. When the state withers away, as contemplated by the communists, there will be justice without an economic origin. Modern liberals have since long given up the doctrine of economic laissez-faire. Redistributive justice (of which Aristotle spoke) is an integral part of ‘revisionist liberalism’ as advocated by *J.W. Chapmen*, John Rawls and Arthur Okun. These writers advocate “redistributive justice” with its implication of state intervention in the economy in the interest of justice and freedom for all.

#### Check Your Progress 2

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What is distributive justice?

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## 5.4 SOCIAL JUSTICE

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Social justice relates to the balance between an individual's rights and social control ensuring the fulfilment of the legitimate expectations of the individual under existing laws and to ensure him benefits and protection against any encroachment on his rights. Let us examine the term, 'social justice' in terms of the following aspects of justice, viz. one, the notion of the predominance of the interest of the community and two, the notion of 'reform', or social change.

### 5.4.1 Predominance of the Interest of the Community

With the decline of the laissez-faire doctrine, a new awareness has developed that the rights of an individual should be reasonably restricted in the interests of the community because the ends of social justice require the reconciliation of individual rights with that of community interest. It also presumes that in the event of a conflict between the two, the community interest must prevail over individual concerns. Social justice is, thus, closely linked with the idea of what constitutes public good or community interest. Today with the penetration of democracy into the social and economic spheres, community interest has come to encompass not only the political (fair treatment in political matters) but also the social (non-discrimination in social areas) and economic (fair distribution of income and wealth) spheres. Thus, social justice ranges from the protection of minority political rights to the abolition of untouchability and the eradication of poverty. As such, in the backward countries of the world, the idea of social justice enjoins upon the state to make concerted efforts for the improvement of the downtrodden and weaker sections of the community.

### 5.4.2 Reforms or Social Change

Social justice is used to denote organization of society on the basis of ideas of fairness and equality current at the time. It seeks a revision of social order so as to have a more equitable society. Men through the ages have sought changes in social order, just as much as they have also sought to preserve a given social order. Social justice stands for reformatory justice, for revision of the social order and a redistribution of rights to suit current ideas of fairness. When Aristotle spoke of 'distributive justice' he had reformatory or what Raphael calls "prosthetic" justice in mind, because their aim was to modify the status quo. A hundred years ago, justice did not require governments to take care of the unemployed. Charity was supposed to do that. Due to the operation of notions of "reformatory" or "prosthetic" justice, today, it is considered the state's duty to take care of the unemployed and provide them employment.

### 5.4.3 Pound's Illustration of Social Justice

The affirmation of the idea of social justice is very well contained in the interpretation of *Dean Roscoe Pound* who presents a six-fold illustration of social interest and lays down eight juristic postulates to ensure social justice. Thus, the idea of social justice promotes the welfare of the people by securing a just social order.

### 5.4.4 Criticism of Social Justice

Theories of social justice are criticised on three grounds. Firstly, demands for social justice, by implication, enlarge the activities of the state. The state, then, will have to decide, “who gets, what, when and how.” Where the officers of the state develop vested interests, such subjective determination is not likely to serve the ends of social justice. Secondly, policies of social justice and their implementation require curtailment of liberty. How much of liberty should be sacrificed for how great/small social justice becomes a problem difficult to solve. Lastly, it is difficult to *assess* which are the basic needs that have to be satisfied to fulfil the criteria of social justice and which justify departure from equality.

However, when the Indian Constitution announces reservation of seats in legislature, educational institutions and public employment, it strictly speaking, entails departure from equality. Various justifications are offered for these policies in terms of justice. Firstly, that such treatment compensates for hundred years of deprivations. Secondly, that these measures are necessary for realising ultimate equality to bring the traditionally disadvantaged on an equal footing with society and thirdly, that justice can be done only if the state comes forward with preferential policies to help them gain social respect, economic viability and political status.

#### Check Your Progress 3

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What is social justice?

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## 5.5 PROCEDURAL JUSTICE

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A more narrow view of justice is what is known as procedural justice. In this sense, the term is used not so much to prescribe redistribution of wealth or values as to the rules and procedures applied to individual actions. Essentially, it seeks to eliminate arbitrariness in human actions and supports the rule of law. This conception deals with individuals and not collectivities. In this view, not sticking to rules and procedures, jumping the queue or giving unfair advantage to some in competition would be unjust. The procedural theorists (for example *Hayek*) believe that imposing criteria for redistribution of wealth would lead to totalitarianism and an unjustified sacrifice of liberty. It involves constant intervention by the state to maintain the pattern required by equality. They feel that *even* if the state follows a policy of welfare, this has little to do with justice.

Critics of procedural theory of justice argue that mere following of rules does not ensure a just result. The rules formed in a social context are weighed in

favour of some groups. Therefore, a free competition may not always be a fair competition. Secondly, a free market relationship can be equally coercive for individuals who lack economic power; for them the liberty of a free market would be meaningless.

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## 5.6 JOHN RAWLS'S THEORY OF JUSTICE

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Different political theories offer different pictures of what would be a really just social order. Two of these theories are, the Utilitarian Theory, and John Rawls's Theory of Justice as Fairness. Utilitarian theory asserts that the social order in which the largest number of people can have the highest satisfaction of their utility is just. But from its very early days, critics have found great difficulties with utilitarianism. In this backdrop, Rawls's theory has offered, an alternative to utilitarianism. Rawls's book, *A Theory of Justice* gives a final interpretation of the concept. To discuss Rawls's theory of justice, his method of approaching moral problems must be mentioned first, which is in the contractarian tradition of social philosophy. But at the same time, Rawls's method entails that the conclusions of moral reasoning be always checked and readjusted against intuitive moral notions and this contrasts with others in the contractarian tradition, who maintain that the rules of justice are those that would be agreed to in a hypothetical setting. Rawls places men behind the 'veil of ignorance' in a hypothetical original position where individuals are deprived of the basic knowledge of their wants, interests, skills, abilities and of the things that generate conflicts in actual societies. But they will have what Rawls calls 'a sense of justice'.

Under these circumstances, Rawls argues, people will agree to accept *two* principles of justice in the lexical order. First, is the equality principle where each person is to have an equal right to the most extensive liberty compatible with a similar liberty to others. Here, equal liberties can be concretised as the familiar rights of liberal democratic regimes. They include the equal right to political participation, freedom of expression, religious liberty, equality before the law and so on. The second principle is called the difference principle where Rawls argues that inequalities can only be justified, if it benefits the least advantaged. John Rawls's concept of justice has two aspects to it. Firstly, it postulates a "constitutional democracy"; that is, government of laws and one, which is restrained, responsible and accountable. Secondly, it believes in the regulation of the free economy "in a certain way". "If law and government", writes Rawls, "act effectively to keep market competitive, resources fully employed, property and wealth widely distributed over time, and to maintain the appropriate social minimum, then if there is equality of opportunity underwritten by education for all, the resulting distribution will be just".

The "redistributionists" have their critics too. Thus, *Mare F. Plattner* makes two arguments against the above view of justice. Firstly, he believes that although equality is a cherished value, it may not be possible to have it at the expense of efficiency. According to Plattner, this problem of equality versus increased wealth lands Rawls into an inconsistency. Thus, on the one hand, Rawls "absolutely refuses to allow that those who make a greater economic contribution deserve greater economic rewards". Yet his "difference principle" (which specifies that "social and economic inequalities are to be arranged so that they are to the greatest benefit of the least advantaged") nonetheless affirms that it is just to grant them greater economic rewards insofar as these serve as incentives to

increase their contribution in ways that ultimately benefit the disadvantaged. The second argument Plattner makes is that the redistributionists want to refuse to the individual the reward of his “honest industry “and instead, considers all produce as the “common asset” of society as a whole. And this Plattner wants us to believe, undermines the “moral foundations of private property and therewith of liberal society”.

**Check Your Progress 4**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Discuss the second principle of John Rawls’s theory of justice.

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**5.7 JUSTICE: A TERM OF SYNTHESIS**

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Perhaps, the best approach to justice is to view it as a term of synthesis. The problem of justice is one of conciliation. The function of justice is the conciliation of different liberties (political, social and economic) with each other; the different equalities (political, social and economic) with each other as well as the task of conciliating liberty in general, in all its forms, with equality in general, in all its forms. In brief, justice means the synthesis of conflicting values and holding these together in some state of equilibrium. Many eminent writers have chosen to take sides in the liberty versus equality tussle. *Lord Acton* had, many years ago, made the memorable pronouncement that “the passion for equality made vain the hope of freedom” (he was speaking in the context of the French revolution). The champions of “liberty alone” like *W. E. Lecky* in his book *Democracy and Liberty* claim that, “Equality is only attained by a stringent repression of natural development”.

Actually, liberty and equality both matter; as *Carritt* puts it, they involve one another. Freedom has a better content if there is equality. And, at the same time it is freedom that enables men to demand equality. Give men liberty and they are sooner, rather than later, going to ask for equality. The interlinking between liberty and equality can be brought out in many ways. Take the case of freedom of speech and vote, both of which can be vitiated by a grossly uneven distribution of wealth. The wealthy are in a better position not only to *contest* but also to *propagate*. The wealthy have easier access to the propaganda apparatus. *Harold Laski’s* words still ring true: “Every attempt of an individual to assert his liberty in a society of unequal will be challenged by the powerful”. In short, we find that political liberty and economic democracy have to go hand in hand. And if we examine several political values, we find though apparently they may appear mutually contradictory, on closer examination, they will be found to be complementary and interlinked. In any case, it is the function of justice to

synthesize or reconcile the various and often-conflicting values. Justice is the final principle, which controls the distribution of various rights, political, social and economic in the interests of liberty as well as equality. Such a concept of justice grows historically as a process of development of social thought. In this sense, it is a growing concept reflecting social reality and aspiration.

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## 5.8 LET US SUM UP

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What we have seen so far leaves an impression that justice is essentially a normative concept having its place in various spheres like religion, ethics and law though its ramifications cover social, political and economic spheres. Impartiality is a necessary condition of justice. Impartiality does not mean treating everyone equally without discrimination. One interpretation is to treat equals equally and unequals unequally. But chiefly discrimination has to be on relevant criteria. Justice requires discrimination of values on a just basis. Social justice emphasises the needs of the people. It also calls for preferential policies in the Indian social context. As against this, procedural justice requires the rule of law and elimination of arbitrariness. In Rawls's theory of justice, individuals have to make a choice of social order. They would naturally prefer an egalitarian society. His theory grants equal basic liberties for all. Inequalities should be attached to offices open to all. They should benefit the disadvantaged section the most.

In the end, however, instead of delving deep into the debate over the perplexing connotations of justice, it shall be worthwhile to say that it is the connecting bond of all-important political values. For instance, there can be no liberty if the norm of equality is violated and there can be no equality if there is no justice. Obviously, justice is integrally connected with the norms of liberty and equality. Likewise, we may say that there can be no liberty if there is no right, and there is no protection of rights, if there is no well organized system of law to ensure the administration of justice. Obviously, once again, the idea of justice is essentially bound up with the concepts of rights and law. The most important point to be taken note of at this stage is that not only the idea of justice is integrally connected with the norms of law, liberty, equality and rights, but that it constitutes the essential link. Justice in this sense is the reconciler and synthesizer of political values. *Daniel Webster* was perfectly right when he said that justice "is the chiefest interest of man".

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## 5.9 REFERENCES

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## 5.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress 1

- 1) Your answer should highlight egalitarian, libertarian, divine and hedonist views about justice.
- 2) Highlight that justice requires discrimination on the basis of differences.

### Check Your Progress 2

- 1) Your answer should highlight the following points:
  - Distributive justice argues for general welfare.
  - Economic benefits should reach common man.
  - Liberal and Marxist views.

### Check Your Progress 3

- 1) Your answer should highlight the following points:
  - Social justice argues for balance between an individual's rights and social control.
  - State should protect the interests of the marginalised sections.

### Check Your Progress 4

- 1) The second principle, also called the difference principle argues that inequalities can be justified only if they benefit the least advantaged sections of society.



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## **UNIT 6 RIGHTS\***

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### **Structure**

- 6.0 Objectives
- 6.1 Introduction
- 6.2 Rights: Meaning and Nature
  - 6.2.1 Meaning of Rights
  - 6.2.2 Nature of Rights
  - 6.2.3 Various Rights
- 6.3 Theories of Rights
  - 6.3.1 Theory of Natural Rights
  - 6.3.2 Theory of Legal Rights
  - 6.3.3 The Historical Theory of Rights
  - 6.3.4 The Social Welfare Theory of Rights
  - 6.3.5 The Marxist Theory of Rights
- 6.4 Human Rights
- 6.5 Let Us Sum Up
- 6.6 References
- 6.7 Answers to Check Your Progress Exercises

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### **6.0 OBJECTIVES**

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In this unit, you will be reading about the concept of rights and the theoretical framework associated with them. After going through this unit, you should be able to:

- Explain the meaning of rights;
- Discuss their nature; and
- Enumerate the main theories associated with rights.

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### **6.1 INTRODUCTION**

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Rights are rightly called social claims which help individuals attain their best selves and help them develop their personalities. If democracy is to be government of the people, it has to exist for them. Such a democratic government can best serve the people if it maintains a system of rights for its people. States never give rights, they only recognise them; governments never grant rights, they only protect them. Rights emanate from society, from peculiar social conditions, and, therefore, they are always social. Rights are individuals' rights; they belong to individuals; they exist for individuals; they are exercised by them so as to enable them to attain full development of their personalities.

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### **6.2 RIGHTS: MEANING AND NATURE**

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The relationship between the individual and the state has been an important question of political theory; one that has baffled, if not confused, political

philosophers since ages. Political philosophers have debated as to who, whether the state or the individual is more important and who owes what to whom. There are philosophers, Plato for example, who believe that the state alone can give justice and that the job of the individual is to do his duties to the best of his/her abilities and capacities. We call these philosophers, the Idealists. There are others, John Locke for example, who hold the view that the state as a means exists for an end, and the end is the individual, meaning thereby that individual rights are sacrosanct and inviolable. That individuals have rights is a phenomenon of modern age as it began in the 15<sup>th</sup>-16<sup>th</sup> centuries' Europe. That these rights are guarantees against state absolutism and, therefore, they have their origin in society are things that became known in the modern age alone. Rights belong to individuals, and therefore, they are not of the state. Rights are individuals' rights, and, therefore, they are conditions necessary for their development. Rights are the product of our social nature, and as such, the result of our membership of society.

### 6.2.1 Meaning of Rights

Rights are claims, social claims necessary for the development of human personality. They are not entitlements a person is possessed with. In ancient and medieval times, some people were entitled to enjoy privileges. But to these privileges nobody could give the name of rights. Rights are not privileges because they are not entitlements. There is a difference between rights and privileges; rights are our claims on others as are others' claims on us; Entitlements on the other hand are privileges granted to some and denied to others. Rights are universal in the sense that they are assured to all; privileges are not universal because they are possessed by few. Rights are given to all without any discrimination; privileges are given to some, the selected few. Rights are obtained as a matter of right; privileges as a matter of patronage. Rights emanate in democratic societies; privileges are features of undemocratic systems. Jefferson's declaration that men are endowed by their creator with certain inalienable rights was one which indicated the naturalness of rights, i.e., men have rights because they are, by nature, human beings. That men (including women) have rights or that they should have rights is a fact no one would like to dispute. But this fact does not state anything more or less than that. There is no definition stated in this fact. Holland defines rights as "one man's capacity of influencing the act of others, not by his own strength but by the strength of society." His definition describes rights, as a man's activities blessed by society which means that Holland is describing rights only as a social claim. That there are other aspects of rights in a definition of rights has not been given due place. Wilde, in his definition of rights gives a casual treatment to the social claim aspect when he says: "A right is a reasonable claim to freedom in the exercise of certain activities." Bosanquet and Laski, in their definitions of rights, include the position of society, state and man's personality, but they too ignore the important aspect of 'duty' as a part of 'rights'. Bosanquet says: "A right is a claim recognized by society and enforced by the state". According to Laski, "Rights are those conditions of social life without which no man can seek, in general, to be himself at his best."

A working definition of rights should involve certain aspects. Among these, the social claim aspect is one which means that rights originate in society and, therefore, there are no rights prior to society, above society and against society. Another aspect of rights is 'the development of personality' aspect which means

that rights belong to the individual and they are an important ingredient which help promote one's personality – this aspect includes the individual's right to oppose the government if the latter's action is contrary to the individual's personality. The definition of rights, furthermore, must include the state's role in the framework of rights. This aspect lays emphasis on the fact that the state does not grant rights, it only maintains them. Laski said that a state is known by the rights it maintains. Rights are rights because they are politically recognised. Rights are socially sanctioned claims in so far as they are preceded by duties an individual has as a member of society. Duties came before rights and not after them. It is, in this sense that duties are prior to rights and it is what makes rights limited in their nature and in their exercise. There are no absolute rights: absolute rights are a contradiction in terms. The distinction between rights as 'liberties' and rights as 'claims' has become a matter of importance to social and political theory, as Raphael rightly asserts.

### 6.2.2 Nature of Rights

It is rather easy to identify as to what lies at the roots of rights on the basis of what has been hitherto discussed. The nature of rights is hidden in the very meaning of rights. Rights are not only claims; they are in the nature of claims. Rights are claims but all claims are not rights. Rights are those claims which are recognised as such by society. Without such recognition, rights are empty claims. Society is organised in character and an individual obviously cannot have any right apart from what the society concedes. To quote Hobhouse: "Rights are what we may expect from others and others from us, and all genuine rights are conditions of social welfare. Thus, the rights anyone may claim are partly those which are necessary for the fulfilment of the function that society expects from him. They are conditioned by, correlative to, his social responsibilities." Rights are social; they are social in the sense that they emanate from society at any given point of time; they are social because they are never, and in fact, can never be, anti-social; they are social because they had not existed before the emergence of society; and they are social because they cannot be exercised against the common good perceived by society.

Rights, as social claims, create conditions necessary for the development of human personality. These conditions are created; they are made and they are provided. The state, distinct from society, creates and provides and makes these conditions. The state, by creating conditions, makes rights possible. It, therefore, lays down a ground where rights can be enjoyed. It is not the originator of rights, but is only the protector and defender of rights. It is not within the jurisdiction of the state to 'take' away the rights of the individual. If the state fails to maintain rights in the sense of conditions necessary for individuals' development, it forfeits its claim to their allegiance. Rights are responses to society where they exist. The contents of rights are very largely dependent upon the custom and ethos of society at a particular time and place. As the society and its conditions change, so change the contents of rights. It is in this sense, that we say that rights are dynamic. No list of rights which are universally applicable for all times to come can ever be formulated. Rights and powers have to be distinguished. Nature has bestowed every individual with a certain amount of power to satisfy his/her needs. Power is a physical force; it is sheer energy. On the basis of mere force, no system of rights can be established. If a person has power, it does not necessarily mean that he has a right. He/ she have a right as a

member of the society – as a social being. An isolated person has no rights; what he/she has is energy, physical force, and process. As individuals, we have powers; as social beings, i.e. as members of society, we have rights. Likewise, as isolated individuals, we have no rights, and as social beings, we have no powers – no right to say or do or act the way we want.

Rights are responses to what we do. They are in the nature of ‘returns’ or ‘rewards’. They are given to us after we have given something to society, to others. It is after ‘owing’ that we ‘own’. Rights are not only the returns of our duties, but also they correspond to what we perform. Rights are the rewards given to us by others in response to the performance of our duties towards others. Rights are not absolute in character. The welfare of individuals as members of society lies in a compromise between their rights as individuals and the interest of the society to which they belong. A list of rights must acknowledge the fact that there cannot be such a thing as absolute as uncontrolled, for that would lead to anarchy and chaos in society.

### 6.2.3 Various Rights

Rights are the essential conditions of human personality. The development of human personality depends on the system of rights available to individuals. Different state systems recognise different rights: rights available to Americans would be different from those available to Indians. A liberal-democratic society would give primacy to different rights than a socialist society. That is why we have a classification of rights: moral, legal, civil, political, economic and social. Rights incorporated in the constitution of the land are called fundamental rights. Rights, being basic conditions necessary for the development of human personality, have to be made available to individuals of all the states. The UN Declaration of Human Rights serves as an inspiration and as an agenda for the states to recognise and maintain, for their respective people.

A general framework of major rights available to the people can be, briefly, summed up as under:

Right to life is a basic right without which all other rights are meaningless. This right means that the state guarantees the protection of life, protection against any injury: even suicide is considered a crime. Right to equality has numerous aspects: equality before law, equal protection of law, prohibition of any sort of discrimination: social, economic or political. Protective discrimination as enshrined in the Constitution of India is an integral part of the right to equality. Right to freedom, like right to equality, has several aspects: freedom of speech, of press, of assembly, of association, of movement, of residence, of adopting a vocation. That these freedoms are to be exercised within reasonable restrictions has been the characteristic feature of this right granted to the Indians by the constitution. Right to freedom of religion, conscience, faith is another right available to individuals. Right to education is another important right without which the development of man’s personality becomes impossible. An uneducated man cannot lead a meaningful life. Illiteracy, being a social curse, should be removed. The state should take up the responsibility of promoting education. Certain economic rights include the right to work, right to social security and rest and leisure. Without work and without material security, an individual is unable to enjoy the fruits of other rights. Right to property, too, is an economic

right which means the right to possess and inherit property. It is regarded as an important right in liberal-democracies. There are political rights of individuals. It is these rights which make individuals full-fledged citizens. Among these, the right to franchise, to contest elections, to hold public office, to form political parties are some which need mention.

The Constitution of India provides a list of rights to its citizens. These are called the fundamental rights and these include: right to equality, right to freedom, right against exploitation, right to freedom of religion, cultural and educational rights and right to constitutional remedies – the last one is an important right in so far as this right ensures guarantees for all the other rights. The liberal-democratic systems ensure the primacy of political rights over social rights and of social rights over the economic. The order is reverse in socialist societies: economic rights first and then social and political rights.

### Check Your Progress 1

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Differentiate between rights and claims.

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## 6.3 THEORIES OF RIGHTS

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There are numerous theories of rights which explain the nature, origin and meaning of rights. The theory of natural rights describes rights as intrinsic to human nature; the theory of legal rights recognises rights as legal; the historical theory of rights pronounces rights as products of traditions and customs; the idealistic theory, like the theory of legal rights, relates rights only with the state; the social welfare theory of rights regards rights as social to be exercised in the interest of both individual and society. The development of rights, as have come to us had a modest beginning: civil rights with the contractualists; rights as the outcome of traditions, with the historicists, rights as ordained by law, with the jurists; political rights, with the democrats; social rights, with the sociologists and the pluralists; socio-economic rights, with the socialists and the Marxists; and human rights, with the advocates of the United Nations. This explanation oversimplifies what our rights are and how they came to us.

### 6.3.1 Theory of Natural Rights

The theory of natural rights has been advocated mainly by Thomas Hobbes (*Leviathan*, 1651), John Locke (*Two Treatises on Government*, 1690) and J.J. Rousseau (*The Social Contract*, 1762). These contractualists, after having provided the social contract theory, hold the view that there were natural rights possessed by men in the state of nature and that these rights were attributed to individuals as if they were the essential properties of men as men. The contractualists, therefore, declared that the rights are inalienable, imprescriptible and indefeasible. The theory of natural rights is criticised on many grounds. Rights cannot be natural simply because they were the possessions of men in the state of nature. There can never be rights before the emergence of society: the notion of pre-society rights is a contradiction in terms. If at all there was anything in the state of nature, they were mere physical energies, and not rights. Rights presuppose the existence of some authority to protect them. In the state of nature where no state existed, how could one imagine rights in the absence of a state: who would defend people's rights in the state of nature? The contractualists have no answer. To say that natural rights existed in the state of nature is to make them absolute or beyond the control of society. For Bentham, the doctrine of natural rights was 'a rhetorical non-sense upon stilts.' Laski also rejects the whole idea of natural rights. Rights, as natural rights, are based on the false assumption that we can have rights and duties independently of society. Burke had pointed out, rather eloquently, when he said that we cannot enjoy the rights of civil and uncivil state at the same time: the more perfect the natural rights are in the abstract, the more difficult it is to recognise them in practice. Rights are natural, in the sense that they are the conditions which human beings need to realise themselves. Laski realises the significance of rights when he says that rights 'are not natural in the sense that a permanent and unchanging catalogue of them can be compiled, rather they are natural in the sense that under the limitations of a civilised life, facts demand their recognition.'

### 6.3.2 Theory of Legal Rights

The theory of legal rights or the legal theory of rights connotes the same sense. The idealist theory of rights which seeks to place rights as the product of the state can be, more or less, seen as another name of the theory of legal rights. Among the advocates of such theories, the names of Laski, Bentham, Hegel and Austin can be mentioned. According to them, rights are granted by the state. The theory regards rights as a claim which the force of the state grants to the people. The essential features of these theories, then, are: (i) the state defines and lays down the bill of rights: rights are neither prior nor anterior to the state because it is the state which is the source of rights; (ii) the state lays down a legal framework which guarantees rights and that it is the state which enforces the enjoyment of rights; (iii) as the law creates and sustains rights, so when the content of law changes, the substance of rights also changes. Harold Laski (1893-1950), a theoretician of the English Labour Party and a political scientist in his own right, has his definite views on the system of rights as expounded in his *A Grammar of Politics* (first published in 1925 and then revised almost every second year). Laski's views on the nature of rights run as follows: (i) they are social conditions, given to the individual as a member of society (ii) they help promote individual personality, his best-self: 'those social conditions without which no man can seek to be his best self' (iii) they are social because they are

never against social welfare; they were not there before the emergence of society (iv) the state only recognises and protects rights by maintaining them; (v) rights are never absolute; absolute rights are a contradiction in terms (vi) they are dynamic in nature in so far as their contents change according to place, time and conditions (vii) they go along with duties; in fact, duties are prior to rights; the exercise of rights implies the exercise of duties. If Laski were to give rights to the individual, he would give them in this order: right to work, right to be paid adequate wages, right to reasonable hours of labour, right to education, right to choose one's governors, followed by other rights. Laski's argument is that without granting economic rights first, an individual cannot enjoy his political rights: political liberty is meaningless without economic equality: 'where there are great inequalities, the relationship between men is that of the master and the slave'. Equally important, but lower in order is the right to education: education alone helps an individual exercise all the other rights properly. With the economic and social (education rights) at one's disposal, there is a greater likelihood of the individual exercising his political rights in right earnestness. Critics opine that the state, indeed, defends and protects our rights; but it does not create them as the advocates of these theories make us believe. If we admit that rights are the creation of the state, we will have to accept the view that if the state can give us rights, it can take them away as well. Obviously, such an opinion would make the state absolute. In that case, we would have only those rights which the state would like to give us.

### 6.3.3 The Historical Theory of Rights

The historical theory of rights, also called the prescriptive theory, regards the state as the product of a long historical process. It holds the view that rights grow from traditions and customs. The conservative Burke argued that the people have a right over anything that they exercise or enjoy uninterruptedly over a fairly long passage of time. So considered, every right is based on the force of long observance. As traditions and customs stabilise owing to their constant and continuous usage, they take the shape of rights. The theory has its origins in the 18th century in the writings of Edmund Burke and was adopted later by sociologists. The historical theory of rights is important in so far as it condemns the legal theory of rights. It is also important in so far as it denies the theory of natural rights. The state recognises, the advocates of historical theory argue, what (the rights included) comes to stay through long usage. The historical theory of rights suffers from its own limitations. It cannot be admitted that all our customs result in rights: the Sati system does not constitute a right nor does infanticide. All our rights do not have their origins in customs. Right to social security, for example, is *not* related to any custom.

### 6.3.4 The Social Welfare Theory of Rights

The social welfare theory of rights presumes that rights are the conditions of social welfare. The theory argues that the state should recognise only such rights which help promote social welfare. Among the modern advocates of social welfare theory, the name of Roscoe Pound and Chafee can be mentioned though Bentham can be said to be its advocate of the 18th century. The theory implies that rights are the creation of the society in as much as they are based on the consideration of common welfare: rights are the conditions of social good which means that claims not in conformity with the general welfare, and therefore, not

recognised by the community do not become our rights. The social welfare theory of rights is also not without its faults. It dwells on the factor of social welfare, a term too vague to be precise. The Benthamite formula ‘greatest good of the greatest number’ is different to different people. The theory turns out to be the legal theory of rights if, in the end, the state is to decide what constitutes ‘social welfare’. A critic like Wilde is of the view that ‘if rights are created by the consideration of social expediency, the individual is without an appeal and helplessly dependent upon its arbitrary will.’

### 6.3.5 The Marxist Theory of Rights

The Marxist theory of rights is understood in terms of the economic system at a particular period of history. A particular socio-economic formation would have a particular system of rights. The state, being an instrument in the hands of the economically dominant class, is itself a class institution and the law which it formulates is also a class law. So considered, the feudal state, through feudal laws, protects the system of rights (privileges, for example) favouring the feudal system. Likewise, the capitalist state, through capitalistic laws, protects the system of rights favouring the capitalist system. According to Marx, the class which controls the economic structure of society also controls political power and it uses this power to protect and promote its own interests rather than the interests of all. In the socialist society which follows the capitalist society, the socialist state, through the proletarian laws, would protect and promote the interests/rights of the working class. As the socialist society, unlike the capitalist society, is a classless society, its state and laws protect the rights not of any particular class but of all the people living in the classless society. The Marxists say that the socialist state, as an instrument of social political and economic change, would seek to establish socialism which will be based on the principle of ‘from each to his ability to each according to his work’, the system of rights for all would follow this pattern: economic rights (work, social security) first, followed by social rights (education) and political rights (franchise rights). The Marxist theory of rights, like Marxism itself, suffers from its deterministic ideology, though its emphasis on non-exploitative socialist system is its characteristic feature. Neither the economic factor alone provides the basis of society nor the superstructure is the reflection of only the economic base; for non-economic forces also play their role in determining the superstructure.

#### Check Your Progress 2

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Discuss the natural theory of rights.

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2) How do the Marxists view the concept of rights?

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## 6.4 HUMAN RIGHTS

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S. Ramphal has very rightly stated that human rights were not born of men but they were born with them. They are not as much a result of the efforts of the United Nations as emanations from basic human dignity. They are human rights because they are with human beings as human beings. Human rights may generally be defined as those rights which are inherent to our nature and without which we cannot live as human beings. They are essential because they help us to use and develop our faculties, talents and intelligence. They base themselves on mankind’s increasing demand for a life in which the inherent dignity and worth of each human being will receive not only protection, but also respect as well.

Human rights lie at the root of all organisations. They permeate the entire UN charter. In the Preamble of the UN Charter, there is a determination to affirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and the nations, large and small. There is a reference to the promotion of universal respect for Human Rights in the Charter’s Articles 13, 55, 62, 68, and 76. The Commission on Human Rights, working under the UN Economic and Social Council, after spending about two and a half years under the chairmanship of Roosevelt drafted what is known as the Universal Declaration of Human Rights. When the UN General Assembly approved this Declaration on December 10, 1948, the day came to be celebrated as the Human Rights Day. Among the 30 articles that are a part of the Declaration of Human Rights, there is a list of traditional rights from articles 3 to 15. These rights include: right to life, liberty, to security, freedom from arbitrary arrest, to a fair trial, to equal protection of law, freedom of movement, to nationality, to seek asylum etc. There are other important rights contained in articles 16 to 21. These include: equal rights to men and women, to marry, to form the family, to property, to basic freedom such as those of thought and expression, right to peaceful assembly and association as well as a share in the government of one’s own country. There are economic rights enshrined in articles 22 to 27. These include: right to work, protection against unemployment, just remuneration, right to form trade unions, right to have rest and leisure, to adequate standard of living, education and of participation in the cultural life of the country. Articles 28, 29, 30 ensure social/international order, duties towards the community wherein alone the free and full development of man’s personality is possible and the guarantees of these rights respectively. The Universal Declaration of Human Rights is the first segment of the International Bill of Human Rights. It is followed by the International Covenant on Economic, Cultural and Social Rights, the International Covenant on Civil and Political Rights and the Optional Protocol – all adopted in 1966.

**Check Your Progress 3**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What are Laski’s views on the concept of rights?

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2) What are the various rights included in the UN Declaration on Human Rights?

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**6.5 LET US SUM UP**

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Rights are social claims necessary for the development of human personality. These belong to the individuals and they provide conditions without which they cannot seek to be themselves. They are social: given by society and secured by state. Even the state cannot take them away from individuals. They reflect a particular stage of development of society. As society changes, so do the character and content of rights. Theories regarding rights reflect partial treatment about their meanings, origin and nature. The theory of natural rights is correct so long as it lays emphasis on the fact that rights are natural because they are in the nature of social claims. Likewise, the legal theory of rights speaks the truth in so far as it makes the state the guarantor of our rights. Rights are of numerous kinds. Those rights which are available to human beings include: right to life, equality, security of person and property, freedom, education, work, freedom of religion, to vote, to hold public office. Liberal democratic societies lay more emphasis on the personal and the political rather than economic and social rights. Socialist societies advocate the opposite arrangement of rights. Laski, as a liberal leaning towards the Left, considers rights essential for individual development, but grants economic rights followed by social and political rights. The UN Declaration of Human Rights provides for a list of basic rights available to human beings as human beings.

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## 6.6 REFERENCES

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## 6.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress 1

- 1) Your answer should elaborate that all claims are not rights.

### Check Your Progress 2

- 1) Your answer should highlight that all rights inherent to human beings are natural rights.
- 2) Highlight that rights are a class phenomenon and socio-economic rights have primacy over the political.

### Check Your Progress 3

- 1) Your answer should list and describe rights as given in Laski's '*A Grammar of Politics*'.
- 2) See the UN Declaration.

**Block 3**  
**Concepts**



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## **BLOCK 3 CONCEPTS**

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Block 3 has four units that cover concepts of democracy, gender, citizenship and civil society. **Unit 7** gives the general understanding of the idea of democracy and its various types like classical, elitist, popular and e-democracy. **Unit 8** discusses the concept of gender through themes like patriarchy and its theories, gender mainstreaming and relationship between gender and politics. **Unit 9** highlights citizenship, its evolution as a concept, various theories like liberal, republican, feminist etc. and also the idea of global citizenship. **Unit 10** deals with the idea of civil society and state and their relationship as well.



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## UNIT 7 DEMOCRACY\*

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### Structure

- 7.0 Objectives
- 7.1 Introduction: Meaning of Democracy
- 7.2 Procedural/Minimalist and Substantive/Maximalist Dimension
- 7.3 Types of Democracy
  - 7.3.1 Classical Democracy
  - 7.3.2 Elitist Democracy
  - 7.3.3 Pluralist Democracy
  - 7.3.4 Participatory Democracy
  - 7.3.5 Deliberative Democracy
  - 7.3.6 People's Democracy
  - 7.3.7 Social Democracy
  - 7.3.8 E-democracy
- 7.4 Indian Democracy at a Glance
- 7.5 Let Us Sum Up
- 7.6 References
- 7.7 Answers to Check Your Progress Exercises

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## 7.0 OBJECTIVES

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In this unit, you will be able to understand democracy as a form of government. After studying this unit, you should be able to:

- Explain the meaning and evolution of democracy;
- Know various types of democracy;
- Comprehend features of Indian democracy; and
- Know the challenges to democracy in India.

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## 7.1 INTRODUCTION: MEANING OF DEMOCRACY

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Democracy has a Greek origin as the first democratic government is believed to have originated in Athens in 5<sup>th</sup> century BC. The word democracy is derived from the Greek word '*demokratia*'. It is a combination of two Greek words, '*demos*' meaning people and '*kratos*' meaning power. Hence, democracy stands for rule by the people which gives true legitimacy to the government as it is based on the consent of the ruled. It is generally agreed that democracy means popular rule and sovereignty, but how that will be achieved varies from one country to other. That is why, we today see different forms of democracy – totalitarian democracy in North Korea, Islamic democracy in Pakistan and Turkey, presidential democracy in the US to parliamentary democracy in India. There is an inherent tension between liberty and equality which democracies grapple with. Promoting individual liberty could have negative impact on equality and

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\* Contributed by Dr. Raj Kumar Sharma, Academic Associate, Faculty of Political Science, IGNOU, New Delhi

vice-versa. Another issue is that democracies are vulnerable to the danger of being reduced to the rule of majority at the cost of minorities. This can be checked to a large extent if there is a high degree of maturity and education among the voters in a democracy. This should be complemented by a genuinely free press which could keep the public opinion balanced and free from any bias. A well informed electorate and a free media ensure government's accountability, which is the true spirit of a democratic system.

There are a number of reasons why democracy is seen as a better form of government compared to others. In his 1861 book, *Considerations on Representative Government*, *J S Mill* has given three advantages of a democracy over non-democratic systems. First, democracy compels the decision makers to take into account public interest and opinion which would not be the case in an authoritarian or aristocratic form of government. Second, democracy brings in multiple views in the process of decision making which allows decision makers to pick up the *best* ideas. Third, democracy also helps in character building of citizens as it inculcates qualities like rationality, autonomy and independent thinking. This creates pressure of public opinion on political leaders who cannot ignore people's views if they wish to remain in power. Nobel laureate *Amartya Sen* has given the relationship between democracy and famines, arguing that there has been no famines in a functioning democracy as the leaders are accountable to the people and cannot ignore their basic welfare. Modern democracy came up in Britain and France and later spread to other countries. A number of reasons contributed to the spread of democracy – corruption and incompetence, misuse of power, absence of accountability and unjustifiable rule of monarchs based on the concept of divine rights.

In a broader sense, democracy is not only a form of government and state, but also a condition of society. A democratic society is one in which there is socio-economic equality while a democratic state is one where citizens get a chance to participate in an open and fair political process. Some frequent meanings attributed to the term democracy are as follows:

- Rule by the poor and the disadvantaged
- Society based on equal opportunity and individual merit instead of hierarchy and privilege
- Welfare and redistribution to reduce social inequality
- Decision making based on majority rule
- Protection of minority rights by placing checks on majority rule
- Fulfilling public offices through competition for popular vote.

A number of features can be attributed to a democracy. Written constitution, rule of law, human rights, independent media and judiciary, separation of powers between executive, judiciary and legislature could be described as some of the basic features of democracy. The idea of democracy has come a long way from its initial form in Greece which was not inclusive in nature. The Greek model of democracy excluded women, slaves and immigrants making it 'undemocratic' in spirit. This spirit continued even in modern democracies like France, Britain and the US where some sections were not allowed to vote while the voting rights were given to wealthy men. The French Revolution of 1789 talked about liberty, equality and fraternity apart from popular sovereignty for mankind.

However, the women did not get the right to vote and it was only in 1944 that France started universal adult suffrage. In Britain, women got the right to vote in 1928 while in the US, they got this right in 1920. However, discrimination on the basis of color remained in the US and it was only in 1965 that the African American women and males were given the right to vote. India has been progressive in this regard compared to the Western democracies as India adopted universal adult franchise from 1950 when its constitution came into force and in fact became the world’s first democratic state to have universal adult franchise since its inception. Saudi Arabia is the latest country which has allowed women to vote and in 2015, women for the first time exercised their right to vote in municipal elections.

Democracy can be classified as direct and representative depending on how the people rule. Direct democracy is based on direct and unmediated citizen participation in government rule. All adult citizens take part in decision making to ensure that all the viewpoints are discussed and best possible decisions are taken. Direct democracy wipes out the distinction between the government and the governed and the state and civil society. The ancient Greek city state model was an example of direct democracy. In contemporary times, direct democracy can be found in Swiss cantons. Direct democracy ensures greater legitimacy as people are more likely to follow decisions which are taken by them only. It also creates a highly informed citizenry which participate in decision making. However, there is vast difference in size (geography, population) between a city-state and a nation-state. That is why; practicing direct democracy is difficult in big modern nation states. This issue was solved with the development of representative democracy, which first appeared in northern Europe in the 18<sup>th</sup> century. Representative democracy is limited and indirect form of democracy. It is limited because popular participation in policy making is very less pertaining to voting in a few years while it is indirect as people do not exercise power directly but through their elected representatives. Presidential and parliamentary democracies are two main types of representative democracies around the world. There are more parliamentary democracies around the world than the presidential democracies. Parliamentary democracies are more representative than the presidential but at the same time, they are relatively less stable.

**Check Your Progress 1**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What do you understand by democracy? What are the advantages of democracy over other forms of government?

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2) What do you understand by representative democracy?

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## 7.2 PROCEDURAL/MINIMALIST AND SUBSTANTIVE/MAXIMALIST DIMENSION

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Democracy could be well understood by two different views – procedural (minimalist) and substantive (maximalist). The procedural dimension merely focuses on procedures or means in place to attain democracy. It argues that regular competitive elections on the basis of universal adult franchise and plural political participation would produce a democratically elected government. In his 1942 book, *Capitalism, Socialism and Democracy*, Joseph Schumpeter has said that democracy is “institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote”. *Huntington* has also echoed similar views saying, “The central procedure of democracy is the selection of leaders through competitive elections by the people they govern.” However, people are perceived as passive beyond electoral participation in the minimalist view and thus, are governed by their representatives. This view does not focus on liberty and freedom as it emphasizes on how to elect a democratic government. In the absence of checks and balances in the system, the elected leaders could manipulate procedures and power for their own benefit leading to concealed authoritarianism. The government could work for the elites who hold power instead of the people who should hold the ultimate authority in a democratic set up. Such instances have existed in Argentina and Brazil between 1980s and 1990s. The governments in Central Asian countries too could be described as procedural democracies as the power has been concentrated in the hands of a single individual although periodic elections are held from time to time. *Terry Karl* has pointed that minimalist view could also lead to ‘fallacy of electoralism’, a situation where electoral process is given priority over other dimensions of democracy. *Fareed Zakaria* calls it ‘illiberal democracy’, a case where governments are democratically elected, but ignore constitutional limits on their power and deprive their citizens of basic rights and freedoms.

Substantive democracy tries to overcome the shortcomings of procedural view arguing that social and economic differences could hamper people’s participation in the democratic process. It focuses on outcomes like social equality instead of ends in order to truly work for the governed. In a sense, it talks about ‘common good’ rather than the benefit of limited individuals. The rights of marginalized sections like women and the poor are protected through redistributive justice so that conditions can be created through state intervention for their participation in political process. Various political scientists like *John Locke*, *Jean-Jacques Rousseau*, *Immanuel Kant* and *John Stuart Mill* have contributed to emergence of this view. Unlike Schumpeter who believed that a conception of democracy which aims for ambitious forms of equality is dangerous, Rousseau argued that formal variety of democracy is equivalent to slavery and it is only egalitarian democracies which have political legitimacy.

## Check Your Progress 2

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Distinguish between procedural and substantive democracy.

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## 7.3 TYPES OF DEMOCRACY

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### 7.3.1 Classical Democracy

Classical democracy is based on the polis or the city state of Ancient Greece with a particular system of rule that developed in the largest and the most powerful Greek city-state based on mass meetings. The remarkable feature of this model was that the citizens were politically very active. Apart from participating in Assembly meetings, citizens also contributed to decision-making and public offices. However, it excluded women, slaves and foreigners from citizenship. It is pertinent to mention that it was only because of the slaves and women that the male Athenian citizens could get free time to devote to political affairs. Hence, their exclusion from citizenship was unfortunate and undemocratic. Plato in his book, *The Republic* criticized the Athenian democracy saying that people were incapable to rule themselves wisely and they require rule by philosopher kings and guardians who are suited to rule.

### 7.3.2 Elitist Democracy

This theory was propounded by *Vilfredo Pareto, G Mosca, Robert Michels* and *Joseph Schumpeter*. The theory was developed in *sociology*, but has major implications for political science as well. Michels gave his ‘iron law of oligarchy’, arguing that despite its original aim, every organization is ultimately reduced to oligarchy amounting to rule of a few. Mosca said that people can be categorized as rulers and the ruled. Most of the power, prestige and wealth are in hands of the ruling class irrespective of the form of government. The ruled follow the elite as they do not have leadership qualities. This theory poses serious questions for democracy and suggests that in practice, democracy is not achievable as the elites would control the power, wealth and hence, the decision making.

### 7.3.3 Pluralist Democracy

Contrary to the elitist theory, pluralists believe that policy making is a decentralized process where different groups bargain for their views to be accepted. It is result of interaction between different groups unlike few elites. Public policy is formulated by more organized and vocal groups. The main proponents of this theory include *Karl Mannheim, Raymond Aron, Robert Dahl* and *Charles Lindblom*. Dahl and Lindblom gave the concept of ‘polyarchy’ meaning rule by many instead of rule by all citizens. They concluded that although

the politically privileged and economically powerful exert more influence than ordinary citizens, no elite was permanently able to dominate the political process.

### 7.3.4 Participatory Democracy

All the democracies are participatory in the sense that they are based on popular consent which ensures their participatory nature. However, there are chances that the role of citizens could be limited to just *voting* in a democracy. The gap between the elected representatives and the people widens in complex democracies which have variety of people divided by caste, class, religion, region etc. In contrast to elitist and pluralist theories, participatory democracy advocates active citizen participation in policy making to ensure common good is promoted, while it also makes the government more accountable towards the citizens. *Jean J. Rousseau, J S Mill* and *C B Macpherson* supported the idea of participatory democracy. Rousseau argued for popular sovereignty as the supreme power is vested in the hands of the people which is their inalienable right and the citizens should involve themselves in state affairs. Mill said that a government which promotes moral, intellectual and active qualities in its citizens is the best government.

### 7.3.5 Deliberative Democracy

Deliberative democracy argues that political decisions should be based on fair and reasonable deliberations among citizens. This is required to produce best decisions to achieve public good. In emphasizing on quality of process for best outcomes, *John Rawls* and *Jurgen Habermas* have argued for a deliberative democracy. Rawls believed that reason can overcome self interest to attain a just political society. Habermas believed that fair procedures and clear communication would lead to legitimate and mutually agreed upon decisions.

### 7.3.6 People's Democracy

People's democracy refers to democratic models generated by the Marxist tradition. Marxists have been interested in social equality and hence, have their own idea of democracy against the Western model which they say only generates political equality. People's democracy is established after the proletarian revolution when the proletariat starts making political decisions. This will eventually give way to Communism marked by self-regulation. While Karl Marx talked about the rule of the proletariat, Lenin changed the concept and introduced the role of party as the vanguard of the proletariat. However, Lenin did not establish mechanisms to check the power of the party and its powerful leaders to ensure that they remained accountable to the proletariat.

### 7.3.7 Social Democracy

Social democracy stands for a *basic* change in Marxist thought although it shares same goals with Communism. It aims to establish a socialist society, but *not* through the revolution but through state regulation of means of production. Social democrats do not believe in the Marxist critique of democracy, which sees it as a "bourgeois" facade for class rule. Instead, social democrats see democracy as essential for achieving the socialist ideals. That is why, they stand for state regulation of business and industry in order to ensure welfare of citizens. This

movement started with the efforts of *August Bebel* and *Wilhelm Liebknecht* who cofounded the Social Democratic Workers’ Party in 1869 in Germany.

### 7.3.8 E-Democracy

This is a relatively new concept but is based on the works done by earlier theorists. E-democracy or electronic democracy is the use of information and technology to enhance or even replace representative democracy. Common problems in all democracies – issues of scale, lack of time, decline of community values, and lack of opportunities for policy deliberation could be dealt with digital communication. Supporters of e-democracy have built on the ideas of participatory democracy to enhance active citizen participation in policy making.

#### Check Your Progress 3

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What are the drawbacks of people’s democracy?

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2) What do you understand by E-democracy?

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## 7.4 INDIAN DEMOCRACY AT A GLANCE

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With more than 800 million eligible voters, India is often referred to as the largest democracy in the world which was created after India got independence from British rule in 1947. Indians did not want to adopt a constitution imposed by the British and hence, the Constituent Assembly was made with indirectly elected members to draft India’s constitution. It is remarkable though that an indirectly elected body later adopted the concept of universal adult franchise as the Constituent Assembly itself was not elected by the people. During the debates in the Constituent Assembly, J L Nehru, Sardar Patel, B R Ambedkar and N V Gadgil supported the adoption of parliamentary democracy in India keeping in mind India’s familiarity with this system since the British days. Others like R N Singh, Loknath Mishra and Brajeshwar Prasad opposed parliamentary democracy. R N Singh had said that it is difficult to find an army of honest ministers, deputy ministers and parliamentary secretaries etc. He argued for a presidential form of government saying it would be easy to find an honest

President. The Assembly adopted the parliamentary form of democracy keeping in view India's past experience with this system. Some scholars believe that democracy was a Western concept and democratic institutions were imposed upon people of India who lacked any experience in this regard. However, modern politics pertaining to organizing people around public issues and putting demands before the state started in India in the mid 19<sup>th</sup> century. Associations and organizations like Poona Sarvjanik Sabha were established by the middle class and traditional elites which laid the foundations of democracy in India. The idea of democracy gained ground in India through a gradual development of legislative councils at the provincial and central levels during the British period. In the post-independence era, periodic elections based on adult franchise have ensured that democratic institutions and practices are firmly rooted in Indian politics. The social composition of political parties is changing due to which the state legislature, the Parliament and the ministries are becoming more representative today. The main features of democracy in India are as follows:

- The Preamble to the Constitution of India describes India as a 'Sovereign Socialist Secular Democratic Republic'. India is a parliamentary democracy based on the concept of 'one person one vote'.
- Free and fair periodic elections to state legislatures and the Parliament are held based on adult franchise.
- The rule of law is ensured as the written Constitution of India is supreme which is interpreted and guarded by an independent judiciary.
- There is separation of powers between the executive, legislature and the judiciary.
- The Constitution of India gives Fundamental Rights to its citizens- Right to Equality (Article 14 to 18), Right to Freedom (Article 19-22), Right against Exploitation (Article 23-24), Right to Freedom of Religion (Article 25-28), Educational and Cultural Rights (Article 29-30) and Right to Constitutional Remedies (Article 32).
- There is existence of multi-party system in India with national and regional parties vying for space in politics making it dynamic and vibrant. The leader of the largest party in opposition in each House is designated as the Leader of the Opposition, but that party should have at least 10 per cent seats of the total strength of the House as per the Constitution of India.
- The media in India is free from state interference which plays an important role in mobilizing public opinion with respect to policies implemented by the government.

A number of achievements can be attributed to the functioning of democracy in India. The foremost among them is that the Indian democratic experience has proved the skeptics wrong who believed that democracy in India would not survive given India's diversity in terms of caste, religion, language, culture and region. Unlike its neighbors, democracy is functioning well in India which shows resilience of India's democratic institutions and practices. India has been able to increase its literacy rate, reduce poverty while the marginalized sections are being brought into mainstream through the democratic process. There has been a shift of power from dominant castes and classes to the backward castes and

classes almost without any violent means through democratic means. At the international level, India is gradually moving away from an aid recipient country to being an aid provider as it gives economic aid to its neighbors in South Asia.

However, there are some challenges that are still posing questions to democracy in India. Political violence is one of the prime issues in India which needs to be handled properly. For example, Naxalism and insurgency in North-east India are often cited as a blot on Indian democracy. Here, it is important to reiterate what Dr Ambedkar, Chairman of the drafting committee for framing India's Constitution had said. He had argued for economic and social equality saying only political equality would not be enough. Prolonged inequality in social and economic life would prove dangerous for political democracy as those who suffer could blow up the political structure. There is need for further electoral reforms in India to tackle issues like defection, fake voting, and role of money and muscle power during elections. Corruption and economic inequality is eroding the rule of law and impact working of democracy to the detriment of the weak. There is inadequacy of representation as the number of people voting to elect their representatives is not too high. Even the 'first past the post' system used in India is not representative in nature and can prove harmful for the interests of marginalized sections. In the overall analysis, it would not be fair to judge democracy in India as merely successful or a failure. The procedural democracy needs to be strengthened and made more representative and accountable so that it results in substantive democracy.

#### Check Your Progress 4

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What are the features of democracy in India?

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## 7.5 LET US SUM UP

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Democracy has evolved as a concept over the years and has become more inclusive. It is one of the most debated topics in political science as people agree on its meaning, but do not agree on how to achieve democracy. That is why, there are several types of democracies from direct to representative. With changing times, there are new dimensions of democracy, like e-democracy which are coming up. Democracy in India has been able to survive despite India's diversity as democracy has given space to various sections for political contestation and opportunity to articulate various claims. India needs to make its democracy more representative and accountable so that this could lead to substantive democracy for the benefit of the marginalized.

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## 7.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress 1

- 1) Your answer should include the following:
  - Greek origins of the word.
  - Difference between direct and indirect democracy.
  - Rule by the people.
  - J S Mill's views on advantages of democracy.
- 2) Highlight limited and indirect nature of representative democracy

### Check Your Progress 2

- 1) Your answer should highlight the difference between the mechanism and actual practice of democracy.

### Check Your Progress 3

- 1) There is no check on the power of the party and powerful leaders.
- 2) Use of information and technology to enhance and promote democracy.

### Check Your Progress 4

- 1) Highlight the following points:
  - Preamble to the Constitution describes India as a democratic country.
  - Free and fair periodic elections based on adult franchise.
  - Fundamental Rights.
  - Existence of multi-party system.
  - Media free from state regulation.

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## UNIT 8 GENDER\*

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### Structure

- 8.0 Objectives
- 8.1 Introduction
- 8.2 Gender: Meaning
- 8.3 Gender and Politics
  - 8.3.1 Gender Equality as a goal; Gender Mainstreaming as a Strategy
  - 8.3.2 Gender: Issues and Trends
- 8.4 Patriarchy: Understanding Gender Inequality
- 8.5 Theories of Origin of Patriarchy
  - 8.5.1 Traditionalist View
  - 8.5.2 Radical Feminist View
  - 8.5.3 Socialist View
- 8.6 Gender: Concept and Theory
  - 8.6.1 Feminist Theory
  - 8.6.2 Liberal Feminism
- 8.7 Let Us Sum Up
- 8.8 References
- 8.9 Answers to Check Your Progress Exercises

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## 8.0 OBJECTIVES

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The main objective of this unit is to understand the meaning of gender and address some of the important theoretical issues connected with this concept. As you go through this unit, you should be able to:

- Explain the concept of gender;
- Know the relationship between gender and politics; and
- Explain the concept of patriarchy.

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## 8.1 INTRODUCTION

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Until the emergence of feminist theory as a recognized academic perspective, contemporary political theory was largely assumed to be gender-neutral in focus. This assumption has now been subject to extensive critique. Explorations of gender in political theory have to date been undertaken primarily by those pursuing a feminist agenda. For it is feminists who have been most sensitive to the fallacy involved in conflating men with individuals and masculinity with neutrality. So, while it is feminist political theory that has explicitly theorized gender in recent times, it is entirely possible to consider gender in political theory from perspectives other than feminist. There is, for instance, a growing body of literature exploring men and masculinity, which might usefully inform considerations of gender in political theory, and which is distinct from the extensive feminist literature that has developed. Nonetheless, given the overwhelmingly masculine nature of politics up to the present time, it has been

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\* Contributed by Dr. Rachna Suchinmayee, Magadh University, Patna



feminists who have had the strongest political motivation and intellectual ambition to explore gender in political theory.

Gender shapes our political and social landscape and our personal interactions. Gender is a crucial lens for contemporary political theory, which not only helps understand the limits and assumptions of mainstream theories, but it also brings new debates to light. Gender is embedded so thoroughly in our institutions, our actions, our beliefs, and our desires, that it appears to us to be completely natural. Politics as a real-world phenomenon and political science as an academic discipline are gendered. The study of politics has now broadened beyond the narrow focus on those holding formal office and the politics of distribution. It now encompasses many new groups espousing “gender trouble”(intersectionality, Sexuality and post-structuralism) as well as new ideas about masculinity and femininity across a range of contexts, from house and home to the houses of Parliament. Yet, despite the vibrancy of gender and politics and a long history of gender activism, gender is still ignored in much academic political science. The traditional focus on politics as the study of the machinery of government and electoral politics or on political elites and formal institutions rendered women and gender invisible in spite of their foundational importance for building the welfare state and for constructing postcolonial nations, for the conduct of war and terrorism, and for maintaining social and economic privilege more generally. The roots of these core assumptions about what constitutes politics in the Anglo-American tradition can be traced to the work of political theorists like *John Locke*, who based many of their ideas on the analytical separation of the public and the private spheres. The Anglo-American disciplines took up this widely accepted view of the transcultural and transhistorical universality of the public–private split, namely, that citizens or heads of household were the ones who were active in the public sphere. This subsumed women into the household or family within a private sphere where “every man’s home is his castle” and in which he can do as he pleases free from the interference of the state. This analytical exclusion of women from the public sphere created politics as a male sphere from which women were legitimately excluded as political subjects. In turn, at least when it came to women, the private sphere was seen as lying outside the political arena and therefore did not form part of the legitimate subject matter of the discipline. But regulation of women’s access to abortion, sexuality, and male violence against female relatives in the family was then, as now, seen as a legitimate area of action for governments, revealing the inconsistency and gender bias that undergirds the ideology of separate spheres.

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## 8.2 GENDER: MEANING

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The word gender is being used sociologically or as a conceptual category, and it has been given a very specific meaning. In its new incarnation gender refers to the socio–cultural definition of man and woman, the way societies distinguish men and women and assign them social roles. It is used as an analytical tool to understand social realities with regard to women and men. The distinction between sex and gender was introduced to deal with the general tendency to attribute women’s subordination to their anatomy. For ages it was believed that the different characteristics, roles and status accorded to women and men in society, are determined by biology, that they are natural and therefore, not, changeable. Every culture has its ways of valuing girls and boys and assigning

them different roles, responses and attributes. All the social and cultural “packaging” that is done for boys and girls from birth onwards is “gendering”. *Ann Oakley* who was among the first few feminist scholars to use this concept, says : “Gender is a matter of culture, it refers to the social classification of men and women into “masculine” and “feminine”. That people are male or female can usually be judged by referring to biological evidence. That they are masculine or feminine cannot be judged in the same way: the criteria are cultural, differing with time and place. The constancy of sex must be admitted, but so also must the variability of gender. Gender has no biological origin and the connection between sex and gender are not natural.

Gender consists in a pattern of relations that develops over time to define male and female, masculinity and femininity, simultaneously structuring and regulating people’s relations with society. It is deeply embedded in every aspect of society – in our institutions, in public spaces, in art, clothing, and movement. Gender is embedded in experience in all settings from government offices to street games. It is embedded in the family, the neighborhood, church, school, the media, walking down the street, eating in a restaurant, going to the restroom. And these settings and situations are all linked to one other in a structured fashion. It is the achievements of present day discourses and practices concerning development, that “women” and “gender” have come to occupy relatively prominent places within them. The concept of gender needs to be understood clearly as a cross-cutting socio-cultural variable. It is an overarching variable in the sense that gender can also be applied to all other cross-cutting variables such as race, class, age, ethnic group, etc. Gender systems are established in different socio-cultural contexts which determine what is expected, allowed and valued in a woman/man and girl/boy in these specific contexts. Gender roles are learned through socialization processes; they are not fixed but are changeable. Gender systems are institutionalized through education systems, political and economic systems, legislation, and culture and traditions. In utilizing a gender approach the focus is not on individual women and men, but on the system which determines gender roles / responsibilities, access to and control over resources, and decision-making potentials.

It is also important to emphasize that the concept of gender is not interchangeable with women. Gender refers to both women and men, and the relations between them. Promotion of gender equality should concern and engage men as well as women. In recent years, there has been a much stronger direct focus on men in research on gender perspectives. There are three main approaches taken in the increased focus on men. Firstly, the need to identify men as allies for gender equality and involve them more actively in this work. Secondly, the recognition that gender equality is not possible unless men change their attitudes and behavior in many areas, for example in relation to reproductive rights and health. And thirdly, that gender systems in place in many contexts are negative for men as well as for women – creating unrealistic demands on men and requiring men to behave in narrowly defined ways. A considerable amount of interesting research is being undertaken, by both women and men, on male identities and masculinity. The increased focus on men will have significant impact on future strategies for working with gender perspectives in development. Equality refers to equal opportunities in terms of access to sources of livelihood, health, and education, as well as to social, economic and political participation without discrimination.

Gender inequalities stem from relations of power and authority, class-caste hierarchies and socio-cultural traditions, customs and norms.

**Check Your Progress 1**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What do you understand by the term gender?

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**8.3 GENDER AND POLITICS**

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In most modern democracies, equality between men and women has become the dominant ideal within the mainstream political discourse. Men and women should naturally have the same rights, and no one should be excluded from political life. Nevertheless, there are substantial differences both between countries and between different political spheres as to how much and what kind of equality exists. There are several reasons why some countries or some policy areas are more gender equal than others, and everything from regime and institutional features to elements of culture have been used to explain why politics is generally still dominated by male politicians. The literature on gender in politics is broad. Gender inequality in political acts are diverse, as voting, campaigning and leading, as well as gender differences in political knowledge, socialization, attitudes and women’s place in political theory. There are diversity of approaches with regard to range of themes concerning gender and politics.

- First, women are seen in the categories and analyses of political science—thereby gendering the classic “units of analysis” such as citizens, voters, legislators, parties, legislatures, states, and nations.
- A second strand on women has examined political activities in arenas traditionally seen as outside political science.
- A third strand has looked at gender as a structure of social organization.
- Finally, struggles within the broader feminist movement, women of color (women of marginalized races and ethnicities), women in the developing world, post-colonial feminists, and LGBTQ scholars who pressed for a place in the study of gender politics, sometimes finding a degree of accommodation and sometimes, frustrated with resistance.

There is an oddly paradoxical relation between politics and gender. On the one hand, issues of gender are clearly central to any understanding of the political.

Both the practice and the study of politics have long been notoriously masculine endeavours. So much so that many commentators have argued that politics has historically been the most explicitly masculine human activity of all. It has been more exclusively limited to men and more self-consciously masculine than any other social practice. The institutional manifestations of politics located in government have been resistant to the incorporation of women, their interests or perspectives. Women have, by and large, been excluded from traditional political activity and discouraged from defining their activities as political. In this sense, issues of gender have long been constitutive of the definition and operation of politics. On the other hand, issues of gender are largely assumed to be irrelevant to the political. If gender is understood, as synonymous with women, then women's absence from the political sphere can be taken to imply that gender issues are simply not relevant to politics

### **8.3.1 Gender Equality as a Goal; Gender Mainstreaming as a Strategy**

Gender equality is the preferred terminology within the United Nations, rather than gender equity. Gender equity denotes an element of interpretation of social justice, usually based on tradition, custom, religion or culture, which is most often to the detriment of women. Such use of equity in relation to the advancement of women is unacceptable. During the Beijing conference in 1995, it was agreed that the term equality would be utilized. Gender Equality means that the rights, responsibilities and opportunities of individuals will not depend on whether they are born male or female. Equality does not mean “the same as” – promotion of gender equality does not mean that women and men will become the same. Equality between women and men has both a quantitative and a qualitative aspect. The quantitative aspect refers to the desire to achieve equitable representation of women – increasing balance and parity, while the qualitative aspect refers to achieving equitable influence on establishing development priorities and outcomes for women and men. Equality involves ensuring that the perceptions, interests, needs and priorities of women and men (which can be very different because of differing roles and responsibilities of women and men) will be given equal weight in planning and decision-making.

There is a dual rationale for promoting gender equality.

- Firstly, that equality between women and men – equal rights, opportunities and responsibilities — is a matter of human rights and social justice.
- Secondly, that greater equality between women and men is also a precondition and effective indicator for sustainable people-centred development. The perceptions, interests, needs and priorities of both women and men must be taken into consideration not only as a matter of social justice but because they are necessary to enrich development processes

Gender equality is a goal that has been accepted by governments and international organizations. It is enshrined in international agreements and commitments. However, there are global patterns to inequality in terms of violence against women, women political participation and representation in decision-making structures lagging behind, having different and discriminatory economic opportunities, trafficking and sex trade. These issues need to be addressed in

efforts to promote gender equality. Achieving greater equality between women and men will require changes at many levels, including changes in attitudes and relationships, changes in institutions and legal frameworks, changes in economic institutions, and changes in political decision-making structures.

Gender Mainstreaming is an organizational strategy to bring a gender perspective to all aspects of an institution's policy and activities, through building gender capacity and accountability. The 1970s strategies of integrating women into development by establishing separate women's units or programmes within state and development institutions had made slow progress by the mid-1980s. In light of this, the need was identified for broader institutional change if pervasive male advantage was to be challenged. Adding women-specific activities at the margin was no longer seen as sufficient. Most major development organizations and many governments have now embraced 'gender mainstreaming' as a strategy for moving towards gender equality. Gender mainstreaming is not an end in itself, but a means to an end. The calls for increased gender mainstreaming in the Economic and Social Council (ECOSOC) Agreed Conclusions (1997/2) are not for increased gender balance within the United Nations, but for increased attention to gender perspectives and the goal of gender equality in the work of the United Nations. Gender mainstreaming does not entail developing separate women's projects within work programmes, or even women's components within existing activities in the work programmes. It requires that attention is given to gender perspectives as an integral part of all activities across all programmes. This involves making gender perspectives – what women and men do and the resources and decision-making processes they have access to – more central to all policy development, research, advocacy, development, implementation and monitoring of norms and standards, and planning, implementation and monitoring of projects.

Gender mainstreaming was established as an intergovernmental mandate in the Beijing Declaration and Platform for Action in 1995, and again in the ECOSOC Agreed Conclusions in 1997. The mandate for gender mainstreaming was considerably strengthened in the outcome of the General Assembly special session to follow-up the Beijing Conference (June 2000). Gender mainstreaming is *not* being imposed on governments by the United Nations. Member states have been involved in the intergovernmental discussions on gender mainstreaming since the mid 1990s and have, in consensus, adopted mainstreaming as an important global strategy for promoting gender equality. The mainstreaming strategy does not mean that targeted activities to support women are no longer necessary. Such activities specifically target women's priorities and needs, through, for example, legislation, policy development, research and projects/programmes on the ground. Women-specific projects continue to play an important role in promoting gender equality. They are still needed because gender equality has not yet been attained and gender mainstreaming processes are not well developed. Targeted initiatives focusing specifically on women or the promotion of gender equality are important for reducing existing disparities, serving as a catalyst for promotion of gender equality and creating a constituency for changing the mainstream. Women-specific initiatives can create an empowering space for women and act as an important incubator for ideas and strategies than can be transferred to mainstream interventions. Initiatives focused on men support promotion of gender equality by developing male allies. It is crucial to understand that these *two* strategies -

gender mainstreaming and women's empowerment — are in no way in competition with each other. The endorsement of gender mainstreaming within an organization does not imply that targeted activities are no longer needed. The two strategies are complementary in a very real sense as gender mainstreaming must be carried out in a manner which is empowering for women.

### 8.3.2 Gender: Issues and Trends

Gender is an issue because of the fundamental differences and inequalities between women and men. These differences and inequalities may manifest themselves in different ways in specific countries or sectors but there are some broad patterns that point to questions that should always be considered. The elements below could be taken as starting points to explore how and why gender differences and inequalities are relevant in a specific situation.

- **Inequalities in political power (access to decision-making, representation).** Women are under-represented in political processes throughout the world. It is important to look at and understand gender differences in power within formal decision-making structures (such as governments, community councils, and policy-making institutions). Given the underrepresentation of women and the low visibility of women's perspectives, the fact that women often have different priorities, needs and interests than men is often not apparent. National, regional or sub-regional priorities, or even the specific needs and priorities of a community, are often defined without meaningful inputs from women.
- **Inequalities within households.** Inequalities in negotiating and decision-making potential and access to resources have been documented within households. This has prompted questions about both research and policy which is based on the assumption that households function as units where each member benefits equally. The investigation of differences and inequalities at the household level is relevant to an understanding of a range of key issues, including the ability of women and men to respond to economic incentives, the design of effective strategies for HIV/AIDS prevention, and appropriate and equitable social security policies
- **Differences in legal status and entitlements.** Despite national constitutions and international instruments that proclaim equal rights for women and men, there are many instances in which equal rights to personal status, security, land, inheritance and employment opportunities are denied to women by law or practice. Addressing the resulting constraints for women is important as an end in itself, but it is also essential for formulating effective national strategies for increasing economic productivity and growth, reducing poverty and achieving sustainable resource management. Action to secure women's rights is not just a concern of a small group of women activists, but rather the responsibility of the international community as a whole.
- **Division of labour within the economy.** In most countries, women and men are distributed differently across manufacturing sectors, between formal and informal sectors, within agriculture, and among occupations. Women are also more likely than men to be in low-paid jobs and “non-

standard” work (part-time, temporary, home-based), and likely to have less access than men to productive assets such as education, skills, property and credit. These patterns mean that economic trends and economic policies are likely to have different implications for women and men. For example, trade liberalization has had uneven impacts by sector, with consequences for both gender equality and economic growth that have only recently become the subject of investigation.

- **Inequalities in the domestic/unpaid sector.** In most countries it is women who shoulder the responsibilities and tasks related to the care and nurturing of the family. These tasks add to women’s workload and are often an obstacle to engaging in political action or expanding economic activities. Recent research has sought to demonstrate the relationships between this “reproductive work” and the “productive” sector of the economy – in particular the dependence of all productive activities on the creation and maintenance of a healthy labour force through this work at the household level, and the way in which the reproductive sector can be affected by the consequences of economic policies related to trade, investment and public expenditure. There has been an important shift from focusing on how economic policies have affected welfare in a gender-specific manner, to illustrating how gender biases negatively affect the outcome of these same economic policies.
- **Violence against women.** Gender inequality is also manifested in gender-based violence, either by a woman’s intimate partner (domestic violence), by an enemy army as a weapon of attempted ‘ethnic cleansing’ or in sexual exploitation through, for example, trafficking of women and girls.
- **Discriminatory attitudes.** Gender inequalities are not only economic, but are also reflected in other ways that are difficult to measure and change. Ideas about appropriate behaviour, independence, and aptitudes are often grounded in gender stereotypes and vary for women and men. Ideas and practices tend to reflect and reinforce each other (the one providing the rationale for the other), which contributes to the complexity of achieving change.

**Check Your Progress 2**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Briefly explain gender equality.

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## 8.4 PATRIARCHY: UNDERSTANDING GENDER INEQUALITY

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Patriarchy is the systemic societal structures that institutionalize male physical, social and economic power over women. Some feminists use the concept of patriarchy to explain the systematic subordination of women by both overarching and localized structures. These structures work to the benefit of men by constraining women's life choices and chances. There are many differing interpretations of patriarchy. However, the roots of patriarchy are often located in women's reproductive role and sexual violence, interwoven with processes of capitalist exploitation. The main 'sites' of patriarchal oppression have been identified as housework, paid work, the state, culture, sexuality, and violence. Behaviours that discriminate against women because of their gender are seen as patriarchal 'practices'; for example occupational segregation, exclusion, and unequal pay.

The concept of patriarchy has been drawn into gender and development theorizing; in order to challenge not only unequal gender relations but also unequal capitalist relations, sometimes seen as underpinning patriarchy. Feminists who explain gender inequality in terms of patriarchy often reject male-biased societal structures and practices and propose greater female autonomy or even separatism as a strategy. In some views, women are seen as having room for manoeuvre within a constraining patriarchal system by negotiating a patriarchal bargain with men. This entails a trade-off between women's autonomy, and men's responsibility for their wives and children. An overarching theory of male power may help to conceptualize the extent of gender inequality, but fails to deal with its complexity. It tends to assume that gender oppression is uniform across time and space. More recent thinking has therefore rejected such a universal concept, identifying the need for detailed historical and cultural analysis to understand gender-based oppression. Neither are women a homogeneous group constrained in identical ways. Gender inequalities are crosscut by other social inequalities such as class, caste, ethnicity and race, which could be prioritized over gender concerns in certain contexts. A rigid and universal concept of patriarchy denies women space for resistance and strategies for change. An in depth analysis is needed that takes into account difference and complexity, and the agency of women.

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## 8.5 THEORIES OF ORIGIN OF PATRIARCHY

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The major theory on the origin of patriarchy mixes biological and societal factors to explain how patriarchy came about to perpetuate gender difference.

### 8.5.1 Traditionalist View

Traditionalists opine that patriarchy is biologically determined. Men and women are born different and are consequently assigned different roles and tasks. Since their biological functions are distinct, men and women must 'naturally' have different social roles and tasks. According to the traditionalist arguments, since women produce children, their chief goal in life is to become mothers, and their chief task, child bearing and child rearing. Explanations which consider men biologically superior and the main providers of family have, however, been



negated on the basis of research on the hunting gathering societies. In these societies, tremendous complementarity existed between men and women. In several tribal societies, we find the prevalence of egalitarian ideology wherein women command respect and equal status. The traditional theory of male supremacy has been challenged by many since there is no historical or scientific evidence of such an explanation. This biological, deterministic explanation cannot become the basis of male domination. It is now recognized that patriarchy is man-made and historical processes have created it. An important explanation for the origin of patriarchy was given by Frederick Engels in 1884 in his book, *Origins of the Family, Private Property and the State*. Engels asserted that 'women's subordination began with the private property when the world historical defeat of the female sex took place'. Both the division of classes and the subordination of women developed historically.

### 8.5.2 Radical Feminist View

In the view of radical feminists, patriarchy preceded private property. The original and the basic contradiction, they believe, is between *sexes* and not between classes. Radical feminists consider all women to be a *class* and do not believe that patriarchy is natural. However, they contend that gender inequality can be explained in terms of biological or psychological differences between men and women. *Shulamith Firestone* believes that the basis of women's oppression does lie in women's reproductive capacity insofar as this has been controlled by men. According to some radical feminists, there are two systems of social classes.

- 1) The economic class system which is based on relations of production and
- 2) The sex class system which is based on relations of reproduction. It is this system based on sex that is responsible for women's subordination. The concept of patriarchy refers to this second class of system of classes, to the rule of women by men, based upon men's ownership and control of women's reproductive capacities. Consequently, women have become physically and psychologically dependent on men. These feminists also say that it is not women's biology itself, but the value men place on it and the power they derive from their control over it that are oppressive.

### 8.5.3 Socialist View

The socialist feminists combine both Marxist and the radical feminist positions. They feel that both the standpoints have something to contribute, but neither is sufficient by itself. Patriarchy for them is not universal or unchanging. They view the struggle between women and men as changing historically with changes in modes of production. According to them, patriarchy is related to the economic system, to the relations of production, but it is not casually related. Several other forces influence patriarchy such as ideology. Just as patriarchy is not a consequence only of the development of private property so, it will not disappear when private property is abolished. They look at both the relations of production and the relations of reproduction in their analysis. The Marxist scholars neglected the whole area of reproduction, family and domestic labour. Among the prominent socialist feminists have been *Heidi Hartmann*, *Maria Mies* and *Gerda Lerner*.

### Check Your Progress 3

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What is the radical feminist view on the origin of patriarchy?

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## 8.6 GENDER: CONCEPTS AND THEORIES

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The concept of gender came into common parlance during the early 1970s. It was used as an analytical category to draw a line of demarcation between biological sex differences and the way these are used to inform behaviors and competencies, which are then assigned as either ‘masculine’ or ‘feminine’. The purpose of affirming a sex/gender distinction was to argue that the actual physical or mental effects of biological difference had been exaggerated to maintain a patriarchal system of power and to create a consciousness among women that they were naturally better suited to ‘domestic’ roles. *Ann Oakley’s* text, *Sex, Gender and Society* (1972) lays the ground for further exploration of the construction of gender. She notes how Western cultures seem most prone to exaggeration of gender differences and argues that the social efficiency of our present gender roles centers round women’s role as housewife and mother. This was not the first time that such distinctions had been made – indeed they were very much the stuff of anthropology, psychoanalysis and medical research; significantly for feminism, *Simone de Beauvoir* had explored this distinction in *The Second Sex* two decades previously with her statement that ‘One is not born, but rather becomes, a woman’.

### 8.6.1 Feminist Theory

Feminist theory aims to understand gender inequality and focuses on gender politics, power relations and sexuality. While providing a critique of these social and political relations, much of feminist theory focuses on the promotion of women’s rights and interests. Themes explored in feminist theory include discrimination, stereotyping, objectification (especially sexual objectification), oppression and patriarchy. Feminism supports social equality of men and women and is against sexism and patriarchy. The term feminism can be used to describe a political, cultural or economic movement aimed at establishing equal rights and legal protection for women. Feminism involves political and sociological theories and philosophies concerned with issues of gender difference, as well as a movement that advocates gender equality for women and campaigns for women’s rights and interests. The terms “feminism” and “feminist” did not gain widespread use until the 1970s. First feminism signs were seen in 1840’s America, for protesting of suffering of women and African -root- American people. At the

end of these protests, they won voting rights in 1920, but there is still defectiveness in gender equality in society. Feminists are against many issues in society; however, there are main five subjects that they focus on.

- Working for increasing equality in society.
- Making large area for choices of people in society: They suggest reintegration of humanity.
- Destroying the gender stratification.
- Finishing the sexual violence.
- Encourage the sexual freedom.

The history of feminism can be divided into three waves. The first feminist wave was in the nineteenth and early twentieth centuries, the second was in the 1960s and 1970s, and the third extends from the 1990s to the present. The first wave refers mainly to women's suffrage movements of the nineteenth and early twentieth century (mainly concerned with women's right to vote). The second wave refers to the ideas and actions associated with the women's liberation movement beginning in the 1960s (which campaigned for legal and social rights for women). The third wave refers to a continuation of, and a reaction to the perceived failures of, second-wave feminism, beginning in the 1990s. Feminism has altered predominant perspectives in a wide range of areas within Western society, ranging from culture to law. Feminist activists have campaigned for women's legal rights (rights of contract, property rights, voting rights); for women's right to bodily integrity and autonomy, for abortion rights, and for reproductive rights (including access to contraception and quality prenatal care); for protection of women and girls from domestic violence, sexual harassment and rape; for workplace rights, including maternity leave and equal pay; against misogyny; and against other forms of gender-specific discrimination against women.

### **8.6.2 Liberal Feminism**

Liberal feminism asserts the equality of men and women through political and legal reform. It is an individualistic form of feminism, which focuses on women's ability to show and maintain their equality through their own actions and choices. Liberal feminism uses the personal interactions between men and women as the place from which to transform society. According to liberal feminists, all women are capable of asserting their ability to achieve equality; therefore, it is possible for change to happen without altering the structure of society. Issues important to liberal feminists include reproductive and abortion rights, sexual harassment, voting, education, "equal pay for equal work", affordable childcare, affordable health care, and bringing to light the frequency of sexual and domestic violence against women

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## **8.7 LET US SUM UP**

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The concept of gender emerged as a reaction to the marginality of women in existing critical frameworks, and sought to initiate changes in the substantive context and philosophical theory of knowledge of these disciplines. In social sciences, it became natural to analyze society in terms of caste, class and race alone was not sufficient because it neglected to take into account relations of

asymmetry between men and women. This term emerged to challenge the new categories and ways of understanding that could account for the nature and organization of male-female relations and the ways in which they are overlapped in a larger context of power relations. Thus, gender is inspired by a number of studies on different aspects of women's lives, but the interface of this with existing explanatory paradigms has remained a complex issue. Today, though gender has emerged as a major analytical category, it is marked by an interpretive angle wherein only certain questions can be raised in certain ways. The universal association of gender with inequality is one such rendering, where gender is read as a coterminous conflict between the sexes and is issued to go beyond patriarchy. It has been a crucial aim of the sociology of gender to establish that inequalities can be challenged because they are the result of social processes, not 'natural' bodily differences. Feminists and social science scholars in the late twentieth century tended to see bodies as natural biological entities upon which cultural (gender) meanings were inscribed. Later, especially under the influence of *Michel Foucault*, an appreciation developed of how cultural meanings and practices actually produce bodies in particular ways.

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## 8.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress 1

- 1) Your answer should include socio-cultural aspects and definitions given by Ann Oakley.

### Check Your Progress 2

- 1) Highlight that gender equality means rights, responsibilities and opportunities of individuals will not depend on whether they are born as male or female.

### Check Your Progress 3

- 1) Radical feminists do not believe that patriarchy is not natural and gender inequality can be explained in terms of biological and psychological differences between men and women.



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## UNIT 9 CITIZENSHIP\*

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### Structure

- 9.0 Objectives
- 9.1 Introduction
- 9.2 Concept of Citizenship
  - 9.2.1 Determining Factors
- 9.3 Evolution of the Concept of Citizenship
- 9.4 Theories of Citizenship
  - 9.4.1 Liberal Theory
  - 9.4.2 Republican Theory
  - 9.4.3 Libertarian Theory
  - 9.4.4 Communitarian Theory
  - 9.4.5 Marxist Theory
  - 9.4.6 Pluralist Theory
  - 9.4.7 Feminist Perspective
  - 9.4.8 Gandhi's Views
- 9.5 The Idea of Global Citizenship
- 9.6 Let Us Sum Up
- 9.7 References
- 9.8 Answers to Check Your Progress Exercises

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### 9.0 OBJECTIVES

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The main objective of this unit is to understand the meaning of citizenship and address some of the important theoretical issues connected with this concept. As you go through this unit, you should be able to:

- Explain the concept of citizenship;
- Discuss some of the basic principles of citizenship; and
- Explain various theories related to citizenship.

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### 9.1 INTRODUCTION

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In general terms, citizenship is a relationship between an individual and state. It is seen in the context of complementary rights and responsibilities. According to *T H Marshall*, citizenship is 'full and equal membership in a political community'. The earliest forms of citizenship were limited and exclusionary in nature as only those who had property were given citizenship rights. Women and slaves were excluded from these rights. It was with the advent of modern liberal states that the demand for equality gained momentum and for the socio-economic inclusion of the marginalized sections, the citizenship rights were extended to them. For a democracy to improve itself, the citizens should take active part in governance which ensures accountability. Passive citizenship can lead to stagnation in any democracy and could further alienate the representatives from the people. A number of factors like state backlash against welfare policies,

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\* Contributed by Dr. Raj Kumar Sharma, Academic Associate, Faculty of Political Science, IGNOU & Hemalatha Gunasekaran, Research Scholar, SIS, JNU, New Delhi

increasing defence budgets, increased digital surveillance by the state, marginalization of weaker sections, environmental concerns and multicultural pressures in the West due to globalization have reignited the debate around the concept of citizenship.

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## 9.2 CONCEPT OF CITIZENSHIP

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Citizenship is the status of a person recognized under the custom or law as being a legal member of a sovereign state or part of a nation. A person may have multiple citizenships and a person who does not have citizenship of any state is said to be stateless. The term ‘citizen’ can be understood in a narrow or in a broad sense. In a narrow sense, it means the resident of a city or one who enjoys the privilege of living in a city. While in a broad sense, citizen means a person who resides within the territorial limits of the state. Citizenship and nationality are the same in a legal sense. Conceptually, citizenship is focused on the internal political life of the state and nationality is a matter of international dealings. In the modern era, the concept of full citizenship encompasses not only active political rights, but full civil and social rights. Historically, the most significant difference between a national and a citizen is that the citizen has the right to vote for elected officials, and to be elected. This distinction between full citizenship and other, lesser relationships goes back to antiquity. Until the 19<sup>th</sup> and 20<sup>th</sup> centuries, it was typical for only a small percentage of people who belonged to a city or state to be full citizens. In the past, most people were excluded from citizenship on the basis of gender, class, ethnicity, religion or other factors.

There are three types of rights associated with citizenship — civil, political and social. The civil rights are related to individual freedoms like liberty, freedom of speech and expression etc. These rights can be seen as power against the state as they safeguard dissent in a democracy. The political dimension includes political rights through which an individual takes part in political life of his country like the right to vote; right to form or join any political party etc. These rights are associated with parliamentary institutions in a democracy. The social dimension refers to right to share social and cultural heritage. The welfare state idea gained ground after the Second World War and it is the state’s duty to guarantee a minimum living standard in order to iron out inequalities between its citizens. There has been a tension between civil and social rights where social rights have been losing out to civil rights.

### 9.2.1 Determining Factors

Each country has its own policies, regulations and criteria as to who is entitled to its citizenship. A person can be recognised or granted citizenship on a number of grounds. Usually citizenship based on the place of birth is automatic; in other cases an application may be required. Citizens are of two types: natural born and naturalised. Natural born citizens are those who are the citizens of a state by virtue of their birth or blood relations. Naturalised citizens are those foreigners who are granted the citizenship of the country on the fulfilment of some conditions laid down by the respective country. A person who desires to be the citizen of a foreign country has to give up the citizenship of his native country. Any person can acquire the citizenship of a foreign country after having fulfilled the conditions laid down by that country for this purpose.

- **Citizenship by Birth (*Jus Sanguinis*)** : If one or both of a person’s parents are citizens of a given state, then the person may have the right to be a citizen of that state as well. States normally limit the right to citizenship by descent to a certain number of generations born outside the state. This form of citizenship is *not* common in civil law countries.
- **Born within a Country (*Jus Soli*)** : Some people are automatically citizens of the state in which they are born. This form of citizenship originated in England where those who were born within the realm were subjects of the monarch and is common in common law countries.
- **Citizenship by Marriage** : Many countries fast-track naturalization process based on the marriage of a person to a citizen. Countries which are destinations for such immigration often have regulations to try to detect false marriages, where a citizen marries a non-citizen typically for payment, without them having the intention of living together.
- **Naturalization** : States normally grant citizenship to people who have entered the country legally and been granted permit to stay, or been granted political asylum, and also lived there for a specified period. In some countries, naturalization is subject to conditions which may include passing a test demonstrating reasonable knowledge of the language or way of life of the host country, good conduct and moral character, vowing allegiance to their new state or its ruler and renouncing their prior citizenship. Some states allow dual citizenship and do not require naturalized citizens to formally renounce any other citizenship.

In the international context, there is a marked distinction between an *alien* and a citizen. A citizen enjoys civil and political rights in his own country. An alien, on the other hand, is not privileged to enjoy the political rights of the country, but only civil rights like the right to life and religion.

**Check Your Progress 1**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Explain three types of rights associated with citizenship.

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### 9.3 EVOLUTION OF THE CONCEPT OF CITIZENSHIP

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The concept of citizenship goes back to the ancient Greek city-states where the population was divided into two classes —the citizens and the slaves. The citizens enjoyed both civil and political rights. They directly or indirectly participated in



all the functions of the civil and political life of the state. Whereas the slaves enjoyed none of such rights and suffered from all kinds of political and economic disabilities. Even women were not given citizenship rights which were reserved only for 'free native-born men'. In this way in ancient Greece, the term 'citizen' was used in its narrow sense. Only those who enjoyed civil and political rights and who participated in the functions of the civil and political life of people were regarded as citizens. Much similar process was followed in ancient Rome where people belonging to only rich class, known as Patricians, were privileged to enjoy the civil and political rights. Only the Patricians participated in the functions of the civil and political life of the state. The rest of the population was not privileged to enjoy any of such rights. The citizens were required to develop qualities of 'civic virtue', a term derived from the Latin word 'virtus' which meant 'manliness' in the sense of performing military duty, patriotism, and devotion to duty and the law. In the medieval times, citizenship was associated with protection by the state as the absolute states wanted to impose their authority over their diverse population. It was in tradition with the social contract theorists like Hobbes and Locke who believed that it is the main aim of the sovereign to protect individual life and property. It was a passive understanding of citizenship as the individual depended on the state for security. This notion was challenged by the French Revolution in 1789 and in '*The Declaration of the Rights of Man and Citizen*', the citizen was described as a free and autonomous individual. The modern notion of citizenship seeks to strike a balance between freedom and equality. Inequalities like caste, class, gender etc. are being eliminated by providing conditions of equality through affirmative action.

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## 9.4 THEORIES OF CITIZENSHIP

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Following theories have been put forward by scholars on citizenship.

### 9.4.1 Liberal Theory

According to this theory, civil rights constitute the foundation of citizenship and it revolves around the notion of individualism. Citizenship is a legal status, which confers certain rights on the individual protecting him from state interference. *T. H. Marshall*, in his book, '*Citizenship and Social Class*', published in 1950 has traced development of citizenship in Britain. He has divided citizenship in three elements – civil, political and social. Rights necessary for freedom come under civil, political covers the right to take part in politics while social rights cover the right to economic welfare and security. Marshall believed that social rights are the basis of civil and political rights. Their development has been in different time frames – civil (18<sup>th</sup> century), political (19<sup>th</sup>) and social rights developed in the 20<sup>th</sup> century. He argued that civil rights give 'equal moral worth' to individuals, but they will be meaningless if not supported by social rights which stand for 'equal social worth'. For ex, right to freedom of speech has little value if one has nothing reasonable to say due to *lack of education*. Citizenship stands for equality while capitalism breeds class inequalities. That is why, Marshall entrusted the state with welfare functions to take care of the needy ones by ensuring minimum standard of living (social security). Like the true liberal tradition, Marshall did not try to eliminate inequality but sought to reduce it. John Rawls too made a contribution to liberal theory of citizenship by arguing for redistribution of goods and services to benefit the least advantaged

sections of society. In practice, however, substantive equality still eludes liberal citizenship although it guarantees formal legal equality irrespective of differences in terms of caste, class, race, gender etc.

### 9.4.2 Republican Theory

The Republican tradition focuses on civic self-rule through participation of citizens. Rousseau argued in *Social Contract* that co-authoring of laws through general will makes citizens free and laws legitimate. That is why, active participation in deliberation and policy making is advocated by republicans as it ensures individuals are not subjects, but citizens. Unlike liberals who see citizenship as being protected by law, republicans want participation in formulation of law. Liberals want representative democracy while republicans promote deliberative democracy. Republicans further argue that citizenship should be seen as common civic identity shaped by a common public culture. As civic identity, citizenship can unite citizens as long as this identity is stronger than their other identities like religion, ethnicity etc. Republicans criticize communitarians as well as they are apprehensive of local identities being placed above the civic goals. However, given the scale and complexity of modern nation states, ensuring citizen participation is a tough task.

### 9.4.3 Libertarian Theory

Libertarian citizenship can be traced to British Conservative government under Margaret Thatcher in 1979 who gave more importance to market rights over social rights. It was believed that the social rights (welfare policies) were becoming unaffordable for the state. They argue that people seek to pursue their values and preferences through private activity rather than public redistribution. Libertarians say citizenship is the product of free choice and contract among individuals. It considers market society as its basis and a suitable model of civic life. *Robert Nozick* is the chief exponent of this theory. He observes that individuals resort to private activity, market exchange and association to realise their values, beliefs and preferences. Libertarians prioritize market rights which are seen as ‘entrepreneurial freedom’. They want freedom to earn and own property as well as its protection. Accordingly, for the protection of right to property, protective institutions are needed and state proves to be the most efficient of all. Critics point out that free market based individualism does not provide for adequate foundation of social solidarity.

### 9.4.4 Communitarian Theory

Communitarians argue that an individual does not exist prior to the community. They criticize the liberals for ignoring social nature of individuals by focusing too much on the individual. Further, communitarians also argue that liberals have not given any importance to duties and responsibilities towards community as their focus is on rights of an individual. *Skinner* said that individual liberty is maximized through public service and prioritization of common good over pursuit of individual interests. Here, the citizen is conceived as someone who plays an active role in shaping the future direction of society through political debate and decision-making. The main tenet of this theory is that a citizen should identify himself with the community, of which he is a member, and take part in its political life and contribute to the realization of civic virtues which include respect for

others and importance of public service. Hence, unlike the liberals who focus on individual, communitarian citizenship give more importance to *group* rights. However, critiques argue that this model would be suitable only to a small, homogenous society with common traditions.

This brings out the debate about citizenship and multiculturalism. Since the modern societies are increasingly being recognised as multicultural due to globalization, the liberal understanding of the idea of citizenship focusing on the individual is being challenged now. Critiques opine that specific contexts like cultural, religious, ethnic, linguistic etc. should be the determining factors of citizenship. Equal rights of citizens are seen in contradiction with group-rights and culture of minority groups. *Will Kymlicka* in his 1995 book, '*Multicultural Citizenship: A Liberal Theory of Minority Rights*' has argued that certain sorts of 'collective rights' for minority cultures are consistent with liberal democratic principles, and that standard liberal objections to recognizing such rights on grounds of individual freedom, social justice, and national unity, can be answered. Some liberals worry that granting concessions to national or ethnic groups hurts democracy: democracy, for them, requires a common citizenship based on treating people identically as individuals. When a particular group seeks some accommodation, this requires us to treat people differently based on their group affiliation, which strikes many as illiberal. Kymlicka argues that the request for accommodation actually reflects minorities' desires to integrate. For example, *Orthodox Jews* in the US seek an exemption from military dress codes so they can wear their yarmulkas. They want the exemption not to be different, but so they can join the army and be like everybody else.

#### 9.4.5 Marxist Theory

According to the Marxist theory, rights associated with citizenship are a by-product of class conflict. Existence of economically weaker sections is a challenge for ensuring equality before law. These sections are not in a position to exercise their citizenship rights due to dominance of economically powerful sections. Marxists believe that since the state will wither away after the revolution, the concept of citizenship itself is temporary. Since there are no political institutions in a communist state, there will be no need for citizenship. However, in practice, there have been differences. Lenin abolished the terms 'state' and 'citizen' in the Soviet constitution, but Stalin restored them in 1936. This constitution listed a number of rights and duties for the individuals.

*Anthony Giddens* argued that the development of modern democracy and citizenship began in the 16<sup>th</sup> century when the state started to increase its administrative power to supervise the population and store data regarding them. This could not be done with the help of force alone and the state required cooperation from citizens in the form of cooperative social relations. The state generated more opportunities for subordinate groups to influence the state which Giddens refers to as a 'two-way' expansion of power. He has further argued that contemporary capitalism is different from 19<sup>th</sup> century capitalism as it has been shaped by labour movements. This has brought welfare capitalism into focus which takes care of civil rights of workers. He has revised Marxist perspective on citizenship and concluded that citizenship rights can be maintained within a liberal framework.

### 9.4.6 Pluralist Theory

This theory treats the development of citizenship as a multi-dimensional and complex process and attributes the evolution of the concept of citizenship to a diverse set of factors. It holds that citizenship means a reciprocal relationship between individual and community as argued by *David Held*. According to this theory, individual is entitled to certain rights against the community and he also owes certain duties to the community and hence, essence of citizenship lies in the life of the community. Pluralist theory insists on inquiring into all types of discrimination against people, whether on grounds of gender, race, religion, property, education, occupation or age. In the contemporary world so many social movements have been launched against different types of social discrimination. These include feminist movement, black movement, religious reform movements, workers' movement, children rights movements, dalit movement, adivasi movement and ecological movement, among others. Pluralist theory recommends that the problem of citizenship should be analysed in the *context* of all these movements.

### 9.4.7 Feminist Perspective

Feminists have argued that women are second class citizens world over due to dominance of men in civil, political, cultural, economic and social spheres of life. It is evident from the general trend in which women have less level of political participation in any country while they also have less political representation compared to men. They have also questioned the distinction between public (political participation) and private (domestic) spheres which is a tool to perpetuate male dominance at the cost of women's rights. That is why, in the 1970s, the main slogan of women's movement was '*The Personal is Political*'. *J S Mill* had famously said, "An egalitarian family is a much more fertile ground for equal citizens than one organized like a school for despotism". To bring about equality between men and women, liberals believe there should be constitutional reforms by which men will contribute to household work. This is called civic feminism. Socialist feminists want expansion in areas like free birth control, abortion, health facilities for women and state recognition of domestic labour. Radical feminists want women's entry into public sphere for making them active citizens.

### 9.4.8 Gandhi's Views

Gandhi's views on citizenship focused on ideas of common good and active citizenship. According to Gandhi, all states have coercive power often used to oppress citizens. That is why, he believed that a state should not have centralized power. Dharma (moral law and duty), ahimsa (non-violence in thought and deed) and *satya* (truth and sincerity) were three central pillars of Gandhi's conception of citizenship. He further did not trust the state due to its coercive power and entrusted the individual to resist the state's coercion. He believed that the state represented compulsion, uniformity and violence in a concentrated form which is why his ideal was a non-violent state that would be self-governing and self-sufficient in which the majority rule would prevail with due respect for minority rights. At the same time, Gandhi believed that freedom is indivisible – one cannot be free if others are enslaved. That is why, he pointed towards the concept of citizens of the world where entire world is the canvas for an individual's activity.

This is implicit from his words, “think locally, act globally”. One should open oneself to ideas from around the world accepting that every struggle in the world is his or her own struggle.

**Check Your Progress 2**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What are T H Marshall’s views on citizenship?

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2) Distinguish between liberal and republican conceptions of citizenship.

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3) Explain feminist views on citizenship.

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**9.5 THE IDEA OF GLOBAL CITIZENSHIP**

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The supporters of idea of global citizenship believe that all people have certain rights and responsibilities by virtue of being a citizen of this world. Under globalization, the territorially limited idea of citizenship is being challenged by activities like migration, transnational economic, social and cultural exchange. According to *Hannah Arendt*, global citizenship means ‘an ethic of care for the world’. According to *Oxfam*, an international non-governmental organization, “A global citizen is someone who is aware of and understands the wider world—and their place in it. They take an active role in their community, and work with others to make our planet more equal, fair and sustainable.” *Immanuel Kant’s* conceptions of world citizenship give importance to personal responsibility for conduct which may have damaging consequences for the environment, and they defend compassion for peoples elsewhere. They emphasise the virtue of actions

which benefit the wider community and they concede that international society provides limited opportunities for participation in joint rule as the idea of world government still remains elusive. The idea of global citizenship can be criticized as it largely focuses upon duties towards others, and on loyalties to communities which are wider than the nation-state, rather than on active citizenship. Traditional approaches argue that appeals to cosmopolitan citizenship amount to little more than an exercise in moral exhortation while the nation-state is the dominant form of political community. However, the idea of global citizenship cannot be totally wished away in the times of non-traditional security threats like climate change, food-water-energy security, terrorism etc. To tackle such threats, nation-states must cooperate with each other and in the overall framework of this cooperation; every individual has a role to play in dealing with these issues. This is similar to global citizenship where people think of a better future even for others who are not part of their country i.e. to make the world a better place to live for all involved.

**Check Your Progress 3**

- Note:** i) Use the space given below for your answer.  
 ii) See the end of the unit for tips for your answer.

1) What is meant by global citizenship?

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**9.6 LET US SUM UP**

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Citizenship is a relationship between the state and the individual. Three types of rights – civil, political and social rights are associated with citizenship. The earliest versions of citizenship were exclusionary in nature as groups like slaves, women and non-propertied class were not given citizenship rights. This has changed with time and countries today try to extend citizenship rights to all individuals. An active participation of the citizen in a country’s politics shapes the political space as per the desire of the people, a real feature of any democracy. The contemporary understanding of citizenship is close to liberal tradition where individuals have certain rights against the state. At the same time, there are other perspectives like Gandhian, feminist and global which try to offer new insights into the concept of citizenship by breaking gender and national barriers.

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## 9.8 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress 1

- 1) Your answer should highlight three types of rights – civil, political and social.

### Check Your Progress 2

- 1) Highlight civil, political and social rights and social rights form the base for civil and political rights.
- 2) Highlight the point that Liberals want representative democracy but the Republicans promote deliberative democracy with active participation of citizens.
- 3) Feminist conception of rights argues that women are second class citizens due to dominance of men in all spheres of life; they also question the distinction between public and private spheres.

### Check Your Progress 3

- 1) Global citizenship argues for active role of individuals in their community and efforts by them for making our planet more equal, fair and sustainable.

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## UNIT 10 CIVIL SOCIETY AND STATE\*

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### Structure

- 10.0 Objectives
- 10.1 Introduction
- 10.2 Theories of State
  - 10.2.1 Classic Understanding of State
  - 10.2.2 Liberal-Individualistic Understanding
  - 10.2.3 Marxist Understanding
- 10.3 Concept of Civil Society
- 10.4 Relationship between State and Civil Society
- 10.5 Let Us Sum Up
- 10.6 References
- 10.7 Answers to Check Your Progress Exercises

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### 10.0 OBJECTIVES

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This unit discusses one of the most basic and important concepts in political science which is the state. It also sheds light on the concept of civil society. After studying this unit, you should be able to:

- Know what state is;
- Discuss the concept of Civil society; and
- Examine the relationship between state and civil society.

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### 10.1 INTRODUCTION

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The idea of state occupies a central place in political science. As Prof. Garner stated ‘political science begins and ends with state’. This concept of state and what it entails have changed and evolved over time. The focus has shifted from authority of the state to the duty of the people. Similarly, civil society has emerged as one of the most debated concepts in political theory. It is undeniable that the concept of civil society is inextricably linked to the modern state. This relation between state and civil society has given rise to a number of questions like: what is the concept of state and civil society? What is the nature of their relationship? These issues have been dealt with in the succeeding sections.

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### 10.2 THEORIES OF STATE

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The concept of state occupies the core of political theory. State has been defined and re-defined over centuries as some sort of political organisation that has existed since ancient times. The notion of state begins with Plato and Aristotle through their definition of polis. For both of them, state was a natural, necessary and ethical institution. The state or polis was there to enable a high level of

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\* Contributed by Dr. Ankita Dutta, Indian Council of World Affairs, New Delhi



moral and good life. The contemporary definition owes its origin to *Niccolo Machiavelli*, who defined state as ‘the power that has authority over men’. From this definition followed what is known as the most acceptable explanation of state by Max Weber. Weber defined state as a ‘human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory’.

### 10.2.1 Classic Understanding of State

Plato, throughout his work, makes a case for an *Ideal State*. For him, an ideal state ruled by the philosopher rulers was nothing short of a divine institution worthy of emulation and imitation. He described his ideal state as one based on timeless and unchanging principles, suggesting that an ideal state existed which could be discerned and employed to reform a diseased polity and transform it into a thing of beauty. Plato believed that the ideal state comprises members of three distinct classes: rulers, soldiers, and the people. Therefore, the ideal state possessed four cardinal virtues – wisdom, courage, discipline and justice. It would have wisdom because its rulers were persons of knowledge; courage because its warriors were brave; self-discipline because the harmony that pervaded the societal matrix due to common agreement as to who ought to rule; and, justice of doing one’s job for which one was naturally fitted without interfering with other people. Plato emphasised that a good political community was one that promoted general well-being of all its citizens. An important feature of this society was the strong sense of community that its members shared. No one was favoured at the expense of other, all were granted fair share in the benefits. The philosopher ruler was the right kind of ruler, for he was least concerned in capturing power or making money.

Aristotle defined state as a community, the state must exist for an end and the end of the state is the highest good of man. Aristotle identified three stages of development of state - first, there are two basic instincts which were instrumental in bringing people together. The reproductive instinct that leads men and women to unite, and the other is self-preservation. Out of these, ‘first thing to arise is the family...family is the association established by nature for the supply of men’s everyday wants.’ The family is the *first* stage of formation of state. Second stage was when several families are united and associations aim at more than supply of daily needs. Thus, is formed a village, which in its most natural form is the union of family of common descent. Third stage, he defines as, ‘when several villages are united in a single complete community, large enough to be nearly self-sufficing, the state comes into existence, originating in the bare needs of life and continuing in existence for the sake of good life’. For Aristotle, the state is a natural society; man’s natural end is the good life which is to be found only in the state. Therefore, the state is a natural society. Man is by nature a political animal. And he, who by nature and not by mere accident is without a state, is either a bad man or above humanity. For Aristotle, state was the highest form of political union for it represented the pinnacle of social evolution. The state was prior to the individual, in the sense that it provided opportunities for the achievement of full humanity. Social affiliation gave to individuals their species identity.

For both Aristotle and Plato, the state and its laws were more than a product of convention. It was a natural institution reflecting individuals' needs and purposes, given human gregariousness and sociability. For both of them, polis was a complete form of reality. They did not distinguish between state and society, for them polis was an ethical entity whose purpose was to maintain good and happy life. The purpose of Cicero in Republic was to set forth a conception of an ideal state as Plato had done in his Republic. However, Cicero's ideal state is not polis, it is a commonwealth. For him, the commonwealth is an assemblage of people in large numbers associated in an agreement with respect to justice and a partnership for the common good. He identifies three causes for the creation of the commonwealth. The first cause of such association is that man is not a solitary or unsocial creature, but born with such a nature that not even under conditions of great prosperity of every sort is he willing to be isolated from his fellowmen. Second, his state is based on an agreement to share common good (*populi res*). For him, it is the rational behaviour of men which is responsible for the foundation of state and was useful for achieving common good. The desire to share common good is so much ardent that people have overcome all enticements to pleasure and comfort. Third, the members of the group must agree with each other as to the law which will govern their commonwealth. Cicero has suggested three types of government — royalty, aristocracy and democracy. But in each form of government, there is the germ of corruption and instability and this leads to the fall of government. Only a mixed form of government is the proper guarantee of stability and corruption-free society. Cicero preferred a republican form of government as the perfect example of checks and balances for the stability and good of the political system.

### 10.2.2 Liberal-Individualist Understanding

The theory of state, from medieval times, has been dominated by the dictums of the *Roman Church*. After the fall of the Roman Empire in the 5<sup>th</sup> century, there was no single powerful secular government in the West. There was, however, a central ecclesiastical power in Rome, the Catholic Church. In this power vacuum, the Church rose to become the dominant power in the West. Gradually, the social life became a religious life governed by the laws of the Church. With the ushering of modern Western Europe in the fifteenth century, the idea of state became important again. Many new definitions were propounded by various scholars. One of the most important theorists was *Niccolo Machiavelli*. So far, political thinkers from Plato, Aristotle to the Middle ages had concerned themselves with the central question of the end of the state and had considered state-power as a means to a higher end conceived in moral terms. But Machiavelli adopted a quite different line. To him the power of the state is the end of the state, i.e. every state must aim at maximizing its power. The failure of the state in this enterprise will throw it into great turmoil. Consequently, he confined his attention to the means best suited to the acquisition, retention and expansion of power. In his doctrine of *Raison D'Etat* (Reason of State), the state must preserve itself before it promotes the welfare of its people. For Machiavelli, the state is the highest form of human association. State is to be worshipped like a deity even by sacrificing the individual. The state has some primary objectives and responsibilities like protection of life, maintenance of law and order and looking after wellbeing of its members. Hence, the state must have adequate means at its disposal. Machiavelli's state was a secular entity, with no relations to Church. It was morally isolated with no obligations to anything outside itself. He saw good

laws, religion and a citizen army as support structures for a strong and stable state.

The idea of state differs sharply among theorists. For Hobbes, the state of nature is characterized by the “war of every man against every man,” a constant condition of competition in which each individual has a natural right to everything, regardless of the interests of others. Existence in the state of nature is, as Hobbes famously states, “solitary, poor, nasty, brutish, and short.” The only laws that exist in the state of nature (the laws of nature) are *not* covenants forged between people, but principles based on self-preservation. What Hobbes calls the first law of nature, for instance, is that every man ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek and use all helps and advantages of war. For him, this unsustainable condition comes to an end when individuals agree to relinquish their natural rights to everything and to transfer their self-sovereignty to a higher civil authority, or *Leviathan*. For Hobbes, the authority of the sovereign is absolute, and its will is law. That, however, does not mean that the power of the sovereign is all-encompassing: subjects remain free to act as they please in cases in which the sovereign is silent. The social contract allows individuals to leave the state of nature and enter civil society, but the former remains a threat and returns as soon as governmental power collapses. Because the power of Leviathan is uncontested, however, its collapse is very unlikely and occurs only when it is no longer able to protect its subjects.

For Locke, in comparison, the state of nature is characterized by the absence of government but not by the absence of mutual obligation. Beyond self-preservation, the law of nature, or reason, also teaches “all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, liberty, or possessions.” Unlike Hobbes, Locke believed individuals are naturally endowed with these rights (to life, liberty, and property) and that the state of nature could be relatively peaceful. Individuals nevertheless, agree to form a commonwealth (and thereby to leave the state of nature) in order to institute an impartial power capable of arbitrating their disputes and redressing injuries. Locke believes that the rights to life, liberty, and property are natural rights that precede the establishment of civil society. The idea of the state of nature was also central to the political philosophy of *Rousseau*. He criticized Hobbes’s conception of the state of nature characterized by social antagonism. The state of nature, Rousseau argued, could only mean a primitive state preceding socialization; it is, thus, devoid of social traits such as pride, envy, or even fear of others. The state of nature, for Rousseau, is a morally neutral and peaceful condition in which solitary individuals act according to their basic urges as well as their natural desire for self-preservation. This latter instinct, however, is tempered by an equally natural sense of compassion. In Rousseau’s account, laid out in his *Discourse on the Origin of Inequality* (1775), individuals leave the state of nature by becoming increasingly civilized — that is to say, dependent on one another.

For Hegel, ‘State is the march of God on Earth’ implying that it is a divine manifestation on earth. The state, as the third moment of Ethical Life, provided a synthesis between the principles governing the family and those governing civil society. In particular, he saw in the national state of his own day, a reconciliation of the concept of the state as a moral community that prevailed in

the ancient world, with more contemporary concepts of the state that supported freedom and individualism. The idea of the state is itself divided into three moments: (a) the immediate actuality of the state as a self-dependent organism, or constitutional law; (b) the relation of states to other states in international law; (c) the universal idea as mind or spirit which gives itself actuality in the process of world-history. The state was absolutely rational and had ‘substantive will’ for realising itself through history and was therefore, eternal. Hegel perceived the state as an end in itself, it was mind realising itself through history.

### 10.2.3 Marxist Understanding

Marxist theory of state is one of the most prominent theories in political science. Marxist views challenged the basic concepts of liberal state which needs to be abolished or smashed without which the emancipation of common people will never be possible. Karl Marx and Frederick Engels in the *Communist Manifesto* defined state as the “Political power, properly so called, is merely the organised power of one class for oppressing another”. Adding, “The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie”. For them, the state was not eternal, it would eventually disappear. Marx regarded state, irrespective of type of government, as evil. It belonged to the realm of superstructure and was conditioned and determined by its economic base. In the course of history, each mode of production would give rise to its own political organisation which would further the interest of the economically dominant class. The alternative that Marx envisioned was a classless, stateless society of true democracy and full communism, in which the political state disappeared.

However, *neo-Marxists* do not agree fully with the view that the state is an instrument of a particular class. They have argued that this view was particularly true of *Russian Bolshevik Society*, but cannot generally be regarded accurate for the present times. They have also argued the state instead of withering away as predicted by Marx, would become even stronger in the name of dictatorship of the proletariat. In his seminal work, *The State in Capitalist Society: The Analysis of the Western System of Power (1973)*, *Ralph Miliband* said, “There is one preliminary problem about the state which is very seldom considered, yet which requires attention, if the discussion of its nature and role is to be properly focused. This is the fact that “the state” is not a thing that it does not, as such, exist. What “the state” stands for is a number of particular institutions which, together, constitute its reality and which interact as parts of what may be called the state system”. Miliband said that in order to understand the real nature of state, it is essential to study the institutions which constitute the bourgeois state. He calls these institutions the different elements of state.

#### Check Your Progress 1

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What is the Marxist theory of State?

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## 10.3 CONCEPT OF CIVIL SOCIETY

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The idea of civil society is deeply entrenched in political thought. The idea of civil society is quite old, but it has become important in the last few decades because of the political evolution worldwide, particularly after the fall of the former communist countries in Eastern Europe. Moreover, many times non-state actors, especially non-governmental organisations and various issue-based movements, have become influential in shaping public policy debate, sometimes helping the state to formulate and implement policies. The term “civil society” can be traced through the works of *Cicero* (*societas civilis*) and other Romans to the ancient Greek philosophers, although in *classical* usage civil society was equated with the state. The modern idea of civil society emerged in the *Scottish* and *Continental* Enlightenment of the late 18<sup>th</sup> century. A host of political theorists, from John Locke, Thomas Paine to Hegel, developed the notion of civil society as a domain parallel to but separate from the state — a place where citizens voluntarily associate according to their own interests and wishes. This new thinking reflected changing economic realities: the rise of private property, market competition, and the bourgeoisie. It also grew out of the mounting popular demand for liberty, as manifested in the American and French revolutions. The idea of civil society took a *back* seat in the mid-19<sup>th</sup> century as political theorists turned their attention to the social and political consequences of the industrial revolution. It came back in use after World War II through the writings of the Marxist theorist *Antonio Gramsci*, who revived the term to portray civil society as a special nucleus of independent political activity, a crucial sphere of struggle against tyranny.

The concept of civil society flourished along with the idea of individual with respect to his rights, his relations with other individuals and the state. Civil society finds resonance in the theories of *Thomas Hobbes* and *John Locke*. For Hobbes, the state plays the most important role as it guarantees peace and self-preservation. Civil society may flourish only when the state is strong. According to Hobbes, it was a novel argument that the government by institution arises through contract between individuals excluding the sovereign for he is not a party to the original contract. In his view, society and the state require justification since they are not natural. What is natural is the state of nature where people follow their emotions rather than reason. On the other hand, for Locke, the most important aspect of social life was freedom of individuals who first create civil society and then the state which protects individual’s rights. In *The Second Treatise of Government*, John Locke expounds protection of property interests as the reason why members of civil society unite to form a government. For him, legitimate governments are those that have the consent of the people. Locke states very clearly that civil society and state are different. He argued that the state is a fiduciary power which depends upon the trust of the civil society. He argued, if the state started acting tyrannically or irresponsibly and tried to curtail the rights of individuals, then the civil society must act to check the transgressions. Locke’s views were further advanced by *Adam Smith* and *Adam Ferguson*. For Ferguson, civil society is a state of civility as he referred to the deterioration of civic spirit in political society, whereby the successful commercial classes had become servile to the administrative state. Although the state provided members of these classes with the rule of law, at the same time it also deprived them of their basic rights. Smith in his writing, *The Wealth of Nations* explained the

foundation of the conception of civil society as one of 'economic man' actively pursuing 'the necessities, conveniences and amusements of human life'. Smith opines that civil society is mediated by a social order constituted by private property, contracts and 'free' exchanges of labour, and it is the duty of the state to protect that particular order. In short, both Ferguson and Smith view civil society as a regulatory and socializing force that curbed man's unstable nature in order to protect market practices, property rights, and the enhancement of capitalism.

Hegel has further explained the relationship between state and civil society. For him, 'The creation of civil society is the achievement of the modern world which has for the first time given all determinations of the Idea their due.' Civil society, for Hegel, reflected a "system of needs" where an individual pursued his own interests according to his inclinations and abilities. For him, civil society contained three different but inter-related things: i) the system of need; ii) the administration of justice (security of person and property); and iii) need for police and cooperation. Individual pursuits are linked through a web of mutual dependence that is governed by a system of formal rules described by Hegel as 'external state' or state based on need and abstract reasoning. For Hegel, what defines civil society as civil, as opposed to a political society, is its division into various classes and estates that have their own distinctive outlook, interest and way of life. These estates – the peasantry, the business, and the universal class of the state functionaries – provide the crucial links or mediations between the natural society of the family and the more abstract rationality of the state. Hegel regards the state as the highest and the final form of social institution. Calling state as a synthesis, of the thesis of family and the anti-thesis of civil society, he describes civil society as 'an expression for the individualist and atomistic atmosphere of middle class commercial society in which relationships are external, governed by the unseen hand of the economic laws rather by the sub-conscious will of the person'. In Hegel's concept, civil society *passes* over into state - the highest level of the development of the Spirit. And though civil society precedes the state in the logical order, it is ultimately dependent upon the state for its very existence and preservation.

Unlike Hegel, Karl Marx was very critical of the concept of civil society. He viewed the state as the political consolidation of the bourgeois domination that existed in civil society. According to Marx, civil society was created by bourgeois society; therefore, it was nothing but the representation of the interests of the bourgeoisie. He added that civil society was the 'base' where productive forces and social relations were taking place, whereas the political society was the 'superstructure'. In this context, the state as 'superstructure' represents the dominant class. On the other hand, *Antonio Gramsci* portrayed civil society as the centre of independent political activity and an important sphere of struggle against the tyranny. Gramsci's concept of civil society is premised on the idea that it is a site of struggle for the legitimate use of state power. He argued civil society is neither a state of nature nor is a consequence of the industrial society, but is a function of 'hegemony', which can be both political and cultural. He divided the super structure of society into *two* – the civil society and the political society. He argued the dominant groups in society exercise hegemony through these two elements of the super structure by both coercive as well as ideological means. Gramsci explained that the civil society embodies the material as well as the ideological and cultural relations in society. In his view, any state regardless

of its type of regimes that deny the citizens' political and civil rights are to expect the eruption of discontent against exclusions from structures of citizenship and representation. He views the civil society as a vital entity and reckons that states which do not possess civil societies are more vulnerable than those that do possess them. Differing from Marx, Gramsci did not consider civil society as linked with the socio-economic base of the state. He stressed the vital role of civil society as the contributor to the cultural and ideological capital for the survival of the hegemony of capitalism, and then reproduced it through cultural terms. At the same time, the civil society also became the arena where the struggle over hegemony takes place and where the societies can defend themselves against the market and the state. In sum, many political philosophers have come up with their own definition of civil society. For Hegel, civil society is a necessary stage for the formation of a state; for Marx, civil society is the source of power of the state; and for Gramsci, civil society is the space where the state constructs its hegemony in alliance with the dominant classes.

**Check Your Progress 2**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Discuss Hegel's views on civil society.

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**10.4 RELATIONSHIP BETWEEN STATE AND CIVIL SOCIETY**

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Civil society and the state, although distinct, are never wholly autonomous in their relations with each other. But they are different in the objects they pursue. The limited state cannot be deprived of a necessary power to maintain the conditions of a well-ordered society such as the rule of law, security and justice. On the other hand, a strong civil society can flourish only within a strong state - in the sense of its legitimacy and the effectiveness of its political institutions, rules and orders. A weak and contested state can be a major impediment for the development of an active citizenry. The state and civil society, as argued by *David Held*, must become the condition for each other. The state is usually described as 'society politically organised'. Society is an association of human beings which fulfils all their needs. The state fulfils their particular need of political organisation – subject them to binding laws and decision to provide security. When a society is capable of performing these functions under the direction of a supreme decision-making authority, only then does it qualify being a state while it is true that one is the extension of other, still there needs to be certain distinctions made. The state is identified by its unified, formal structure

comprising different organs of power, particularly legislature, executive and judiciary. On the other hand, civil society is comprised of loose organisations of citizens voluntarily pursuing public interest. The state is armed with supreme legal authority i.e. sovereignty; however, civil society enjoys *no* formal or legal authority. The state is empowered to exercise compulsory jurisdiction over its citizens and territories; civil society does not have jurisdiction anywhere, it largely depends on its ability to motivate and inspire. The state is responsible for the maintenance of law and order; protection of its citizens from internal and external forces. The civil society voluntarily undertakes protection of common interest of citizens. Most importantly, the existence of state is almost universal, some form of political organisation is found in every modern society. However, civil society comes into existence only in relatively advanced societies where citizens have become adequately conscious of their rights, duties and common interests.

Despite several distinctions, it cannot be refuted that an active, diverse civil society often does play a valuable role in helping advance democracy. It can discipline the state, ensure that citizens' interests are taken seriously, and foster greater civic and political participation. The rise of civil society induces some to see a nearly stateless future in which tentative, minimalistic states hang back while powerful non-governmental groups impose a new, civic order. The relation is depicted as a zero-sum game – stronger state to weaker civil society and vice-versa. Civil society groups can be much more effective in shaping state policy if the state has coherent powers for setting and enforcing policy. Good non-governmental advocacy work will actually tend to strengthen, not weaken state capacity. The relation between state and civil society is reciprocal at best. It has to be of integrative nature, each furthering the cause of the other. It is the responsibility of the state to provide a platform and a framework within which the civil society would function. The state and civil society need to go hand in hand. The progress of civil society depends upon the progress of the state and the working of the state is in turn influenced by social customs and traditions. The state has to respond to the ever-growing demands of civil society. On the other hand, civil society has to be open and diversified. The concepts of state and civil society have developed simultaneously – the state cannot be imagined without a civil society and in a similar way, no civil society can find legitimacy without a state.

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## 10.5 LET US SUM UP

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The state's relationship with civil society is the key issue in political sociology. This unit has explored the basic understanding of how state has been defined via the three most important theoretical positions – Classic understanding, Liberal Individualist and Marxist. Similarly, the understanding of how civil society came into use has been traced from Roman and Greek philosophers to modern ideas of civil society as reflected in the writings of Hegel, Marx etc. This unit has also highlighted that civil society and the state, although distinct, are never wholly autonomous in their relations with each other. But they are different in the objects they pursue. The progress of civil society depends upon the progress of the state and the working of the state is in turn influenced by social customs and traditions. The state has to respond to the ever-growing demands of civil society. On the other hand, civil society has to be open and diversified.



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## 10.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress 1

- 1) Your answer should highlight the following points:
  - Marxist view of state opposes the liberal concept of state;
  - State reflects the interests of the economically dominant class.
  - Aims to achieve classless, stateless society.

### Check Your Progress 2

- 1) Your answer should highlight the following points:
  - Three different but inter-related features of civil society.
  - His reason for calling civil society as civil in comparison to a political society.
  - Relationship between state and civil society.

**Block 4**  
**Debates in Political Theory**



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## **BLOCK 4 DEBATES IN POLITICAL THEORY**

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Block 4 has four units that cover the main debates in political theory. **Unit 11** discusses the relationship between democracy and economic growth. It argues that the evidence is inconclusive about the relationship between democracy and economic growth. **Unit 12** highlights the inherent debate between liberty and censorship and argues that that any kind of freedom, which hampers and obstructs other individual's freedom, has to be restricted. But at the same time, any unreasonable restriction with the intention to control the free reasoning of individuals has to be challenged by citizens to restore the ideals of true democracy. **Unit 13** sheds lights on the debate between protective discrimination and principle of fairness. It says that for the enhancement of democracy, we must take appropriate actions to protect the deprived and marginalised one's to bring their conditions at par with the advantaged. **Unit 14**, the last unit deals with the relationship between family, law and state.



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# UNIT 11 DEMOCRACY VS. ECONOMIC GROWTH\*

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## Structure

- 11.0 Objectives
- 11.1 Introduction
- 11.2 Democracy and Economic Growth: Meaning
  - 11.2.1 Concept of Democracy
  - 11.2.2 Economic Growth
- 11.3 Democracy and Economic Growth are not Compatible
- 11.4 Democracy and Economic Growth are Compatible
- 11.5 Let Us Sum Up
- 11.6 References
- 11.7 Answers to Check Your Progress Exercises

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## 11.0 OBJECTIVES

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In this unit, you will explore the concept of democracy and economic growth and how do they impact each other. After studying this unit, you should be able to:

- Explain the meaning of democracy and economic growth; and
- Know how democracy affects economic growth and vice-versa.

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## 11.1 INTRODUCTION

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There is a relationship between democracy and economic growth. Some experts argue that both are compatible with each other while others say they are not compatible. In the succeeding paragraphs, this unit will examine both the arguments to give further insights into the relationship between democracy and economic growth.

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## 11.2 DEMOCRACY AND ECONOMIC GROWTH: MEANING

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### 11.2.1 Concept of Democracy

The concept of democracy is more than 2500 years old having first appeared in Athens in the 5<sup>th</sup> century BC. Likewise, the word democracy is of Greek origin derived from the word '*demokratia*'. It is a combination of two Greek words, '*demos*' meaning people and '*kratos*' meaning power. Hence, democracy stands for rule by the people which gives true legitimacy to the government. It is one of the most debated issues in the field of Political Science as it is a 'contested concept'. This means although there is a general agreement on the meaning of democracy, yet there are differences on how to implement it. That is why; there are different types of democracy, direct, representative, deliberative etc. There

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\* Contributed by Dr. Anurag Tripathi, Associate Professor, Christ (Deemed to be University), Bengaluru

is a consensus on the idea that democracy means popular rule and sovereignty, but how that will be achieved varies. There are, however, some inherent contradictions in the way democracy is practiced. How to achieve people's participation, balance between liberty and equality, protection of minority rights and to avoid tyranny of majority etc are some of the questions which democracies have to grapple with.

There are a number of advantages that a democracy has over other forms of governments. It prevents rule of the oppressors, fosters human development, facilitates protection of individual rights and freedoms and could even prevent wars at the international level as democracies normally do not fight against each other. In his 1861 book, *Considerations on Representative Government*, *J S Mill* has given three advantages of democratic decision making over non-democratic ones. *First*, strategically, democracy compels decision makers to take into account interests, opinions and rights of most of the people which would not be the case in an authoritarian or aristocratic form of government. *Second*, epistemologically, democracy brings in a number of varied views in the process which allows decision makers to pick up the best ideas. *Third*, democracy also helps in character building of citizens as it inculcates qualities like rationality, autonomy and independent thinking. This creates pressure of public opinion on political leaders who cannot ignore people's views in order to remain in power.

The idea of democracy has come a long way from its initial form in Greece which was not inclusive in nature. The Greek model of democracy excluded women, slaves and immigrants making it undemocratic in spirit. This spirit continued even in modern democracies like France, Britain and the US where some sections were not allowed to vote while the voting rights were given to wealthy men. The French Revolution of 1789 talked about liberty, equality and fraternity apart from popular sovereignty for mankind. However, women did not get the right to vote and it was only in 1944 that France started universal adult suffrage. In Britain, women got the right to vote in 1928 while in the US, they got this right in 1920. However, discrimination on the basis of colour remained in the US and it was only in 1965 that the African American women and males were given the right to vote. India has been progressive in this regard compared to Western democracies as it adopted universal adult franchise from 1950 when its constitution came into force and became the world's first democratic state to have universal adult franchise since inception. Saudi Arabia is the latest country which has allowed women to vote and in 2015, women for the first time exercised their right to vote in municipal elections. Democracy could be well understood by two different views – procedural (minimalist) and substantive (maximalist). The procedural dimension merely focuses on procedures or means in place to attain democracy. It argues that regular competitive elections on the basis of universal adult franchise and plural political participation would produce a democratically elected government. Substantive democracy tries to overcome the shortcomings of procedural view arguing that social and economic differences could hamper people's participation in the democratic process. It focuses on outcomes like social equality instead of ends in order to truly work for the governed. In a sense, it talks about 'common good' rather than benefit of limited individuals. The rights of marginalized sections like women and the poor are protected through redistributive justice so that conditions can be created through state intervention for their participation in political process.

The term democracy is generally used to denote ‘liberal democracy’ which implies a representative government in which the ability of the elected representatives to exercise decision-making power is subject to the rule of law, and usually moderated by a constitution that emphasizes the protection of the rights and freedoms of individuals. Its liberal characters are reflected in a network of internal and external checks upon government that are designed to guarantee liberty and afford citizens protection against the state. Its democratic features are based upon a system of regular and competitive elections, conducted on the basis of universal adult suffrage and political equality. The core features of liberal democracy are:

- Constitutional government based upon formal, usually legal rules.
- Guarantee of civil liberties and individual rights by the constitution.
- Institutional fragmentation and a system of checks and balances.
- Regular elections respecting the principles of universal adult suffrage and one person, one vote.
- Political pluralism in the form of electoral choice and a party competition.
- A healthy civil society in which organized groups and interests enjoy independence from government.
- A capitalist or private enterprise economy organised along market lines.

Importantly, the *last* point is relevant in the context of economic growth because in capitalism, economic system and ideology are based upon private ownership of the means of production and their operation for profit. In a capitalist market economy, decision-making and investment are determined by the owners of the means of production in financial and capital markets, whereas prices and the distribution of goods and services are mainly determined by competition in goods and services markets. The economic freedom in liberal democracies promotes economic growth or the per capita income.

### 11.2.2 Economic Growth

Economic growth is the process by which a nation’s wealth increases over time. In hardcore economic terms, it is increase in the market value of goods and services produced in an economy over a period of time. Long-term economic growth increases national income and employment rates in a country which improve standard of living. Here, a distinction should be made between economic growth and economic development. Development brings people out of low standard of living and provides them with employment and shelter. It also takes into account the issue of sustainability, meeting the needs of present without compromising needs of future generations. Economic growth, on the other hand, may cause issues of pollution and congestion without addressing issues of sustainability. Some factors that affect economic growth are as explained below:

- **Natural resources** – The amount of natural resources a country has will determine its economic growth prospects as well. For ex, countries in West Asia have large reserves of oil and by selling this commodity, their economic growth has accelerated.

- **Infrastructure** – Basic physical and organizational structures and facilities augment economic growth. Moving goods from one place to another in a country well connected by roads and railways will be cheap and easy than in a country that does not have good connectivity.
- **Labour** – Availability of labour is both a challenge and opportunity. Higher workforce helps in economic growth but it needs to be skilled as well.
- **Technology** - It increases productivity at lower costs.
- **Political stability** – There will be flight of capital from a country that lacks political stability and investors will not put their money in an economy that lacks political direction.

Democracy, economic growth and development have had a strong correlative and interactive relationship throughout history. The relationship between political democracy and economic growth has been at the centre of debate in the past fifty years. First in the 1950's and 60's, the debate was on the question of the under-developed countries of Asia, Africa and Latin America. After getting independence from colonial rule, these countries made it their primary objective to make their system democratic. However, soon a majority of them turned in to a dictatorship, whether it was Pakistan, Myanmar, Indonesia, Taiwan, Singapore, Nigeria, and Cuba etc. The exigencies of growth and survival compelled them to quell all political opposition and denial of civil and political liberties to their citizens. This raised the fundamental question — what comes first: democracy or growth? In other words, what should be given preference-giving civil political liberty and rights, democratic freedom and get the consent of citizens for government policies or removing poverty, illiteracy, and misery of the people through an authoritarian regime? There are two views on this question; one says that democracy and economic growth are not compatible while the other says they are compatible.

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### 11.3 DEMOCRACY AND ECONOMIC GROWTH ARE NOT COMPATIBLE

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There are some experts who believe that democracy may not be good for economic growth. *Robert Barro's* seminal research in this area concluded that “more political rights do not have an effect on growth ... The first lesson is that democracy is not the key to economic growth”. According to *Judge Posner*, dictatorship will often be optimal for very poor countries. Such countries tend not only to have simple economies but also lack the cultural and institutional preconditions for democracy. However, at the higher level of economic development, democracy would do a better job than non-democracy in encouraging economic development. As Barro concluded, “the middle level of democracy is most favourable to growth, the lowest level comes second, and the highest level comes third”. *Adam Przeworski* and *Limongi*, after analyzing countries from 1950 to 1991, have concluded: A democratic country that has a per capita income of under \$ 1500, the regime has a life of eight years, with \$ 1500-3000, it is 18 years and above \$ 6000, it is stable. About two-thirds of democratic countries which had the per capita income of \$ 9000 have been the most stable. *SM Lipset* has also echoed similar views as he too believes that better a nation; more chances are there for it to maintain democracy.

Both democracy and non-democracy can have beneficial or harmful effects on economic development. Three kinds of stability, viz., ownership stability (stable system of property rights), legal stability (rule of law) and social stability (lack of social unrest) are among the most necessary conditions for economic development, though not sufficient conditions. These conditions may be present either in a democracy or non-democracy and could aid economic development. In turn, even economic development can have an impact on democracy or an authoritarian state. Economic hardships can bring down any government. Poverty can bring down a democratic government as per A. Przeworski et al. Even authoritarian regimes are also at risk, as seen during the *Arab Spring* that swept many Arab countries in 2011.

One argument, mainly in the context of *East Asian* nations has developed privileging economic growth ahead of democracy. The central premise of this reasoning stems from the observation that development requires change, and that change affects some voters adversely. So governments dependent on electoral support in the next election will typically tend to avoid choices that impose hardship on significant numbers of voters. For ex, Singapore, post-reform China and Taiwan have been able to achieve high development levels than some democracies like India. It is called ‘Lee Hypothesis’ as it was developed by former Prime Minister of Singapore, *Lee Kuan Yew*. For Lee Kuan Yew, the ultimate test of a political system is whether it improves the standard of living for the majority of people. This school believes that political and civil rights come later while economic rights come first. If people are given a choice between political freedom and fulfilling economic needs, people will invariably choose growth to rid themselves of economic misery and deprivation. They would not *care* for democracy. Further, proponents of Lee Thesis also believe that liberal political freedoms are a western cultural priority and obsession, and culturally it is not that important for some cultures like these to be formed in the middle-east and Asia. In Asian cultures, order and discipline which facilitates prosperity are more important. As Lee Kuan Yew commented, “I do not believe that democracy necessarily leads to development. I believe that what a country needs to develop is discipline more than democracy”. The so called Asian Tiger economies have all followed a system that has been from less than democratic to quite dictatorial. Another way to put it is that supporters of Lee thesis give more importance to efficiency and stability than transparency and accountability. Development requires decisive policy choice and effective policy implementation; authoritarian regimes are more decisive and more effective in implementing policy. Also, ethnic and sub-national conflicts interfere with economic development, and are most effectively suppressed by a strong authoritarian government.

**Check Your Progress 1**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What are the advantages of democratic decision making according to J S Mill?

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2) What is the difference between economic growth and economic development?

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3) What is the Lee thesis?

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## 11.4 DEMOCRACY AND ECONOMIC GROWTH ARE COMPATIBLE

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Generally, it is believed that unlike the authoritarian regimes, democracy creates better opportunities for both economic growth and cultural progress. Progressive development requires policy choices that lead to a development pathway that produces a wide distribution of the benefits of growth; democratic regimes are more effective at producing a wide distribution of benefits (because of the strong tendency of authoritarian regimes to structure economic activity towards “rent-seeking” activities, enrichment of the ruling circle, and widespread corruption). Democratic governments are also less prone to corruption and rent-seeking; they are less “predatory”. There is, however, *no* consensus on the correlations between democracy and economic growth. Scholars like *Milton Friedman* believe that a higher degree of rights are conducive to economic development. Other studies suggest that democracy promotes economic liberalization and in the long term, democracy leads to sustainable growth. According to estimates of *World Economic Forum*, a country that switches from non-democracy to democracy achieves about 20 percent higher GDP per capita in the long run (over roughly the next 30 years). These are large but not implausible effects, and suggest that the global rise in democracy over the past 50 years has yielded roughly 6 percent higher world GDP. There are positive effects of democracy on economic reforms, private investment, the size and capacity of government, and a reduction in social conflict. These are the channels by which democracy can increase economic growth.

Nobel Laureate *Amartya Sen* has argued that democracy is a pre-condition for economic growth. He believes that the “Lee hypothesis,” is based on sporadic empiricism, drawing on very selective and limited information, rather than on any general statistical testing over the wide-ranging data that are available. “A general relation of this kind cannot be established on the basis of very selective

evidence. For example, we cannot really take the high economic growth of Singapore or China as “definitive proof” that authoritarianism does better in promoting economic growth, any more than we can draw the opposite conclusion from the fact that Botswana, the country with the best record of economic growth in Africa, indeed with one of the finest records of economic growth in the whole world, has been an oasis of democracy in that continent over the decades. We need more systematic empirical studies to sort out the claims and counterclaims.” Sen further states, “The economic policies and circumstances that led to the economic success of countries in East Asia are by now reasonably well understood. While different empirical studies have varied in emphasis, there is by now a broad consensus on a list of “helpful policies” that includes openness to competition, the use of international markets, public provision of incentives for investment and export, a high level of literacy and schooling, successful land reforms, and other social opportunities that widen participation in the process of economic expansion. There is no reason at all to assume that any of these policies is inconsistent with greater democracy and have to be forcibly sustained by the elements of authoritarianism that happened to be present in South Korea or Singapore or China. Indeed, there is overwhelming evidence to show that what is needed for generating faster economic growth is a friendlier economic climate rather than a harsher political system.” Sen has further argued that in the terrible history of famines in the world, no substantial famine has ever occurred in any independent and democratic country with a relatively free press. “China, although it was in many ways doing much better economically than India, still managed (unlike India) to have a famine, indeed the largest recorded famine in world history: Nearly 30 million people died in the famine of 1958-61, while faulty governmental policies remained uncorrected for three full years. The policies went uncriticized because there were no opposition parties in parliament, no free press, and no multiparty elections.”

In his book, *Development as Freedom*, Sen has argued that real development cannot be reduced to simply increasing basic incomes, or to rising average per capita incomes. Rather, it requires a package of overlapping mechanisms that progressively enable the exercise of a growing range of freedoms. Authoritarian systems do not give freedoms to citizens and hence, have a limited view of the broad concept of development and economic growth. The real meaning of economic growth can be achieved in a democratic set up as its space of political and civil freedoms which help in formation of values and needs of people. It also gives rise to multiple institutions like legal mechanisms, market structures, education, health, accountability etc which help in safeguarding human freedoms and capabilities.

### Check Your Progress 2

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What is Amartya Sen’s concept of development as freedom?

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## 11.5 LET US SUM UP

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A large number of empirical studies have been undertaken in the past to investigate the relationship between democracy and economic development. However, the empirical case is suggestive but inconclusive. The data support some optimism in support of the compatibility theory: that democracy has a net positive effect on economic development. However, the association is empirically weak, and there are a number of counter-examples in both directions: authoritarian regimes that have a good development record, and democratic regimes that have weak development records. What matters for economic development is in fact political stability, rather than a particular political institution. As it is safe to assume that any political institution will promote development as long as it is stable, it means that the danger lies in political instability. And as measured in the past by the frequency of strikes, demonstrations, riots, it is much greater in democracies, and a lot less likely in e.g. dictatorships. Under dictatorships, growth slows down significantly when the tenure of rulers is threatened. Similar outcomes emerge under various forms of “socio-political unrest” such as strikes, anti-government demonstrations and riots. Whenever the regime is threatened, or there are expected changes, workers or masses of people assemble to strike and protest against their opposition, that is the government, and the economy suffers. Under democracies, this is rarer, since democracy is sustained by institutions and not individuals. Everyone knows that the government will change from time to time, and while they know that they are able to protest in the same manner, most often they do not.

Democracy does contribute to a long term sustainable economic growth model while the same cannot be said with certainty about authoritarian states. One can see what happened in the Soviet Union after the Russian Revolution of 1917. While initially Soviet Union did have a good economy, slowly it started to stagnate and economic problems did contribute to its demise in 1991. Authoritarian regimes also have a tendency to tame the nature and disregard ecology in favour of development. Soviet Union undertook massive projects like dams in Central Asia but today, Central Asian ecology is fragile because it was over exploited by the Soviets. The tragedy of Aral Sea is one case in point. China too is moving in a similar direction and has constructed around 90,000 dams today which come at great costs of human rights of those affected and the environmental damage. Shashi Tharoor has rightly put it in perspective while comparing India and China’s models of development. He says that economic growth has happened at a breakneck speed in China but that means some necks have been broken in the form of human cost of development like population displacements, farmers thrown off their lands, villages flooded by dams, mounting pollution, absence of human rights and few checks on power abuse by the government. The South Korean, Taiwanese, Singaporean, and recent Chinese experiences provide convincing anecdotal evidence for the Lee thesis. However, in order ‘to assess the impacts of political regimes, one must examine their full record, not just the best performers’. *C H Knutsen*, in his analysis found no evidence for the Lee thesis, even in Asia. Using data from up to 21 Asian countries he found no significant effect of dictatorship on economic growth, regardless of the time period investigated.

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## 11.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress 1

- 1) Your answer should highlight the following three advantages:
  - Allows accountability.
  - Ensures best ideas are picked up from varied opinions.
  - Builds character of citizens.
- 2) Economic development is sensitive to the issue of sustainability, economic growth is not.
- 3) Highlight that Lee thesis gives importance to economic growth at the cost of democracy.
  - It also gives more importance to order and discipline.

### Check Your Progress 2

- 1) Real development is not mere increase in basic income but it is a package of overlapping mechanisms that progressively enable the exercise of a range of freedoms.

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## UNIT 12 LIBERTY VS. CENSORSHIP\*

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### Structure

- 12.0 Objectives
- 12.1 Introduction
- 12.2 Meaning of Liberty
  - 12.2.1 J S Mill on Liberty
- 12.3 Censorship: The Concept
- 12.4 Relationship between Liberty and Censorship
- 12.5 Let Us Sum Up
- 12.6 References
- 12.7 Answers to Check Your Progress Exercises

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### 12.0 OBJECTIVES

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In this unit, you will explore the concepts of liberty and censorship and how do they impact each other. After studying this unit, you should be able to:

- Explain the meaning of liberty and censorship; and
- Know their relationship.

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### 12.1 INTRODUCTION

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Freedom is regarded by many as the pre-eminent political value and from the very beginning both man and the state have been making efforts for the security of their share of freedom. Freedom is an essential condition without which neither state nor individuals can make any progress. History is full of records where a tussle can be witnessed between individuals and the state to ensure and widen their share of freedom. Almost everyone seems to agree that liberty of the individual is important and unprecedented legal protection should be provided by the state for overall development, but at the same time there is a wide contention among political scientists, lawyers, political leaders and citizens about the meaning of the concept of liberty itself and how much of liberty is acceptable in an ordered state. The state regards censorship as a tool to protect the interests, and in some cases, dignity of the individuals from misleading, false, trite or hate speech as it is believed that “reasonable restrictions” are important for the maintenance of social order in a democracy. Although there are scholars who argue that censorship has been evolved by the state to hamper individual freedom and is used by it for the maintenance of power. Censorship is found in various degrees in all political cultures and its source can be political, social, legal or cultural as well.

This unit tries to understand certain complicated questions like is limitations on freedom of speech and expression indispensable in a democratic society? To what extent should the freedom of speech and expression be regarded as “reasonable” and who will decide what is reasonable? We will also attempt to understand under what circumstances censorship can be justified and whether it

also leads to situations of conflicts of interests? How much power does the state legitimately hold to use censorship in order to act in “public good” and how to distinguish between those restrictions which are used for repressive purposes and those which are ‘legally acceptable’? At the end, we would also contemplate over the course of action to be adopted by the individuals against the state in case of repressive usage of censorship resulting in violation of rights.

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## 12.2 MEANING OF LIBERTY

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The concept of liberty is complex and has acquired different meanings at different times. It is often used interchangeably with the term ‘freedom’ and both are regarded as synonymous with each other. Although there are some scholars who draw a distinction between ‘freedom’ and ‘liberty’, arguing that the latter denotes political or legal freedom, whereas the former encompasses a broader range of activities within the ambit of the individual’s ability to act according to his or her own wish without any type of external pressure. In this unit, the distinction between the two has not been discussed and the two have been used interchangeably. The term liberty has been derived from the Latin word ‘liber’ which means absence of all restraints. In this sense, liberty means one has the right to exercise his choice without being subject to any external constraint. *G.D.H Cole* rightly explains the concept of liberty as “the freedom of the individual to express without external hindrances to personality”. Although in an ordered society, absolute liberty cannot exist as *McKechnie* argues that “Freedom is not the absence of all restraints, but rather the substitution of rational ones for the irrational”. *Mahatma Gandhi* also has given a similar definition of liberty. According to him, “liberty does not mean the absence of restraint but it lies in development of personality”. Freedom is, argues *Gerald MacCallum*, “always of something (an agent or agents), from something, to do, not do, become, or not become something. Thus, the above definitions make it clear that liberty is freedom with certain limitations, but the question arises what is the source of these restrictions, interferences or barriers and is there no scope of absolute liberty for individuals in any realm.

The answers to the above questions has been provided by *Sir Isaiah Berlin* in his famous essay ‘Two Concepts of Liberty’ (1941) in which he made a distinction between positive liberty and negative liberty on the basis of the role of the state. Negative liberty implies freedom from undue interference of the state. It implies an area in which the individual is free to do what he/she likes without being obstructed by others. The negative concept of liberty, in Berlin’s words, is involved in the answer to the question, “What is the area within which the subject — a person or group of persons — is or should be left to do or be what he is able to do or be, without interference by other persons?”. Positive liberty, according to Berlin, attempts to answer the question, “what, or who, is the source of control or interference that can determine someone to do, or be, this rather than that”? Thus, positive liberty implies freedom of ‘rational self’. Rousseau and other idealists believed that man is rational and individual freedom is achieved through participation in the process whereby one’s community exercises collective control over its own affairs in accordance with the “General Will” which was a synthesis of ‘goodwill’ of all. Thus, positive liberty is about being in control of one’s life. So, negative liberty is about being left alone whereas positive liberty is about the freedom of the individual to develop his/her personality. For positive liberty,

the state should create enabling conditions for capacity enhancement, moral development and self-realization. However, the state has no role to play in case of negative liberty as the individual should be left alone to pursue his goals and objectives in accordance with his nationality. The prominent advocates of negative liberty include *Adam Smith* and *David Ricardo* (proponents of *Laissez faire*), *John Locke*, *J Bentham*, *F A Hayek*, *Robert Nozick* and *Isaiah Berlin*. The main proponents of positive liberty include *T H Green*, *L T Hobhouse*, *Harold Laski*, *Ernest Barker* and *C B Macpherson*. *J S Mill* distinguished between ‘self-regarding’ and ‘other-regarding’ conduct. He argued that there should be no interference in ‘self-regarding’ conduct. Nobel laureate *Amartya Sen* has given a broader concept of freedom as expansion of human capacity. In his book, *Development as Freedom*, Sen says, “Development can be seen as a process of expanding the real freedoms that people enjoy. Focus on human freedoms contrasts with narrower views of development, such as identifying development with the growth of gross national product, or with the rise in personal incomes, or with industrialization, or with technological advance, or with social modernization.” He further states that development requires the removal of major sources of unfreedom: poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or over activity of repressive states.

Early liberalism is associated with the philosophy of individualism. The belief was that the fight against orthodoxy, ignorance and feudalism could be taken forward by individual initiative. It was based on the assumption of an autonomous and rational individual. It argued for the absence of restraints on individual freedom. At the political level, it argued for restraint on arbitrary state authority. In economic aspects, negative liberty implied the philosophy of *Laissez faire*. At the personal level, it sought liberty from state and society in individual matters. *Thomas Hobbes* defined liberty as ‘dependent on silence of law’. *Milton Friedman* in his book, *Capitalism and Freedom* argues that liberty is ‘absence of coercion of a man by his fellowmen’. In contrast to negative liberty, positive liberty associates liberty with society, socio-economic conditions, rights, equality and justice. This new vision believed that emphasis should be given to general good instead of individual freedom. It saw state not as an enemy, but as a promoter of liberty. It also believed that there can be no liberty with equality and equality is the basis on which liberty comes to have a positive meaning. Negative liberty concentrates and protects private property in the hands of a few, while the poorer sections are left to fend for themselves. Hence, the state should provide enabling conditions for the development of marginalized sections. *T H Green* opined that freedom is not absence of restraint, but ‘the positive power of doing and enjoying something worth doing or enjoying and that too something which we do or enjoy in common with others’. *Harold Laski* argued that ‘liberty is eager maintenance of that atmosphere in which men have an opportunity to be their best selves’.

### 12.2.1 J S Mill on Liberty

J. S. Mill’s essay ‘On Liberty’ (1859) is regarded as a landmark publication in the discussions of political freedom. To Mill, the development of the individual is impossible without liberty and goes on to argue that it is necessary for the happiness of the society as well. He believes that restraint is an evil and the individual should be “left to oneself”. Mill’s argument on liberty can be classified

into two categories i.e. freedom of thought and expression and freedom of action. Mill believes in absolute liberty in case of freedom of thought and expression and argues “if all mankind, minus one were of one opinion, and only one person were of contrary opinion, mankind would no more be justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind”. He further explains why suppressing even one individual’s voice can be dangerous for society and questions what if that person’s opinion is true? In that case, humanity is deprived of the truth and the opportunity of development is taken away. Secondly, he accepts that there is a possibility that the opinion to be suppressed is false, but in this case as well, expression is valuable as it will reaffirm the existing truth. Lastly, he also discusses the third option and agrees to the idea that the truth is often ‘eclectic’ and may be partly true and partly false. He argues that the decisions made by individuals are often based on beliefs which they assume are infallible and discard all options of discussion around it. But for Mill, progress in knowledge and understanding comes through open discussion as conflicting opinions will result in an advanced truth, an end to the pursuit of truth for mankind. Mill believed that clash of views facilitated by the freedom of expression provides the intellectual impetus for thought, discussion and progress. He was convinced that without such freedom, society will be dominated by dogma. Beliefs held by such a society degenerate into prejudices and opinions lack a rational foundation. It is the individuality which enables a human being to choose rather than blindly follow accepted modes of behavior, customs and practices. There is no pre-decided concept of ‘right’ or ‘wrong’ way of life and the content of ‘right’ choices depends on the kind of person one is.

Mill proposed that individuals should enjoy the greatest possible realm of freedom, but also recognized that unrestrained liberty may create probability of oppression and result in tyrannical behavior. Thus, he divides all human actions into two categories namely ‘self-regarding actions’ and ‘other-regarding actions’. Self-regarding actions are those which concern only the individual performing them and there should be no intervention in this realm and interference with the individual’s liberty of action is justified only to prevent him from ‘harming’ others i.e. in the case of other-regarding actions. In effect, the ‘harm principle’ ensures individual’s duty towards the society. Thus, it can be understood that although Mill provides absolute liberty in case of freedom of speech and expression, at the same time he is also supporting certain limitations on the ‘actions’ taken by the individual to maintain order in society. Here comes the concept of censorship as these limitations further take the shape of various kinds of censorship to maintain law and order in society.

### Check Your Progress 1

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Discuss J S Mill’s views on liberty.

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2) What do you understand by positive liberty?

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### 12.3 CENSORSHIP: THE CONCEPT

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The origin of the term ‘censorship’ can be traced to the office of censor established in *Rome* in 443 B.C. to regulate morals and ritually purifying the people. From this office derives the modern use of the term ‘censorship’ to denote the practice of examining, restricting and prohibiting public acts, expressions of opinion, and artistic performances. Censorship is today generally regarded as a relic of an unenlightened and much more oppressive age. The suppression or control of ideas, public communication and information circulated within a society is termed as censorship. *Ritu Menon* argues censorship is when a work of art expressing an idea which does *not* fall under current convention is seized, cut up, withdrawn, impounded, ignored, maligned or otherwise made inaccessible to its audience. Censorship is a tool which is used either by state or society for the maintenance of power, achieved through manipulation of the cultural sphere. Cultural realm plays an important role in deciding “ what is acceptable” in society as cultural hegemony declares some words or acts to be decent and others indecent, and goes on to control its meaning and thought. Apart from cultural understanding, there can be various other sources of censorship like religion, dictatorship and the market as well. Censorship can be first traced under religious leadership. Initially, all art and literary works were heavily influenced by religious thought and “good and acceptable” was associated with those works which would appreciate the existing status quo while those questioning, used to be regarded as “blasphemous, obscene and irrational”. The Roman Catholic Church developed the *Index Librorum Prohibitorum*, a list of proscribed books, the origins of which go back (in a primitive form) to the 5<sup>th</sup> century CE and which continued to have official sanction well into the 20<sup>th</sup> century. The most spectacular instance of the silencing of a thinker of note may well have been the restrictions placed upon Galileo Galilei (1564-1642 in 1633. The famous scientist had a hard time in Italy as his scientific findings were challenging the widespread explanations by the Church. This kind of control was not only limited to art, architecture or literary works, but also to language and placed the onus of maintaining sanctity and purity over women. It defined the way of life of an “ideal and moral” lady and anyone, who didn’t fit into the defined structure, was exposed to societal criticism.

The *Glorious Revolution* and the *French Revolution* marked a new era in history as people started demanding ideals like liberty, equality and role in the decision making process. The shift from religious to temporal power worked differently in different cultures. The world witnessed the rise of Nazism in Germany and Fascism in Italy due to high concentration of power resulting in the horrific Second World War. Hitler and Mussolini used engineered language to have

control over the minds of the people and curbed all forms of expression which might question their authority and legitimacy. Further, the Soviet Union during the period of Stalin was severely criticized for using censorship over art, literature, movies and other medium of communication. Language under dictators didn't just remain a medium of expression; rather, the state used it to define phrases of approbation and disapproval which had to be accepted by all. Such supervision, in the light of official Communist Party doctrines, was not limited to political discussions or to books and newspapers but seemed to cover all kinds of subjects and all forms of publication, including broadcasts. This led, in effect, to considerable self-censorship by authors seeking to be published in some form. The advent of government policies of glasnost (or "openness") in the late 1980s involved some relaxation of the censorship that marked the greater part of Soviet history. The advent of neo-liberal policies changed the structure of world affairs. Terms like privatization and liberalization came in vogue pressurizing the countries to accept the "magical" idea of free market economy. The market driven economies loaded by 'blitzkrieg advertisements' started influencing not only the purchasing power and need of the people, but also molding and remolding the political opinions of citizens. Election campaigns became subservient to advertisements which started distorting the meanings of words and presented phrases out of their context. The real danger with such indirect, cultural, market centered censorship lies in the fact that it does not impose any visible curbs on the 'right to think' and freedom of expression. Rather it altogether corrodes the 'ability' to think for oneself and questions the whole idea of individual being rational. Thus, the above discussion shows how censorship has always been used in various forms throughout history to control the minds of people and to maintain hegemonic power and gain legitimacy for their acts and policies by authorities under the garb of maintaining order in society.

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## **12.4 RELATIONSHIP BETWEEN LIBERTY AND CENSORSHIP**

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The existence of a free society depends upon communication among various groups, free flow of information and space for continuous debate and criticism, as it allows the horizon of knowledge to expand and reinvent the existing truth. In a democracy, the citizens' consent is indispensable to grant legitimacy to the government's action which is possible only with the existence of active liberty structured on free speech and expression. This argument became the foundation of the ruling of The Supreme Court of India in the case of Raj Narain vs State of Uttar Pradesh (1976); that Right to information is a part of fundamental rights under Article 19(1). It also suggests the importance of the freedom which should be given by the state to the 'fourth pillar' of democracy i.e. the press. The right to information enriched through freedom of press enables the citizens to hear all sides of an argument and then formulate their free opinion over a subject and participate in the decision making process in an unbiased manner.

The state over a period of time, through various mechanisms of censorship tries to halt the free flow of communication. The continuous tussle between the state and citizens over liberty can be understood starting from Hobbes and Locke. Hobbes argued that in return for protection from the state, the citizens must surrender some of his/her rights. Thus, he supported the construction of a strong state with a huge set of rights justifying certain restrictions from the state over

citizens to maintain law and order in society. Locke being a true liberal argued that the state was merely to act as an arbiter and oversee the public and private transactions of individual citizens. He defended the liberal position of citizens in a state securing freedom of individuals. J S Mill argued against censorship, suggesting that human knowledge advances through exposing opinions to refutation, so that the distinction between truth and error can be clearly seen. Censorship interferes with that process, by arbitrarily declaring in advance that this or that opinion is erroneous or forbidden. Censorship, therefore has an inherent tendency to marginalize truth and the pursuit of truth, and to put conformity in their place.

Karl Popper also warned against any kind of regulation and argued in his “The Open Society and its Enemies” (1945) that any attempt to plan or regulate society would result in a reduction of human freedom. He further points out that human knowledge grows and changes with time and effects social events. Thus, the future is made by free individuals who have access to “open society”. A similar pattern of thought can be found in the words of Isaiah Berlin who argues that “enlightened despotism” inevitably leads to state monism and hence is “one of the most powerful and dangerous arguments in the entire history of human thought”. Totalitarianism has been linked with restrictions on liberty by Hannah Arendt, who explains ‘the atomization of society’ as an essential feature of totalitarianism where every immediate association like family, friendship, trade union, religion etc, was either destroyed or taken under control by the state. The state through its perpetual presence in all forms of governance and systematic use of terror sought to create isolated individuals who were absolutely loyal to the state. The concept of censorship has been perceived in a different manner by Herbert Marcuse in his book “*Repressive Tolerance*” (1965). He argued that lack of censorship laws in a state doesn’t necessarily guarantee the worthwhile exercise of free will of individuals. He further states that in a society where the general population has been indoctrinated and manipulated by those who control the media, free speech may simply serve the interest of the powerful elite. Thus, he focuses on the cultural realm of the power control and its influence over free will of the people.

The state repression theory of Louis Althusser is equally important to understand as he differentiates between the repressive and the ideological apparatus of the state. He explains that the ideological apparatus belongs to the private domain of society like family, education, religion, media etc. which constructs dominant ideology of society through control over information. Thus, censorship is not carried out by individuals or classes but it’s a process carried unconsciously by the private domain itself in which it is inherent. Thus, it can be concluded from the above arguments that censorship is not always used directly by the state to maintain its power, but at times it can be used thorough culture, society, media, religion, education etc. to create a dominant ideology. But the question arises how the state justifies the existence of censorship. Article 19 of the Indian Constitution guarantees freedoms like those of speech and expression, freedom of assembly, movement, settlement, profession etc. but these rights although fundamental in character are not absolute in nature and are subject to ‘reasonable’ restrictions. These restrictions can be imposed on the grounds of protection of sovereignty, integrity and security of the country, against defamation, protection of decency and morality etc. Thus, the concept of absolute liberty enters troubled waters the moment it is related with morality, decency or in easy terms ‘hate

speech'. Hate speech can be understood as that speech which is directed at certain people or communities with the intent to cause harm by asserting their natural inferiority (like racist speech), or speech that by its nature asserts domination of one group of people over another (like misogynistic speech).

Language and speech have always been a very powerful medium and at times they may be used to incite violence or hurt the sentiments of the people. Richard Delgado in his “Words that Wound” (1993) argued that racist speech leaves a deep psychological wound on its victims leading to self-hatred, humiliation and isolation. Thus, this argument underlines the necessity of certain restrictions over the freedom of speech and expression. In a similar fashion Andrea Dworkin and Catherine Mackinnan argued that sexually oriented speech should be regulated because it subordinates women and not only provides foundations for, but is also, violence against women. They demanded censorship of pornography as it glorifies humiliation and violence which is fundamentally inconsistent with the concept of equality. Thus, censorship may acquire a legal category in the state’s constitution to provide protection to citizens from various kinds of “harm” existing in society. The best example to understand this is the Article 17 of the Indian Constitution which abolishes ‘untouchability’ and forbids its practice in any form. Thus, censorship and restriction was used by the state to restore social justice in society. With the advent of internet, the state faces a new challenge – how to regulate the digital media space? The internet is shifting power from the government to civil society, individual bloggers and citizen journalists. In authoritarian states like China, state media brands dominate the communication space as the state tightly regulates the content. Events of *Arab Spring* suggest that the internet can play a significant role in the downfall of a government by mobilizing people which has made states more vigilant about digital media.

**Check Your Progress 2**

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What are the views of Herbert Marcuse on freedom and censorship?

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2) How is the internet emerging as a challenge to governments around the world?

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## 12.5 LET US SUM UP

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The relationship between liberty and censorship is a complex one which opens a Pandora's Box filled with questions like are all kinds of liberty absolute? What should be the deciding parameters to put restrictions? Who should be given the responsibility to judge whether the restriction placed is reasonable or not? Each one of these is an open ended question and it is difficult, if not impossible to answer satisfying all the groups existing in a society. In the words of Aristotle, "Man is by nature a social animal" and to live alone one must either be a beast or God. Thus, it can be suggested that any kind of freedom, which hampers and obstructs other individual's freedom has to be restricted. But at the same time, any unreasonable restriction with the intention to control the free reasoning of individuals has to be challenged by citizens to restore the ideals of true democracy.

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## 12.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress 1

- 1) Your answer should highlight two points:
  - Distinguish between freedom of thought and expression and freedom of action.
  - Distinguish between self-regarding and other-regarding actions.
- 2) Your answer should highlight the following points:
  - Positive liberty focuses on general good instead of individual good.
  - State provides for enabling conditions for the marginalized sections to balance between liberty and equality.

### Check Your Progress 2

- 1) Your answer should highlight the fact that the absence of ownership does not necessarily enhance an individual's liberty.
- 2) Your answer should highlight the fact that the internet is shifting power from state to civil society and can play an important role in sustaining or bringing about the downfall of a government.

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# UNIT 13 PROTECTIVE DISCRIMINATION VS. PRINCIPLE OF FAIRNESS\*

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## Structure

- 13.0 Objectives
- 13.1 Introduction
- 13.2 Concept of Protective Discrimination
- 13.3 Principle of Fairness
- 13.4 Protective Discrimination vs. Principle of Fairness
  - 13.4.1 Formal v/s. Substantive Equality
- 13.5 Criticism
- 13.6 Let Us Sum Up
- 13.7 References
- 13.8 Answers to Check Your Progress Exercises

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## 13.0 OBJECTIVES

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The main objective of this unit is to understand the meaning of two key concepts in Political Science – protective discrimination and the principle of fairness. As you go through this unit, you should be able to:

- Explain the concept of protective discrimination;
- Know what the Principle of Fairness is; and
- Analyze the debate between the two concepts

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## 13.1 INTRODUCTION

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Inequality and injustice have been a part of all societies and India is no exception. After the departure of the British in India, the framers of the Indian Constitution acknowledged the gravity of the problem and decided to introduce protective discrimination as a measure to eradicate malpractices like the caste system. Accordingly, the Constitution of India has provided various institutional avenues for social welfare of weaker sections. Protective discrimination involves the deliberate act of preferential treatment by the state in favor of particular groups of people based on caste, religion, gender and even spatial location. The principle of protective discrimination is also known as reservation, reverse discrimination, positive/affirmative action, preferential treatment etc. The debate between protective discrimination and the principle of fairness is part of the overall relationship between equality and justice. Those aspects have been discussed in the following sections.

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\* Contributed by Chinmoyee Das, Research Scholar, JNU, New Delhi

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## 13.2 CONCEPT OF PROTECTIVE DISCRIMINATION

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The term protective discrimination refers to policy measures that are consciously designed by the state to discriminate among the citizens by certain specified criteria to protect the interests of the weakest among them. It is the policy through which special privileges are granted to the underprivileged sections of society, those who in the past or the present have been the victim of any discrimination. These are affirmative action programs undertaken by the state to bring equity and justice among all sections of society. These provisions together form the framework for the analysis of the concept of social justice in the Indian context. It aims to reduce the persistent discrimination or inequality in society by giving preferential treatment to the marginalized sections in the distribution of valued social goods and opportunities. The main agenda for introducing protective discrimination is to protect the weaker sections of society who have been socially and historically neglected and exploited and to free the disadvantaged sections of society from the hegemony of the powerful and resourceful by way of creating ample opportunities for their participation in the national mainstream.

For understanding the purpose of positive discrimination, it is necessary that we distinguish the concept of social justice from a general theory of justice. Any general theory of justice as a discourse takes into account the society as a whole independent of the existing social and power relations of a particular society. This is the reason, why the general theory of justice in spite of its claim of universality may not always prove helpful in the analysis of socio-cultural specific policies like positive discrimination. On the other hand, social justice derives its principle from a given socio-cultural specificity. It is based on some substantive premises about social life which are usually derived implicitly or explicitly from the actual context of the society where the theorization takes place. Therefore, social justice as a concept need not always conform to the general theory of justice, and since it is socio-cultural specific, it often comes in conflict with the general theory of justice. Moreover, the fact that the concept of social justice does not come from a vacuum, it is bound to come into conflict with the already existing power structure.

Ideally, the state regards all citizens as equal in the eyes of law and treats them equally. However, a modern liberal state has recognized the necessity and avenue for differentiated treatment among its citizens by their socio-economic backgrounds. If a significant part of population of a nation is plagued by discriminatory social practices and such an affliction has hampered their right to a dignified life and primary access to state resources, then that part of the population is considered fit for being treated preferentially. To remedy the situation and compensate for the past injustices perpetrated against the disadvantaged groups, preferential treatment in favor of these groups is ought to be provided by the state agencies. In India, despite its abolition under Article 17 of the constitution, discrimination against the lower castes still exists in various subtle or unconcealed ways. To reform and regenerate the society from these social evils, certain definite and bold measures for the eradication of these social maladies had become the need of the hour. According to some scholars, following are the arguments in favor of protective discrimination:

- Equality of opportunity is very feeble which does not exist unless made more effective.
- There is a causal relationship between being unequal and hence, poor, illiterate and socially and culturally backward.
- Any system of allocation of goods and services will fall short of equality of opportunity and will be unfair if the allocation works out unequally between different sections of the society.
- Protective discrimination is one of various means to correct such imbalance in distribution of goods and services and does not violate the principle of fairness.

Democracy becomes meaningless without transforming vertical inequality into horizontal inequality. The social and economic gap between the upper castes and lower castes was strikingly high at the time of independence. During the freedom movement, the leaders understood the political logic of inducting this large group of people into the political mainstream who were otherwise outcasted from mainstream society. They recognized that without the induction and mobilization of these people, the realization of a broad-based inclusive national movement would not be possible. One of the main concerns of the founding fathers of the Indian Constitution was to create an egalitarian society wherein ‘justice, social, economic and political’ prevails and ‘equality of status and of opportunity’ is made available to all. It is not, therefore, surprising to find the spirit of ‘equality’ pervading the provisions of the Constitution of India. The constitution guaranteed the fundamental right of equality of all citizens before the law, but it also categorically laid down that nothing in the constitution “shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or the Schedules Castes and the Scheduled Tribes”. The state is empowered to take special measures for the betterment and welfare of the disadvantaged sections of society. In other words, the policy of reservation or positive discrimination stands at least in the short run, as an integral part of the process of socio-economic change, integration and development of India. Some of these provisions are contained in Articles 15 and 16 (Right to Equality), Article 46 (promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections) and Article 340 (welfare of Other Backward Classes). The main areas where the state has pursued this policy of protective discrimination are education, welfare and economic activities (like housing, grant of land, etc.), public services and political representation. Except concerning political representation, provisions of which are *mandatory*, in all other respects, the Constitution has left it to the discretion of the state to provide for protective discrimination.

### Check Your Progress 1

**Note:** i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What do you understand by protective discrimination?

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### 13.3 PRINCIPLE OF FAIRNESS

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Before moving on to understand the principle of fairness, let us first confer what Rawls's theory of justice is about on which the principle of fairness is premised. Justice as fairness refers to the conception of justice that John Rawls presents in his book, *A Theory of Justice*. According to Rawls, certain moral principles are binding upon us because they would be acceptable by rational beings like us in the "original position". Justice for him is not the law of nature or something based on reason, but is a fair distribution on fair procedure. Rawls maintains that in society, all individuals do not have equal knowledge and do not live in similar economic and social conditions. He refers to his idea of veil of ignorance where some people are subjected to, and this veil excludes them not only from others but also from themselves—the least advantaged members of society. Thus, justice demands due care for the least advantaged members of society as well. Justice, according to him, is the distribution of benefits among all members of society not in proportion to what one does, but in such a manner that the weakest of the weak benefitted. Rawls feels such a distribution of benefits is not only fair, but also in accordance with the norms of justice. Thus, we can conclude that justice for Rawls is fairness. Justice as fairness assumes a view of society where there is a fair system of cooperation between free and equal persons. The object of justice as fairness is to find out appropriate principles which help in the realisation of liberty and equality. These appropriate principles that attempt to seek liberty and equality are the results of an agreement among the people concerned of their mutual advantage. When the people become free and equal, they soon realise that they need the same primary goods to pursue their conception of good. These primary goods include among other things, the basic rights, liberties, opportunities, income, wealth, self-respect. Thus, justice would mean that all the primary goods are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored. This conception of justice concerns society's basic structure—that is, "society's main political, constitutional, social, and economic institutions and how they fit together to form a unified scheme of social cooperation over time". According to Rawls, the fundamental idea in the concept of justice is fairness, and he considers justice only as a virtue of social institutions, or what he calls practices. The principles of justice are regarded as formulating restrictions as to how practices may define positions and offices, and assign to it powers and liabilities, rights and duties.

The principle of fairness on the other hand, states that if a number of people are producing a public good that we benefit from, it is not morally acceptable to accept free goods without service or enjoying the benefits without paying the costs. We owe them our fair share of the costs of the production of that good. Initially, the principle of fairness has been formulated by *H.L.A Hart* and then by Rawls, to ground a principle-based understanding of the distribution of burdens and benefits regarding the production of public goods in a fair scheme of cooperation. The principle of fairness grounds a moral obligation not to free ride as part of a fair scheme of cooperation, also called 'the duty of fair play'. If some people are contributing to the production of a public good, one should not simply enjoy the benefits without doing ones' share in the production of that good. This is a non-consequentialist moral obligation, for the underlying rationale is guided not so much by a desire to avoid the bad outcome of undersupply as by

a desire to set a standard of justice to aspire to. The underlying intuition is that it would be an injustice to those who contribute to the production of the public good if some of those who benefit from it turn out to be, in a patterned fashion, those who do nothing for its production. The principle can be invoked to justify some social and political obligations. Indeed, it is often invoked in various areas of applied philosophy as in social ethics in support of services that are normally associated with good governance or in response to some of the inequalities generated by the globalizing economy etc. Libertarians like *Nozick* and *Flew* do not agree with Rawls and deny his claim that those who are naturally disadvantaged have a claim on those with advantage. They believe in merit and excellence and natural inequality of human beings.

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## 13.4 PROTECTIVE DISCRIMINATION VS. PRINCIPLE OF FAIRNESS

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Talking about equality, we do not talk of legal equality only in the sense of equality of opportunity, but also equality of conditions and equality of outcome or results. Since the son of a doctor and the son of a poor man may not get equal opportunities, justice as fairness demands that the social environment must be changed if equal start for everyone is to be provided. However, for that, we need collective consent and decision to give favored treatment to the deprived and marginalised sections of society. In addition to that, ‘equality before law’ and equal protection of law’ mandate that everyone should *not* be treated alike.

### 13.4.1 Formal v/s Substantive Equality

Formal equality refers to liberal notion of equality before law. It involves the principle of universalisability where two persons are treated equally unless there is a differentiating principle. According to Lucas, the need for universalisability of laws arises from the fact that the state is unable to make as many laws as there are individuals because they are different. So, for practical reasons, the state makes universally applicable laws. This means formal equality can provide only procedural justice. On the other hand, substantive equality is a broader concept which also relates to other values like justice, rights and equality. According to Fredman, there are four approaches to substantive equality.

- **Equality of results:** Equal treatment does not guarantee equality of results.
- **Starting point equality:** True equality is unachievable if individuals begin the race from different starting points and an equal opportunities approach therefore, aims to equalize the starting point.
- **Right-based equality:** It treats equality as auxiliary to substantive rights.
- **Value-driven approach:** This approach emphasizes dignity, autonomy and worth of all individuals apart from their fair participation in society.

Although through legal equality, equality of opportunity has been achieved in India, eradication or reduction of economic and social inequalities prevalent in society is yet to be accomplished. The hegemony of the upper castes in gaining access to the resources of the state for centuries has created an extremely asymmetrical society that affects the compositeness of the whole society since there are wide disparities in political as well as the social system. In this situation, the empowered and powerful section of society more often wish to continue

with status quo and may resist any change in the existing discriminatory distributive pattern. The deprived and marginalised ones, on the other hand, may want a complete revolution in the social system and aspire for drastic measures by the state to ameliorate their social and economic position. Thus, both groups voice their demands and put pressure on the state agency to get them fulfilled which puts the state in a quandary. This kind of situation led to the emergence of a pertinent question as to what is to be prioritised, liberty or justice? However, in most cases, when the empowered groups vouch for liberty, justice becomes a matter of survival for the marginalised and deprived sections of society.

Thus, the practice of protective discrimination was introduced to uplift the conditions of the deprived sections to bring them at par with mainstream society. This policy of affirmative action is also called reverse discrimination because it guarantees differential treatment to certain deprived sections just as overtly as it was used or discriminated against them in the past. However, this practice of giving preferential treatment to certain members of marginalised groups has generated a fierce philosophical debate in contemporary political history. While the egalitarians and positive liberals are in support of such discriminations because it helps to achieve a just and fair society, the libertarians and legal positivists express their displeasure with such discriminations. According to them, it affects the excellence, merit of the overall quality and also the basic rights of freedom and property of individuals.

Taking into consideration the economic and social reality of a country like India, the idea of affirmative action still holds ground for delivery of social justice and the consequent full realisation of democracy. It is important to remember that the concepts of justice and equality are not opposing ones, as the claims of justice and equality do not clash with one another. The practice of providing preferential treatment to those who were discriminated and denied of basic facilities for centuries doesn't in any sense stand against the principles of justice. Rather, such preferential treatment essentially seeks to build the properties and environment of justice. Justice consists in the rightful allocation of benefits and burdens. Equality would be meaningful only when it is accompanied by a sense of justice. The exercise of granting and providing social justice to the needy ones leads to the strengthening of the claims of equality as it strives to bring unequals hitherto on parity with the today's equals. Quite a few scholars have finely articulated some important arguments relating to the debate.

Any society is characteristically divided between the rich and the poor where the prosperity of the rich doesn't match with that of the poor and the weaker sections of society. Thus, in a society of equals, it is the weaker that need protection, it is the downtrodden that need special care, and it is the poor who needs security. In simple terms, we need to distinguish between a wolf and a lamb and decide in favor of the one who is the most vulnerable. The practice of protective discrimination is an important feature of the Indian Constitution that provides protection in the form of special measures for the socially and economically weaker parts of society. However, India is not the only country in the world having provisions for protective discrimination. The idea behind the *US* affirmative action in favour of the Blacks is the same as that of protective discrimination enshrined in our constitution, and both do not violate any claim of equality, or any principle of fairness.

To provide equal opportunities to people is something which is always appreciated and in no ways does it deny the principle of fairness and to that extent, such claim of equality is not opposed to the claim of justice. The idea of protective discrimination is described as the idea of correcting a wrong done against the weaker and marginalised sections of society. The basic idea is to seek compensations for the injustices carried out by one's forefathers. However, the idea of compensating for decades without any definite indication of its culminating period presents an unfair situation to many. Another debate circulating the practice of protective discrimination is that it essentially leads towards increasing the functions and jurisdiction of the state, which in turn, restricts the liberties and rights of the people in general and of the empowered in particular.

### Check Your Progress 2

- Note:** i) Use the space given below for your answer.  
ii) Check your answer with that given at the end of the unit.

1) What do you understand by 'equality of condition'?

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## 13.5 CRITICISM

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The idea of protective discrimination has generated a lot of debate and discussion among scholars around the world. Those who oppose it see it as one form of discrimination substituting another. Advocated of procedural equality stand for market logic where merit should decide allocation of resources. However, merit should be seen in a social and cultural context and there is a need for culturally neutral definition of merit in order to avoid hegemony of dominant interests. Another point of criticism is that affirmative action had to be a temporary measure; it has become a permanent feature as it leads to political benefits for those in power. Among the target groups, the benefits have generally gone disproportionately to the members who are better-off. The benefits have not reached the ones who are really disadvantaged among the marginalized sections. There may be many arguments against protective discrimination but one cannot simply do away with distributive justice in a complex society like India. It is justifiable in morally compelling cases.

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## 13.6 LET US SUM UP

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In conclusion, it can be said that to establish a fair and just society, we must be able to distinguish between the weakest and the vulnerable sections and the empowered and advantaged sections of society. For the enhancement of democracy, we must take appropriate actions to protect the deprived and marginalised one's to bring their conditions at par with the advantaged. True

justice would be only realised when its benefits reach those who *most* deserve them. The exercise of granting and providing social justice to the needy ones leads to the strengthening of the claims of not only equality, but also of democracy.

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## 13.8 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress 1

- 1) Your answer should highlight the following points
  - Efforts by the government to protect weaker sections of society.
  - Also called affirmative action.
  - Arguments supporting such policies.

### Check Your Progress 2

- 1) It means social environment must be changed to provide equal start for everyone.

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## UNIT 14 FAMILY, LAW AND STATE\*

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### Structure

- 14.0 Objectives
- 14.1 Introduction
- 14.2 Concept of State
- 14.3 Concept of Family
  - 14.3.1 Family: Basic Social Unit
  - 14.3.2 An Agent of Socialisation
  - 14.3.3 Seedbed of Democracy
  - 14.3.4 An Agency of Informal Social Control
- 14.4 Family and State Relationship in Political Theory
  - 14.4.1 Traditional or Greek View
  - 14.4.2 Marxist View
  - 14.4.3 Liberal Perspective
  - 14.4.4 Feminist Perspective
- 14.5 Let Us Sum Up
- 14.6 Some Useful References
- 14.7 Answers to Check Your Progress Exercises

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### 14.0 OBJECTIVES

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This unit examines the concept of family, its functions and the relationship between the family and the state in political theory. After going through this unit, you should be able to:

- Know the concept and functions of family;
- Analyse the relationship between the family and the state; and
- Know the public-private debate regarding the family in political theory.

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### 14.1 INTRODUCTION

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Family and state share a complex relationship as the boundaries between the two are not clearly defined leading to confusion and contestation. For instance, in case the family responsibility is not met, the state may intervene. Individuals in happy families are likely to be good citizens; whereas unhappy, dysfunctional families can be a catalyst for many social problems and instability. State's interest in fostering good citizenship, promoting individual happiness, encouraging social stability, and preventing a drastic increase in social problems gives it an incentive to foster ideal families. But this is not a one way relationship as families can affect how the state behaves, as well as being on the receiving end of its actions. J J Rousseau saw an important role for families in making good citizens and argued that to be good citizens capable of participating effectively in self-government; the family must provide future citizens with certain tools in childhood. The type of a state also impacts the state-family relationship. Totalitarian states tend to isolate families and destroy natural communities that

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\* Contributed by Dr. Surabhi Gupta, Assistant Professor, Sardar Patel University of Police Security & Criminal Justice, Jodhpur

might foster competing loyalties vis-a-vis the state. Democracies, on the other hand, see a family as a training ground for preparing good citizens. American linguist, George Lakoff has argued that people with a right-wing ideology have families based on the values of patriarchy and morality. For the left leaning people, the ideal is a family based on unconditional love. Let us study the concepts of state and family before we explore the relationship between them.

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## 14.2 CONCEPT OF STATE

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Defining the term 'state' is not easy as there is no general agreement on its definition. It must first be noted that there are various forms of the state, which differ from one another in important ways. The Greek city-state is clearly different from the modern nation state, which has dominated world politics since the French Revolution. The contemporary liberal-democratic state, which exists in Britain and Western Europe, is different from the fascist-type state of Hitler or Mussolini. It is also different from the state, which existed in the former USSR and in Eastern Europe. An important part of the study of politics, and certainly an integral element of this book, is the explanation of what is meant by these terms. The purpose is to show how each form distinguishes itself from the other and what the significance of such distinction is. There are different forms of the state, but whatever form one has in mind, the state as such is not a monolithic block. To start with, the state is not the same as the government. It is rather a complex of various elements of which the government is only one. In a Western-type liberal-democratic state, those who form the government are indeed with the state power. They speak in the name of the state and take office in order to control the levers of state power. Nevertheless, to change the metaphor, the house of the state has many mansions and of these, the government occupies one. One needs to understand that the state is different from civil society and nation. The state represents coercive power while civil society is based on voluntary participation. A nation could be defined as community feelings among people who feel they are distinct from other communities and wish to control their own affairs. This distinction could be based on common religion, language etc. When the entire population shares this feeling, we have what is called a nation-state. However, this is not the case with all the states and that is why, state and nation may not coincide. For ex, the Kurdish people spread across Iran, Syria, Iraq and Turkey consider themselves to be a nation. There are four elements of the state namely population, territory, government and sovereignty.

The idea of state has been treated differently by different thinkers. Some glorify it; some reject it while others seek to restrict its role and functions. Hegel called the state as 'march of the God on earth'. Plato talked of his ideal state in his book, *The Republic*. Aristotle argued that man was a man only because he was a member of the polis which made virtuous and a good life possible. The Greek idea corresponds more accurately to the modern concept of the nation — i.e., a population of a fixed area that shares a common language, culture, and history — whereas the Roman *res publica*, or commonwealth, is more similar to the modern concept of the state. It was not until the 16<sup>th</sup> century that the modern concept of the state emerged, in the writings of Niccolò Machiavelli (Italy) and Jean Bodin (France). For Machiavelli, state is 'the power authority over men'. He gave more importance to strength and durability of the government sweeping aside all moral considerations. However, for Bodin, his contemporary, power was not sufficient in itself to create a sovereign; rule must comply with

morality to be durable, and it must have continuity — i.e., a means of establishing succession. Thomas Hobbes, John Locke and J J Rousseau explained the state as a result of social contract which is an agreement between the ruled and their rulers, defining the rights and duties of each. In primeval times, according to this theory, individuals were born into an anarchic state of nature, which was happy or unhappy according to the particular version. They then, by exercising natural reason, formed a society (and a government) by means of a contract among themselves. In the 20<sup>th</sup> century, concepts of state ranged from anarchism, in which the state was deemed unnecessary and even harmful in that it operated by some form of coercion, to the welfare state, in which the government was held to be responsible for the survival of its members, guaranteeing subsistence to those lacking it.

Modern state is identified as the nation state. The state has come to acquire its present character through a historical process that extends to thousands of years. It is interplay of various factors like religion, kinship, war, property, political consciousness and technological advances. In the process of historical evolution of state, there have been following forms – Tribal State, Oriental Empire, Greek City State, Roman World Empire, Feudal State and the Modern Nation State. The modern nation state arose after the *Treaty of Westphalia* was signed in 1648. It led to the emergence of the territorial state consolidating political authority within a particular territory excluding domestic from external. The separation of territory into distinct states each with their own national spirit paved the way for the establishment of modern nation State along with the rise of international law, legal equality of states and modern theory of sovereignty. American and French revolutions further contributed to the emergence of nation states. The modern concept of state is dominated by Liberal and Marxist perspectives. The liberal perspective is dynamic as it has changed with time depending on interests and needs of individuals and society. The early liberal view of state was negative as it favored non-interference in individual matters. However, 20<sup>th</sup> century liberalism is associated with the welfare state which tries to reconcile individual liberty with social good. Contemporary discourse on state is influenced by Neo-Liberalism wherein the state is supposed to play a minimum role and primacy is attached to market forces. The Marxist notion rejects liberal idea of state, calling the state as an instrument of class and seeks to establish a classless and stateless society through the proletarian revolution. However, that did not happen after the Russian revolution in Russia and instead of a classless and stateless society, we saw power getting concentrated in the hands of a few during Soviet times. Feminist perspectives on state can be mainly seen from two angles – liberal and radical. Liberal feminists say that the state can play a role in bringing equality among men and women by taking steps like increasing seats for women in parliament, extending welfare schemes to women etc. However, radicals see state as an instrument of power and blame unequal distribution of labour in a family for women's unequal status in society. Hence, they contest the liberal view that the state is impartial and neutral.

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### 14.3 CONCEPT OF FAMILY

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The family is the basic and most important primary group in society. The family as an institution is seen as universal, permanent and pervasive. All societies; both large and small, primitive and civilised, ancient and modern, have some



form of family or the other. The family is a social group consisting ordinarily of father, mother, one or more children and sometimes near or distant relatives. The meaning of family can be explained better by the following definitions:

According to Eliot and Merrill, “The biological social unit composed of husband, wife and children is a family”. Burgess and Locke define family as “a group of persons united by ties of marriage, blood or adoption constituting a single household interacting and intercommunicating with each other in their respective social roles of husband and wife, father and mother, son and daughter, brother and sister, creating a common culture.” According to Ross, four sub- structures of family can be identified:

- Ecological sub-structure; that is, spatial arrangement of family members and their households.
- Sub- structure of rights and duties; that is, division of labour within the household.
- Sub- structure of power and authority; that is, control over the actions of others and
- Sub- structure of sentiments; that is, relationship between different sets of members.

Family has a number of functions which are discussed in succeeding paragraphs.

### **14.3.1 Family: Basic Social Unit**

Reproduction is essential to the survival of humans as a whole, and all societies must have a way of replacing their members. Family regulates the sexual behaviour of man by its agent, the institution of marriage. The process of reproduction is institutionalised in the family. Thus, family introduces legitimacy into the act of reproduction. By fulfilling its reproductive function, family has made it possible to have the propagation of species and the perpetuation of human race. Family is an institution which provides the mental or the emotional satisfaction and security to its individual members. The individual first experiences affection in his parental family as parents and siblings offer him love, sympathy and affection.

The family also performs a pair of functions – status ascription for the individual and the social identification for the individual. The family provides the ascribed status. Ethnic, nationality, religious, residential, class status and sometimes political and educational status are all conferred upon an individual by the family. Status ascription and social identification are two faces of the same process which are facilitated by the institution of family. Being a member of a family also means having certain legal and cultural rights and responsibilities, spelled out in formal laws, as well as informal traditions. In America, for example, parents have legal obligations to provide basic necessities e.g., food, shelter, clothing etc. for their children. Should they fail to do so, parents may face legal charges of neglect or abuse.

### **14.3.2 An Agent of Socialisation**

The family serves as the instrument of culture transmission in an individual. The family guarantees not only the biological continuity of the human race but

also the cultural continuity of the society of which it is a part. It transmits ideas and ideologies, folkways and mores, customs and traditions, beliefs and values from one generation to the next. The family is an agent of socialisation as well. Socialisation is the process whereby one internalises the norms of one's groups so that a distinct 'self' emerges unique to individual. The family indoctrinates the child with the values, morals, beliefs and ideals of a society. It prepares its children for participation in the larger world and acquaints them with the larger culture. It is a chief agency which prepares the new generation for life in community. It emotionally conditions the child. It lays down the basic plan of personality. Indeed, it shapes the personality of the child. Family is a mechanism for disciplining the child in terms of cultural goals. It transforms the infant barbarian into a civilised adult. The family provides the basis for the child's formal learning. In spite of great changes, the family still gives the child his basic training in social attitudes and habits important for adult participation in social life. The manner in which he learns how to get along with his family will be carried over to his interactions with school authorities, friends, religious leaders, the police and other agents of social control.

### **14.3.3 Seedbed of Democracy**

The family is the seedbed of democracy. Home is the place where an individual gets first ideas about his self, develops attitudes toward other people, and also the habits of approaching and solving problems. It is at home that children learn lessons about cooperation, commitment, sharing, sacrifice, and obedience to the unenforceable, which form the foundation for self-government. Children learn from parents to adapt to shortages, care for others, be happy, fulfil one's duties, and learn critical citizenship and social skills of mutual respect and cooperation. The interconnectedness of our lives with government, especially self-government, is first learned at home. The home is the most important learning institution in a democracy. Family is a primary agent of political socialisation where the children inherit political attitudes, ideologies and orientations, which have a considerable long lasting impact on them. It is likely that in the initial years their voting behaviour is an extension of their voting patterns of the family members.

### **14.3.4 An Agency of Informal Social Control**

The family has always provided a strong means of social control. Parents provide children with direct guidelines to follow regarding acceptable behaviour. Social control through the family is achieved by both positive and negative means, with children keen to gain praise from their parents, while wanting to avoid punishment in any form for disobedience. According to social control theory, those who are socially integrated are more likely to engage in socially accepted behaviours and less likely to engage in risky behaviours. In this way, social integration offered by the family unit helps to encourage socially accepted behaviour. The relationship between adolescent criminal behaviour and family deterioration from dysfunction has long been known. Society, therefore, has a profound interest in strengthening the family structure and maintaining stability in order to prevent a host of social problems that can so cruelly afflict the younger rising generation of its citizens and so severely burden the rest of society. These societal interests give the government motivation to regulate the form and structure of marriage and the family. With the advent of modernization, the

institution of family is undergoing changes as we can see single parents, increase in divorce rates, surrogacy and increase in number of nuclear families. The challenge for the state is to adapt to these rapid changes so that its relationship with the family remains in tune with contemporary changes.

**Check Your Progress 1**

**Note:** i) Use the space given below for your answer.

ii) Check your answer with that given at the end of the unit.

1) What do you understand by the institution of the family?

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**14.4 FAMILY AND STATE RELATIONSHIP IN POLITICAL THEORY**

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The family state relationship in political science has been an understudied subject because of the general belief that family is a private matter of an individual and the state should stay away from it. There has been a debate over state intervention in family matters. Those who support state intervention believe that the family is a public and political entity and the state should have a say in its management. On the contrary, others believe that the family is a private and apolitical institution which should be run by family members and not the state. In this context, let us study the main perspectives pertaining to this debate in political theory.

**14.4.1 Traditional or Greek View**

In ancient Greek times, the wide held belief was that the family is a private institution and the state should not intervene in it. However, Plato held a contrary view and placed the institution of family at the mercy of the state. Plato advocated collective nurture of children, education and ownership in his book, *The Republic*. He believed that private property and family are the sources of all evil and corruption in the state. Feelings of compassion and ownership towards family turns man into a selfish being and these feelings lessen his commitment to the state. Plato saw unity between the individual, family and the state with no distinction between self and other. So, he argued for communism of wives and property where marriage and private property will be abolished and would not be recognized by the ideal state. However, Plato seemed to put no restrictions on the state as it could even intervene in family matters and he also lacked sensitivity towards females as they were treated merely as recipients and passive subjects under the state. *Plato's* disciple, *Aristotle* did not agree with him and argued for a case where state should respect the institution of family giving a celebrated defence of marriage, the family and the household in his book, *Politics*. He argued that there is a natural progression of individuals from the family to

polis through small communities. A household, according to him consisted of family, property and slaves. He said that family is the cradle of virtue and property is an essential feature of household. Ownership of property gives a sense of security to an individual who seeks to increase his wealth. Aristotle defended the institution of family and private property on the basis of the necessity of development of individual's moral virtue, which is necessary to the well-being of the state. He viewed family as a sanctified private affair and placed it in the personal arena. However, he believed in the superiority of male over female in the family and also did not give due regard to rights of slaves as they were under the command of the master.

#### 14.4.2 Marxist View

Marxism offers a conflict perspective in terms of social conflict and inequality when explaining the family state relationship. Marxist theories of the family focus on how the capitalist system, which maintains an exploitative relationship between capitalists and workers, shapes other social institutions such as the family, which in turn help consolidate the capitalist system. Family is seen as aiding capitalism by serving as a consumption unit. Marxists also believe that the nuclear family is a tool of the ruling class, an institution used to teach its members to submit to ruling class authority. Friedrich Engels argued that the three institutions of private property, the family, and the state are connected, and that family relations develop in response to property relations. His work, *"The Origin of the Family, Private Property and the State"*, published in 1884 traces the origin of the family and to link its evolution to the changes in the mode of production and the emergence of private property and capitalism. Engels believed that during the early stages of human evolution, property was collectively owned and that the family as such did not exist. The community itself formed the family and there was no limitation to sexual access. However, with the emergence of private ownership of property and the idea of having heirs who were to inherit the property, the question of paternity grew in importance and the rules of monogamous marriage were created to control women's sexuality and assure the legitimacy of heirs. Marx and Engels also criticised the superficial distinction between the public and private sphere, by liberals. Marx said that the state does not stay away from the private sphere (family) and it reproduces the contradictions in the family.

#### 14.4.3 Liberal Perspective

The idea of public and private distinction can be seen in the liberal perspective. Isaiah Berlin in his essay, 'Two Concepts of Liberty' said a frontier must be drawn between the area of private life and that of public authority. The public private distinction has European origin which signifies division of sovereignty through rights. Public belongs to the state while private belongs to the individual. Classical liberal theorists continued to treat family as a natural, biological and a personal unit. They claimed that the family is composed of individuals who enter the institution through their free will, and the state must not intervene in that institution. John Locke had argued that family starts due to voluntary consent between man and woman and state interference should be avoided. John Rawls says that the family is one of the social institutions to be evaluated by the theory of justice but for him the traditional family is just and remained on the fringes of his theory of justice. J S Mill recognized a link between virtue and good politics.

“If we ask ourselves on what causes and conditions good government in all its senses depends, we find that the principal of them, the one which transcends all others, is the qualities of the human beings composing the society over which government is exercised”. He believed that good citizens do not simply spring up like mushrooms and there is societal responsibility for raising a child to foster goodness and wisdom. Mill said the families are a training ground for democratic citizenship and they must reflect the values of equality and justice on which a democracy is based. He, therefore, condemns the inequality of women in the current family structure as inhibiting the development of children’s democratic character. But even he justified the sexual division of labour within the family as it is based on consent and general customs.

#### 14.4.4 Feminist Perspective

Feminists have sought to analyse the impact of family life on women. Despite the numerous differences in their approach and main concern, different feminists tend to agree that women occupy a subordinate position in the family and are exploited in various ways. The Marxist feminists consider capitalism as the main exploiter. This exploitation is seen in terms of the unpaid work they carry out at home. Like the Marxist, they believe that the family also serves capitalism by reproducing the future labour force, but they also assert that it is not the family as such that suffers more, but the women. It is women that bear the children and assume the main responsibility for their care. Women are also exploited in that they are expected to provide outlets for all the frustration and anger that their husband experience at work and therefore prevent them from rebelling against their employers. Radical feminists agree with other feminists about the disadvantage that women suffer in families. Yet, they do not consider capitalism as the main source of exploitation. Their focus is on men and the patriarchal nature of society. They argue that inequalities between partners at home are a result of the fact that most of the heads of households are men. This implies that men have more decision-making power, consume more of whatever the family has and retain control over finances. J S Mill had famously said, “An egalitarian family is a much more fertile ground for equal citizens than one organized like a school for despotism”. To bring about equality between men and women, liberals believe there should be constitutional reforms by which men will contribute to household work. This is called civic feminism. Socialist feminists want expansion in areas like free birth control, abortion, health facilities for women and state recognition of domestic labour. Radical feminists want women’s entry into public sphere for making them active citizens and state intervention in family matters to make it gender just. Thorne and Yalom argue that feminism has contributed a number of broad themes to the understanding of family.

- First, feminists have challenged the ideology of “the monolithic family,” which has elevated the nuclear family with a breadwinner husband and a full-time wife and mother as the only legitimate form.
- Feminists have recognised that structures of gender, generation, race and class result in widely different experiences of family life, which are obscured by the glorification of the nuclear family, motherhood, and the family as a loving refuge.
- Feminism has challenged traditional dichotomies between private and public, raising questions about family boundaries and showing that family

isolation is in part illusory, given the close connections between the internal life of families, and the organisation of paid work, stateorganised welfare and legal systems, schools, childcare and other institutions. That is why, in 1970s, the main slogan of women’s movement was ‘*The Personal is Political*’.

**Check Your Progress 2**

**Note:** i) Use the space given below for your answer.

ii) Check your answer with that given at the end of the unit.

1) What are Plato’s views on family and state?

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2) Discuss J S Mill’s views on the status of women in a family.

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**14.5 LET US SUM UP**

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The family state relationship in political science has been an understudied subject because of the general belief that family is a private matter of an individual and the state should stay away from it. There has been a debate over state intervention in family matters. Those who support state intervention believe family is a public and political entity and state should have a say in its management. On the contrary, others believe that family is private and an apolitical institution which should be run by family members and not the state. Plato argued for state intervention in the institution of family while his disciple, Aristotle argued otherwise. The Marxist theories of the family focus on how the capitalist system, which maintains an exploitative relationship between capitalists and workers, shapes other social institutions such as the family, which in turn help consolidate the capitalist system. Liberals have supported the public-private distinction keeping the family in private sphere. However, the feminist perspective has challenged this distinction and argued for equality between males and females. Radical feminists want state intervention in the family so that oppression of women can be stopped through patriarchy. If one sees the family-state relationship closely, the state already intervenes in family as marriage and divorce laws are made by the state. The state legally defines the institution of marriage and how it can be dissolved. Even termination of a marriage requires state approval. Hence, a great deal of

the blame for the current evils of marriage and family system can be attributed to the state as well.

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## 14.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress 1

- 1) Your answer should highlight the definitions of Eliot and Merrill, Burgess and Locke.

### Check Your Progress 2

- 1) Your answer should highlight communism of wives and property.
- 2) Your answer should highlight following two points:
  - Equality between men and women.
  - Civic Feminism.

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# NOTES



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