

**DIRECTORATE OF DISTANCE EDUCATION
UNIVERSITY OF NORTH BENGAL**

**MASTER OF ARTS-POLITICAL SCIENCES
SEMESTER -III**

**ADVANCE POLITICAL THEORY
CORE 301
BLOCK-1**

UNIVERSITY OF NORTH BENGAL

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FOREWORD

The Self Learning Material (SLM) is written with the aim of providing simple and organized study content to all the learners. The SLMs are prepared on the framework of being mutually cohesive, internally consistent and structured as per the university's syllabi. It is a humble attempt to give glimpses of the various approaches and dimensions to the topic of study and to kindle the learner's interest to the subject

We have tried to put together information from various sources into this book that has been written in an engaging style with interesting and relevant examples. It introduces you to the insights of subject concepts and theories and presents them in a way that is easy to understand and comprehend.

We always believe in continuous improvement and would periodically update the content in the very interest of the learners. It may be added that despite enormous efforts and coordination, there is every possibility for some omission or inadequacy in few areas or topics, which would definitely be rectified in future.

We hope you enjoy learning from this book and the experience truly enrich your learning and help you to advance in your career and future endeavours.

ADVANCED POLITICAL THEORY

BLOCK- 1

Unit 1: Justice and rights	6
Unit 2: Liberty and equality	40
Unit 3: DEMOCRACY and virtue	73
Unit 4: Debates on freedom I	116
Unit 5: Debates on freedom II	149
Unit 6: Freedom as Development (Sen)	172
Unit 7 : Freedom as Swaraj (Gandhi)	205

BLOCK- 2

Unit 8: Debates on Equality I	
Unit 9: Debates on Equality II	
Unit 10: Debates on Justice I	
Unit 11: Debates on Rights	
Unit 12: Civil Disobedience and Satyagraha	
Unit 13: Debates on Democratic Political Community	
Unit 14: Citizenship, Virtues and Democratic Education	

BLOCK 1 : ADVANCED POLITICAL THEORY

Introduction to the Block

Unit 1 deals with Justice is of central importance in political practice and theory and Rights as an important aspect towards the better world.

Unit 2 deals with concept of liberty in way of positive and negative as well as These social conditions of freedom are not exhausted by the publicly guaranteed protection of certain areas of life from physical and legal impediments.

Unit 3 deals with democracy and the Theory of morality which makes virtues the central concern is called virtue ethics. We shall explore the chief ideas of virtue ethics especially in the philosophy of the ancient Greek philosopher Aristotle and the contemporary western philosopher MacIntyre.

Unit 4 deals with Freedom are therefore contradictory in ancient Greece, because sovereignty in public affairs coexists with slavery in the private sphere. "As a citizen, he decides on peace and war; as particular, he is circumscribed, observed, repressed in all his movements".

Unit 5 deals with understanding the concept of freedom in all its complexities beginning from the Greek period. The problem of Free will, is the key issue examined and studied in detail, giving special emphasis to deterministic theories and explaining the position of its opponents in detail

Unit 6 deals with Development can be seen, it is argued here, as a process of expanding the real freedoms that people enjoy. Focusing on human freedoms contrasts with narrower views of development, such as identity 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.

Unit 7 deals with Gandhi's perception as described himself as a practical idealist, yet there is a larger projection of an ideal world based on human equality and freedom. His philosophy begins with the expression of deep love and respect for the neighbor.

UNIT 1: JUSTICE AND RIGHTS

STRUCTURE

- 1.0 Objectives
- 1.1 Introduction
- 1.2 The Idea of Justice
 - 1.2.1 Procedural Justice and Substantive Justice
 - 1.2.2 Needs, Rights and Deserts
- 1.3 Rawls's Liberal-Egalitarian Principles of Social Justice
 - 1.3.1 Critique of Utilitarianism
 - 1.3.2 Rawls's Liberal-Egalitarian Principles of Justice
 - 1.3.3 The Social Contract Procedure
 - 1.3.4 The Basic Structure of Society
- 1.4 Some Criticisms of Rawls's Liberal-Egalitarian Conception of Justice
 - 1.4.1 The Libertarian Critique
 - 1.4.2 Some Marxist Criticisms
 - 1.4.3 The Communitarian Critique
- 1.5 Rights: Meaning and Nature
 - 1.5.1 Rights, Claims and Powers
 - 1.5.2 Meaning of Rights
 - 1.5.3 Nature of Rights
- 1.6 Theories of Rights
 - 1.6.1 Theory of Natural Rights
 - 1.6.2 Theory of Legal Rights
 - 1.6.3 The Historical Theory of Rights
 - 1.6.4 The Social Welfare Theory of Rights
 - 1.6.5 The Marxist Theory of Rights
- 1.7 Framework of Rights
 - 1.7.1 Rights of the People
 - 1.7.2 Laski's Theory of Rights
 - 1.7.3 Theory of Human Rights
- 1.8 Let us sum up
- 1.9 Key Words
- 1.10 Questions for Review

1.11 Suggested readings and references

1.12 Answers to Check Your Progress

1.0 OBJECTIVES

After this unit we can able to know:

1. The Idea of Justice
2. Rawls's Liberal-Egalitarian Principles of Social Justice
3. Some Criticisms of Rawls's Liberal-Egalitarian Conception of Justice
4. Rights: Meaning and Nature
5. Theories of Rights
6. Framework of Rights

1.1 INTRODUCTION

Justice is of central importance in political practice and theory. In defending or opposing laws, public policies and administrative decisions of governments, appeals are made to notions of justice. Justice is also invoked in social and political movements, civil disobedience and satyagraha campaigns. Thus, the civil rights or civil liberties movements are essentially movements for justice. So are the Dalit, feminist and environmental movements. While a decent or good society or polity must have several virtues, justice is, according to a widespread view, the first of them. In the words of the leading contemporary moral and political philosopher, John Rawls of Harvard University, "justice is the first virtue of social institutions." He made that statement in his book, *A Theory of Justice*, which was published in 1971. Some two decades earlier, it was proclaimed in the Preamble of the Indian Constitution that the Democratic Republic of India stood committed to securing to all its citizens "Justice, social, economic and political." It is noteworthy that the Preamble lists justice above the other moralpolitical values of liberty, equality and fraternity. Rawls's book inaugurated what has been rightly called "a golden age in theorising about justice." Consequently, justice,

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as noted by Tom Campbell, is today “the central and commanding concept of current mainstream normative political philosophy.” In his edited volume, entitled *John Rawls and the Agenda of Social Justice*, B.N. Ray observes that Rawls’s book has renewed not only scholarly interest, but also popular interest in justice.

While there is a widespread agreement among ordinary peoples, politicians and philosophers about the centrality of justice as a moral-political value, there is no such agreement among them on its meaning and scope. On these, there are very major differences in the views of the liberalutilitarian, liberal-egalitarian (i.e., Rawlsian), libertarian, communitarian, Marxist and feminist theorists. Of them, the liberal-egalitarian theory of social justice propounded by Rawls has come to occupy a deservedly central position. Those who advanced alternative or competing theories of justice feel compelled to present their worth or merit in comparison and contrast with Rawls’s theory.

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 the individuals; they exist for the individuals; they are exercised by them so as to enable them to attain the full development of their personalities.

1.2 THE IDEA OF JUSTICE

The word “justice” is derived from the Latin words *jungere* (to bind, to tie together) and *jus* (a bond or tie). As a bonding or joining idea, justice serves to organise people together into a right or fair order of relationships by distributing to each person his or her due share of rights and duties, rewards and punishments. The Roman Emperor, Justinian, stated some of the precepts of justice (in Latin) as *alterum non*

laedere(not to harm or injure others); and suumcuiquetribuere (to allocate to each what is due to him or her). Justinian's precepts of justice were derived from the Greek philosopher, Aristotle, who had defined justice as the treating of equals equally and of unequals unequally in proportion to their inequalities. He had also distinguished three types of justice, namely, distributive justice, corrective justice and commutative justice (i.e. the justice of equivalence in the exchange of different kinds of goods). As a moral-political value, justice is inter-linked with such other moral-political values as liberty, equality and fraternity. What makes a society or state just in a basic sense is its right or fair ordering of human relations by giving to each person her or his due rights and duties as well as due rewards and punishments. Justice does this by bringing about adjustments between the principles of liberty, equality, co-operation, etc. Traditionally, then, the principle of justice was taken to be a principle which balances or reconciles the principles of liberty, equality, etc. Such a balancing or reconciling is done with reference to some ultimate value, e.g., the value of the greatest happiness of the greatest number or the value of the freedom and equality of all the members of a society. In this context, it may be noted in passing that it is the balancing or reconciling nature of justice, which is represented in the figure of personified justice, who holds a balance in her hands

1.2.1 Procedural Justice and Substantive Justice

In discussions of justice, a distinction is drawn between procedural justice and substantive justice. The former refers to justice or fairness or impartiality of the processes and procedures through which a law or policy or decision is arrived at and applied. Substantive justice refers to justice or fairness of the content or outcome of laws, policies, decisions, etc. Principles of procedural justice have traditionally been based on the idea of formal equality of persons, i.e., their equality as human beings or as subjects of the rule of law, irrespective of their differences in gender, religion, race, caste, wealth, etc. Often, rights-based justice is seen as procedural justice, whereas needs-based justice is seen as substantive justice. John Rawls, whose principles of just distribution of social

primary goods we shall consider below, claims that his is a theory of “pure procedural justice.” By pure procedural justice, he means that the justice of his distributive principles is founded on justice-as-fairness of the procedure through which they have been arrived at and that they have no independent or antecedent criteria of justice or fairness. If those principles had such independent or antecedent criteria of justice or fairness but were lacking procedural justice or fairness, they would have been principles of imperfect procedural justice. As we shall see below, Rawls’s libertarian critic, Robert Nozick, maintains that the former’s theory is actually not a procedural theory, but a set of principles of “end-state” or “patterned” justice.

1.2.2 Needs, Rights and Deserts

A passing reference has been made above to rights-based and needs-based conceptions of justice. What they mean and how they differ from deserts-based justice is indicated below. The most famous formulation of a needs-based justice is Marx’s principle of communism: “From each according to his ability, to each according to his needs.” Generally, socialists subscribe to one or another version of needs-based, egalitarian justice. They differentiate needs, especially basic material needs, from wants, preferences or desires. The former are taken to be objective and universal, whereas the latter are seen to be culture-related and market-related. According to Abraham Maslow, there is a hierarchy of human needs, ranging from our most basic needs for fresh air, water, food, shelter to our needs for safety, love, self-esteem and self-realisation. Obviously, needs-based justice calls for egalitarian distribution of resources within and across countries. Rights-based conceptions of justice differ from egalitarian, needs-based justice. According to classical liberalism (Locke and Hume), the main function of the state was to protect the negative liberty rights of the individuals. The welfare-state or egalitarian liberals stress the positive freedom or welfare rights of the citizens. The present-day libertarians (e.g. Nozick), who are heirs to classical liberalism; espouse an entitlement-centred, non-egalitarian conception of social justice. Deserts-based conceptions of justice are

occasionally referred to as “natural justice.” It is a tough and non-egalitarian version of rights-based justice. It emphasises the idea of the natural deserts or innate worth of the individuals, which are assumed to constitute the basis of a Godgiven, natural, unalterable order of things. Edmund Burke and Herbert Spencer upheld these ideas. Spencer maintained that each individual should get “the benefits and the evils of his own nature and consequent conduct.” These ideas serve to give a conservative, social-darwinian defense of free- market capitalism.

1.3 RAWLS’S LIBERAL-EGALITARIAN PRINCIPLES OF SOCIAL JUSTICE

1.3.1 Critique of Utilitarianism

Rawls’s principles of social justice are a corrective to the liberal-utilitarian principle of the greatest happiness of the greatest number. What then are his objections to utilitarianism? Rawls recognises that liberal utilitarianism marked a progressive, welfare-oriented departure from classical liberalism’s preoccupation with individualistic rights. Yet, utilitarianism is, in Rawls’s view, a morally flawed theory of justice. Its moral flaw is that it justifies or condones the sacrificing of the good of some individuals for the sake of the happiness of the greatest number. For the utilitarians, the criterion of justice in a society is the aggregate sum of utility or happiness or welfare it produces, and not the well-being or welfare of each member of the society.

In his critique of, and alternative to utilitarianism, Rawls derives inspiration from Immanuel Kant’s moral idea of the freedom and equality of every human being. According to Kant, every human being is to be treated as an end in himself or herself and not as means to the ends of others. It is this liberal-egalitarian moral principle, which is violated by utilitarianism and which Rawls reinstates in his theory of social justice. Both in his method or procedure of arriving at the principles of distributive or social justice and, consequently, in the content or

substance of those principles, Rawls tries to give centrality to the moral principle of the freedom and equality of every person.

1.3.2 Rawls's Liberal-Egalitarian Principles of Justice

According to Rawls, a stable, reasonably well-off society is “a cooperative venture for mutual advantage.” Along with cooperation, there is also conflict among its members regarding their share of the burdens and benefits of social living. The purpose of principles of social justice is to ensure that the distribution of the benefits and burdens of society is just or fair to all its members. The basic institutions of society should, according to Rawls, be so constructed as to ensure the continuous distribution of “social primary goods” to all the members of society in a fair or just manner. “Social primary goods” are goods, which are distributed by the basic structure of a society. They include rights and liberties, powers and opportunities, and income and wealth. Rawls argues that the distribution of these social primary goods among the members of a society is just, if that distribution is made in accordance with the following principles of justice:

Principle 1 (Principle of Equal Basic Liberties)

Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, scheme which is compatible with the same scheme of liberties for all.

Principle 2

(2-i: Fair Equality of Opportunity; 2-ii: Difference Principle)

Social and economic inequalities are to satisfy two conditions : first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society These principles are

listed here in the order of their lexical priority. By “lexical priority”, Rawls means that the first principle must be fully satisfied before the next principle is applied. It means, for instance, that “liberty can be restricted only for the sake of liberty”, and not, say, for the sake of income or wealth. It must, however, be noted in this context that Rawls assumes that society (his own society, in fact) to which his principles of social justice are to be applied is one which is reasonably well-off and in which the basic material needs of all are provided for. The main purpose of the rule of priority is to assign greater importance to equal basic liberties than to other primary social goods. In “basic liberties,” Rawls includes freedom of conscience, freedom of thought, freedom of the person along with the right to hold personal property, freedom from arbitrary arrest and detention or, in other words, the freedom of the rule of law, freedom of speech and assembly and political freedoms. According to Rawls, these basic rights and liberties enable us to exercise and realise our “two highest-order moral powers,” namely, (i) the capacity to understand, apply and act according to the principles of justice and (ii) the capacity to form, revise and pursue conceptions of the good.

In Rawls’s view, every member of a just society must be viewed as having these two moral capacities. These make them free and equal citizens. The moral equality of citizens means that “they each have, and view themselves as having, a right to equal respect and consideration in determining the principles by which the basic arrangements of their society are to be regulated”. The freedom of the citizens includes their freedom to realise their capacity to pursue their own conception of the good life. Since the distribution of social primary goods will have to respect the equality and freedom and “fraternity” and welfare, etc. of all the members of society, it cannot strictly be an equal distribution across the board. According to Rawls, once the basic material needs of the people are met, their right to basic liberties is to be accorded priority over their right to the other social primary goods, which are covered by the principle of equal opportunities and the difference principle. While he is opposed to any unequal distribution of basic liberties, he assumes that

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some inequalities in income and wealth are inevitable and perhaps not undesirable. Accordingly, the main purpose of his second principle of social justice is to keep inequalities within the bounds of justice-as-fairness. Obviously, the distinction between just or fair inequalities and unjust or unfair inequalities is of crucial importance in Rawls's theory of social justice. Rawls thinks that excessive equality in income and wealth would destroy the economic incentives required for greater creativity and productivity. This would be harmful to both the rich and the poor. From the standpoint of the poor (as well as of the rich), justice does not require the complete elimination of economic inequality. Rawls believes that certain inequalities, which serve as incentives for the greater creativity and productivity of the talented and the gifted, are not unjust if that greater creativity and productivity are integrated into a social-structural or institutional arrangement for distribution to the benefit of all, especially the least advantaged members of the society. He also thinks that giving advantage to the least advantaged would invariably entail giving benefits to everyone else. Rawls maintains that a society can so structure or re-structure its basic institutions as to make inequalities in income and wealth yield maximum benefits to the least advantaged – maximum in comparison to any reasonable, alternative social re-structuring. His Difference Principle is meant not to replace inequality with equality in income and wealth, but to transform unfair or unjust degrees or kinds of economic inequalities into a fair or just kind or degree by maximising the benefits of the least advantaged. According to the Difference Principle, inequalities which are advantageous to the better off but not to the least advantaged are unjust. Rawls's principle of fair equality of opportunity stipulates that the state should ensure fair equality of opportunity in the educational, cultural and economic spheres as well as provide unemployment and sickness benefits. These require an interventionist, welfare state to run or aid schools, to regulate the economy, etc.

The principles of justice, which we have discussed so far, have been described by Rawls as “special” formulations of a “general” conception of justice. This general conception is stated as: All social primary goods

– liberty and opportunity, income and wealth and the bases of self-respect – are to be distributed equally, unless an unequal distribution of any or all of these goods is to the advantage of the least favoured.

What Rawls means by this general conception of justice is that only those inequalities are unjust which, as in the case of utilitarianism, put some members or the society at a disadvantage. This “general” conception of justice, however, does not differentiate between the different social primary goods. It does not say, for instance, how to resolve the conflict, if any, between the distribution of income and the distribution of liberty. It is to meet this difficulty that Rawls divides the general conception into a “special conception” of the two principles, which we have discussed above.

1.3.3 The Social Contract Procedure

So far, our focus has been on the content or substance of Rawls’s principles of social/distributive justice. Let us now turn briefly to his method or procedure of argumentation in defense of those principles. Why, according to Rawls, should we accept his principles, rather than some other principles (say, the utilitarian or libertarian principles), as principles of just or fair distribution? Briefly stated, Rawls’s response is that a social contract method or procedure of political deliberation respects the Kantian liberal-egalitarian moral idea of the freedom and equality of all persons and that an agreement or contract arrived at through such a method or procedure is just or fair to all the parties to that contract. He, in fact, adopts such a procedure and argues that all the contractors would agree to the above-mentioned general and special formulations of the principles of distributive justice – principles, which he espouses and defends as the liberaldemocratic-egalitarian principles of social justice. His social contract is hypothetical and not historical or actual. It is only meant to be a hypothetical assembly or “original position” of “heads of families.”

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They hypothetically assemble (before the formation or organisation of their society) in order to enter into an agreement or social contract on the general principles of distributive justice, on the basis of which the institutions of their society are to be constructed. In order to ensure impartiality and fairness in their agreement or social contract and to incorporate the moral idea of the freedom and equality of persons, Rawls postulates that the contractors in his “original position” are under a “veil of ignorance” about their attributes, class, social status or their own conceptions of the good. They, however, do have knowledge of the general circumstances of justice such as the limited benevolence of people and the conflict of interests over the limited amount of social primary goods. They also know that in the actual society in which they would have to live, they may perhaps end up as the least advantaged members of the society. Given the uncertainty about the actual position, which a contractor may come to occupy in the actual society, it is rational for him or her (in the contracting situation, i.e. the “original position”) to assume that he or she may end up in the least-advantaged position and, accordingly, to choose a general principle of distribution that would give the best deal to the least advantaged members of the society.

Each contractor would, in other words, follow the “maximin rule” of choice, which says that in an uncertain situation, one should choose so as to maximise one’s minimum prospects. Taken together, Rawls’s principles of social justice, ranked in the order of their lexical priority, embody the liberal-egalitarian moral injunction of Kant; namely, that human beings are always to be treated as ends in themselves and never as mere means to the ends of others. From this perspective, it would be unjust to sacrifice the basic rights and liberties of some persons for the sake of any majoritarian or utilitarian conceptions of the good. Unlike liberal-utilitarian justice, Rawls’s liberal-egalitarian justice is marked by its concern for the equality and welfare of everyone, including, especially, the least advantaged members of the society.

1.3.4 The Basic Structure of Society

Rawls has persuasively shown that social justice is of crucial importance to social life and that it should inform constitutions, laws, policies, legal processes, etc. In fact, according to him, the primary subject of justice is the basic structure of society. His principles of social justice justifies, and is justified by, liberal democracy, a regulated market economy and the liberal-egalitarian welfare state. He states that for translating his Difference Principle into practice, the government should have four branches, viz., i) an allocation branch “to keep the price system workably competitive and to prevent the formation of unreasonable market power” ii) a stabilisation branch to bring about “reasonably full employment” and, jointly with the allocation branch, to maintain the efficiency of the market economy iii) a transfer branch to attend to “the claims of need and an appropriate standard of life” and iv) a distribution branch “to preserve an appropriate justice in distributive shares” by taxation measures and adjustments in property rights.

Check Your Progress 1

Note : a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

1. Discuss The Idea of Justice

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2. Discuss the Rawls’s Liberal-Egalitarian Principles of Social Justice

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1.4 SOME CRITICISMS OF RAWLS'S LIBERAL-EGALITARIAN CONCEPTION OF JUSTICE

1.4.1 The Libertarian Critique

As mentioned above, Rawls's liberal-egalitarian conception of social justice occupies a central position within contemporary political philosophy. But it is not an unchallenged or unopposed conception. Many political philosophers have criticised it and have advanced alternative conceptions of justice. Some of these criticisms and alternatives are indicated below. Rawls's liberal-egalitarian conception of justice has been subjected to a rigorous libertarian critique by his late colleague, Robert Nozick. In his book, *Anarchy, State and Utopia* (1974), Nozick draws a distinction between "end-state" and "patterning" conceptions of justice on the one hand and "historical" and entitlement-based conceptions of justice on the other. The former types of justice call for social reconstruction or patterning by the state in the name of some endstage goal. Rawls's conception of justice is, according to Nozick, such an end-state and patterning conception, which by undermining the liberty rights of the individuals is unfair or unjust to them. Instead of prescribing any end-state or patterning principles of distribution, Nozick looks for justice or injustice in the history of the acquisition of the titles to our property holdings. According to him, the individual has absolute liberty rights, including the right to own property and exchange it in the market, regardless of the end-state or pattern of distribution it may lead to.

This entitlement theory of justice, however, includes a principle of rectificatory justice, which is meant to correct past injustices, if any, in the acquisition or transfer of property. It can be seen that Nozick's libertarian conception of justice is a defense of free-market capitalism. While it is eloquent on the defense of individual rights from state

interference, it is silent on the undermining of individual freedom and equality by very rich people or corporations.

1.4.2 Some Marxist Criticisms

Many Marxists criticise liberal egalitarians for their preoccupation with just or fair distributions within the capitalist system and their failure to address its underlying or inherent exploitative or alienating inequalities between the capitalists and the workers. The ideal communist society, which Marxism seeks to bring about through the destruction of the system of private ownership of the means of production, is envisaged as a society in which there will be no scarcity, no limits to human benevolence and no state. Since the scarcity of social primary goods and the limited nature of human benevolence are the “circumstances of justice” for Rawls’s theory, their (presumed) absence in the communist society makes any principles of fair or just distribution irrelevant to such a society. Instead of any such juridical, superstructural distributive principle, the higher form of community envisaged by communism will function according to the principle: “From each according to his ability, to each according to his needs.”

In the socialist phase, which precedes and gives birth to the higher and final communist phase, a work-based or contribution-based principle of distribution will prevail. The collapse of Soviet communism and the growing pace of “liberalisation” in country after country, each with its own pattern of inequalities, have served to cast doubts on the “realism” of the traditional Marxist hope for the elimination of the “circumstances” of injustice and for ushering in a society in which social or distributive justice is irrelevant. In fact, departing from traditional Marxism, some contemporary Marxists interpret the extraction of surplus value from the workers by the capitalists as a derived form of injustice, which, according to them, rests on a prior and larger injustice in access to the means of production. In this way, the agenda of liberal-egalitarian social justice that has been launched by Rawls seems to be having some impact on Marxism.

1.4.3 The Communitarian Critique

The communitarian theorists criticise Rawls's liberal-egalitarian conception of justice for its emphasis on individual rights at the expense of the good of the community. In his book, *Liberalism and the Limits of Justice* (1982), Michael Sandel, also of Harvard University, criticises what he calls Rawls's notion of disembodied or unencumbered self or subject, in opposition to which he advances the notion of the situated self, i.e. the self or subject, who is invariably a member of a community. While, for Rawls, the right is prior to the good and justice is the first virtue of a society, for Sandel, justice is only a remedial virtue that is needed in an individualistic society.

For Sandel, moreover, the common good of the community is prior to the rights of the individuals. Charles Taylor, who too is a leading communitarian political philosopher, bemoans liberalism's "atomistic" conception of the self. According to him, the well-being of the individual depends on the good of his community and therefore, the recognition and protection of the group or cultural rights of the community is not less important than the just distribution of the freedom and equality rights to the individuals.

1.5 RIGHTS: MEANING AND NATURE

The relationship between the individuals and the states 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 the individuals have rights is a phenomenon of modern age as it began in the 15th-16th 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 the 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 products of our social nature, and as such, the result of our membership of the society.

1.5.1 Rights, Claims and Powers

Rights are indeed claims, but every claim is not a right. A claim is not a right if it is not recognised; it is not a right if it is not enforced. Claims which are not recognised are empty claims; claims not enforced are powerless claims. Claims become rights when they are recognised by society; they become rights when they are maintained and enforced by the state. Rights are not merely claims, they are social claims. They are not claims, but they are in the nature of claims. What this means is that claims which are social in nature, alone are rights. Rights as social claims presuppose the existence of the society. There are no rights (i.e. social claims) where there is no society. To talk about natural rights in the state of nature, as the advocates of the social contract theory claimed, is only a misnomer. Rights as social claims are rights because they are social; exist in the society, because society exists and because society alone grants them and society grants them to those who are its members. Rights are social claims given to the individuals as members of the society and are in the form of rewards as a response to the duties the individuals have performed. Rights are social because their claims stand to strengthen the society, and accordingly, rights are never against society. There are no anti-social rights. Rights as social claims have to have another requisite. They are to be maintained, enforced and protected. It is here that the institution of the state has a definite role to play.

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It is society and not the state, that rewards individuals after their having performed their duties, with their rights. The state maintains the framework of rights in the society by providing them to one and all; the state protects individuals' rights in their interests and for them against encroachments by executive authorities, other individuals and/or groups of individuals. Rights are social claims; they are not powers. 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 has 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. Our existence as members of society alone ensures us rights. Rights are rights when they are recognized by others as such. They are, then, the powers recognized as being socially necessary for the individuals. 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 fulfillment of the function that society expects from him. They are conditioned by, correlative to, his social responsibilities.”

Rights arise from the individuals as members of the society. They arise from the recognition that there is an ultimate good which may be reached by the development of the powers inherent in every individual. Rights are social claims of the individuals eventually recognised and lawfully maintained. Apart from society, there are no claims which individuals can ask for. Apart from the state, there are no individuals' rights whose protection can ever be expected. Society gives us rights and the state protects them.

1.5.2 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. Different definitions of rights touch but a partial aspect of what rights is. Jefferson's declaration that the 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 the society." His definition describes rights, as a man's activities blessed by the 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 positions of society, and 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

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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 the society and, therefore, there are no rights prior to the 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.

1.5.3 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 the 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. 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 can not be exercised against the common good perceived by the 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 the 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 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 the 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 the 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.

Check Your Progress 2

Note : a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

1. Discuss the Some Criticisms of Rawls's Liberal-Egalitarian Conception of Justice.

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2. Discuss the Rights: Meaning and Nature

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1.6 THEORIES OF RIGHTS

There are numerous theories of rights which explain the nature, origin and meaning of rights. The theory of natural rights describes rights as nature; the theory of legal rights recognizes 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 the individual and the 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; human rights, with the advocates of the United Nations. This explanation oversimplifies what our rights are and how they came to us.

1.6.1 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 inalienable. The theory of natural rights is criticized 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 can 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 false assumptions 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, and not that there are natural rights, 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.'

1.6.2 Theory of Legal Rights

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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 Bentham, Hegel and Austin can be mentioned. According to them, rights are granted by the state, regarding 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. The theories which point out rights having originated from the state are criticised in numerous ways. The state, indeed, defends and protects our rights; it does not create them as the advocates of these theories make us believe. If we admit that the 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.

1.6.3 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, while throwing his weight to the prescriptive theory, 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 the 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 the historical theory of rights argue, what (the rights including) 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.

1.6.4 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 as help promote social welfare. Among the modern advocates of the 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.

1.6.5 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 the capitalistic laws, protects the system of rights favouring the capitalist system. To secure rights for all in a class society, the Marxists argue, is not the object of the class state; rather its aim is to protect and promote the interests of the class wielding economic power. 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, as the Marxian framework suggests, 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 and 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.

1.7 FRAMEWORK OF RIGHTS

Rights are the essential conditions of human personality. The development of human personality depends on the system of rights available to the individuals. Different state systems recognise different rights: rights available to the Americans would be different from those available to the 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 and legal; legal into 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 the individuals of all the states. The UN Declaration of Human Rights serves as an inspiration and as agenda for the states to recognise and maintain, for their respective people.

1.7.1 Rights of the People

A general framework of the 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 the individuals. Religion is a matter of faith and the voice of one's conscience and as such is given to the citizens in the present day states. This right does not curtail secularism in so far as religion is accepted as something personal and religion and public life are not allowed to intermix. Right to education is another important right without which the development of man's personality becomes impossible. An uneducated

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man cannot lead a meaningful life. Illiteracy, being a social curse, should be reduced/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. With 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 the 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, social rights and political rights. For a liberal democrat, right to freedom is more important than the right to equality; right to property is more important than the right to work; economic security is more important than economic equality. Economic rights, in such societies are reduced to the right to protection of property, to workable equality within the framework of private property system, not to be exploited by the employer, to unemployment allowance. In socialistic societies, right to work precedes the right to education; right to education precedes the right to hold independent opinion.

1.7.2 Laski's Theory of Rights

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 the 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 these 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 the right earnestness.

1.7.3 Theory of Human Rights

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

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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, 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 from 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 : a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

1. Discuss the Theories of Rights.

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2. Write about Framework of Rights.

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1.8 LET US SUM UP

In this unit, you have read about the idea and concept of justice. It is one of the important concepts in Political Science as well as other social sciences. There are different types of justice viz., procedural and substantive. One of the most path breaking works in the domain of justice has been done by Jawn Rawls. Its liberal – egalitarian conception of justice is basically a critique of the utilitarian conception of justice. Of course, Rawls too has had his critics. Thus, the Marxists, libertarians and the communitarians have criticised the Rawlsian framework on different grounds. Be that as it may, Rawls’s theory has its non-standing contemporary political discourse.

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 the society and secured by the state. Even the state cannot take them

away from the individuals. They reflect a particular stage of the development of society. As the 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. The liberal democratic societies lay more emphasis on personal and political rather than economic and social rights. The 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.

1.9 KEY WORDS

Justice:Justice, in its broadest context, includes both the attainment of that which is just and the philosophical discussion of that which is just. The concept of justice is based on numerous fields, and many differing viewpoints and perspectives including the concepts of moral correctness based on ethics, rationality, law, religion, equity and fairness. Often, the general discussion of justice is divided into the realm of social justice as found in philosophy, theology and religion, and, procedural justice as found in the study and application of the law.

Rights:Rights are legal, social, or ethical principles of freedom or entitlement; that is, rights are the fundamental normative rules about what is allowed of people or owed to people, according to some legal system, social convention, or ethical theory.

Critics:a person who expresses an unfavourable opinion of something.

1.10 QUESTIONS FOR REVIEW

1. Briefly explain the concept and idea of Justice.
2. Critically examine Rawls's egalitarian conception of social justice.
3. Write a note on the Rawlsian conception of justice.
4. Critically examine the Marxist views on justice.
5. Write a note on the communitarian critique of the Rawlsian notion of justice.
6. What do you mean by 'rights'? Distinguish between rights, power, claims and entitlements.
7. Briefly describe the various theories of rights.
8. Mention the rights available to modern citizens.
9. Discuss Harold Laski's theory of rights.
10. Write a detailed essay on the UN Declaration of Human Rights.

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1.12 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

1. See Section
2. See Section

Check Your Progress 2

1. See Section
2. See Section

Check Your Progress 3

1. See Section 1.6
2. See Section 1.7

UNIT 2: LIBERTY AND EQUALITY

STRUCTURE

- 2.0 Objectives
- 2.1 Introduction
- 2.2 Negative Liberty
- 2.3 Positive Liberty
- 2.4 Recent Debates on Liberty
- 2.5 Equality vs. Inequality
 - 2.5.1 Struggle for Equality
- 2.6 What is Equality?
- 2.7 Dimensions of Equality
 - 2.7.1 Legal Equality
 - 2.7.2 Political Equality
 - 2.7.3 Economic Equality
 - 2.7.4 Social Equality
- 2.8 Relation of Equality with Liberty and Justice
 - 2.8.1 Equality and Liberty As Opposed To Each Other
 - 2.8.2 Equality and Liberty Are Complementary To Each Other
 - 2.8.3 Equality and Justice
- 2.9 Towards Equality
- 2.10 Plea for Inequality in the Contemporary World
- 2.11 Marxist Concept of Equality
- 2.12 Let us sum up
- 2.13 Key Words
- 2.14 Questions for Review
- 2.15 Suggested readings and references
- 2.16 Answers to Check Your Progress

2.0 OBJECTIVES

After this unit we can able to know:

1. To discuss the Negative Liberty and Positive Liberty
2. To know about the Recent Debates on Liberty

3. To highlight on Equality vs. Inequality
4. What is Equality?
5. To understand Dimensions of Equality
6. To know the Relation of Equality with Liberty and Justice and move towards Equality
7. To plea for Inequality in the Contemporary World
8. To know the Marxist Concept of Equality.

2.1 INTRODUCTION

The concept of liberty captures a relationship between three terms: it refers to the freedom of an individual X, from an obstacle A, to do B. In other words, Ms. X is not restrained by A from doing B, or in the absence of restraint A, Ms. X is free to do B. Gerald MacCallum who offered us this understanding of the meaning of freedom, argued that it was specious to want to divide analysts of liberty into advocates of negative liberty or of positive liberty, since all theorists of liberty used these three terms (MacCallum, 1967). We feel, however, that conceptions of liberty can still be differentiated by the contrasting emphasis they place on A or B. Negative conceptions of liberty use B to denote an infinite set, (starting from the act of doing nothing), whereas they use A for a much narrower set, sometimes counting intentionally imposed physical barriers alone as restraints, and more frequently allowing laws as well to be included in the set of restraints. Positive liberty theorists do the opposite: they do not allow every action under B - it is not freedom to sell oneself into slavery - whereas their set of restraints is defined as much wider to include not only physical barriers and laws but also incapacities, whether in the form of a lack of material or psychic resources. Let us, before we look at the two specific conceptions of liberty in more detail, make some general observations about the concept of liberty. Sometime ago, specially among critical theorists, there was widespread disappointment at liberty not being able to deliver on its promise.

Finally, some feminists attacked the prevalent theories of freedom as infected with a masculine bias and therefore, problematic for enlarging

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the freedom of women. Freedom has been conceptualised so far, they argued, solely on the basis of male experience and circumstances. Accepting this conception of freedom means ignoring a large part of the activities of women, and so applying this conception to women cannot be in their interests. It has even been said that concentration on the value of freedom can have anti-women implications: to see freedom, defined as absence of restraints, as “the hallmark of humanity provides another means of asserting women’s non-human status”. (N.J. Hirschmann, 1989, p. 1236) These misgivings about freedom did not, of course, result in its rejection. It is evident that throughout the world today, opposition movements continue their struggles in the name of freedom and it remains the inspiration behind many movements against oppression. The task for theorists, then, is to use their critical stance towards freedom to come up with such a notion of freedom that is able to meet each of the earlier objections: that the freedom of some always requires the lack of freedom of others; that modernity, in insidious ways, makes everyone less free; and that current conceptions of freedom just cannot apply to both sexes.

These social conditions of freedom are not exhausted by the publicly guaranteed protection of certain areas of life from physical and legal impediments, and the social provision of resources like income, education and health to individuals. In addition, they are said to include two other provisions on which there is less consensus than on the first two. The third social condition of freedom consists of one’s cultural context being valued in the society in which one lives. This cultural context is part of the process by which an individual forms autonomous preferences, and its importance lies behind the demand for cultural rights; that is, it underlies the claim that individuals are not equally free in any society in which different cultures are unequally valued. The fourth social condition of freedom is some notion of collective freedom, which is more than the political freedom of everyone having the vote, or the right to freedom of expression. In order to counter the objection that freedom will always mean the freedom of some to dominate others, we

have to look at, and develop arguments making the freedom of some dependent on the freedom of others.

Of all the basic concepts of social, economic, moral and political philosophy, none is more confusing and baffling than the concept of equality because it figures in all other concepts like justice, liberty, rights, property, etc. During the last two thousand years, many dimensions of equality have been elaborated by Greeks, Stoics, Christian fathers who separately and collectively stressed on its one or the other aspect. Under the impact of liberalism and Marxism, equality acquired an altogether different connotation. Contemporary social movements like feminism, environmentalism are trying to give a new meaning to this concept. Basically, equality is a value and a principle essentially modern and progressive. Though the debate about equality has been going on for centuries, the special feature of modern societies is that we no longer take inequality for granted or something natural. Equality is also used as a measure of what is modern and the whole process of modernisation in the form of political egalitarianism. Modern politics and modern political institutions are constantly subjected to social pressures to expand opportunities equally irrespective of ethnicity, sexual identity or age. Equality is a modern value in the sense that universalistic citizenship has become a central feature of all political ideologies in modern industrial democracies.

Again, equality can also be taken as criteria for radical social change. It is related to the development of democratic politics. Modern societies are committed to the principle of equality and they no longer require inequality as automatically justifiable. The principle of equality enunciated by the American and French revolutions has become the central plank of all modern forms of social change and the social movements for the reorganisation of societies.

2.2 NEGATIVE LIBERTY

The classic defence of negative liberty remains Isaiah Berlin's 'Two Concepts of Liberty', first published in 1958. Berlin defined 'being free' as "not being interfered with by others. The wider the area of non-

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interference, the wider my freedom.” (Berlin, 1969, p. 123) This definition is a throwback to Hobbes’ presentation of liberty in the *Leviathan* as the absence of ‘external impediments’. For Hobbes, “a free man, is he, that in those things, which he by his strength and wit he is able to do, is not hindered to do what he has a will to.” (Hobbes, 1968, p.262) In Hobbes’ view, these hindrances included the laws of the sovereign, framed after civil society had been created by the social contract, since liberty depended on the ‘silence of the law’. The absence of civil laws in the state of nature should have translated into more freedom for its denizens, but in its very absence, every individual acted as an external impediment to another’s freedom of action. By his laws the sovereign ensured that his citizens were free from interference from one another. It is good to keep in mind here how Hobbes, one of the earliest advocates of negative liberty, saw no contradiction between the ‘needful’ laws of an absolute sovereign and his subjects’ liberty. To judge whether an individual was free, it was irrelevant to check whether she had any say in the laws under which she lived. The absolute sovereign alone made the laws.

Most exponents of negative liberty echo this distinction between power or ability and liberty. What they disagree about is when a certain condition is to be characterised as a lack of ability and when as a lack of liberty. Not being able to fly because of a lack of wings is, in the case of human beings, a clear case of the lack of ability, and not of being unfree. But what about the case of a man who is too poor to afford “something on which there is no legal ban - a loaf of bread, a journey round the world.” Berlin argues that given a social theory in which this poverty is the result of “other human beings having made arrangements” whereby some men lack material resources while others enjoy an abundance of them, the poor man should be described not as being unable to buy bread, but as being unfree to do so: “The criterion of oppression is the part that I believe to be played by other human beings, directly or indirectly, with or without the intention of doing so, in frustrating my wishes.”

2.3 POSITIVE LIBERTY

If the advocates of negative liberty look to protect at least some area in which an individual is free to do as she wishes, positive liberty advocates are much more ambitious - they look to enlarge this area of self-determined action as much as possible. They do this in two ways, the first being their inclusion of internal restraints in the conception of constraints to action. Rousseau, for instance, saw being a slave to one's desires or passions as the very opposite of being free. Our desires are heterogamous; they come to us because of the environment we live in, or perhaps because of our upbringing. To give in to our desires, is for Rousseau, structurally similar to giving in to another's wishes. We have to consciously and rationally choose to fulfil our desires, that is, those wants that we see as really our own, and as reflective of our self. In his own words in 'The Social Contract', "the impulse of mere appetite is slavery, while obedience to a self-prescribed law is liberty." (Rousseau, 1967, p. 23) Kant had a similar argument - how can one's freedom be evinced in actions that are the product of brute nature working through one by prompting desires which one blindly follows? Instead, to count as free, one must choose or select amongst one's desires according to some rational principle that one has oneself endorsed. The second way of widening the domain of self-determined action in the conception of positive liberty is through democratic mechanisms of taking collective decisions. The emphasis is not so much on leaving as wide an area of one's life as possible untrammelled by laws, but since freedom is distinguished from license and defined as living under self-made laws, the emphasis is on ensuring that one has a voice in framing all the laws one lives under. Coming back to Rousseau, the principle of liberty entails not only that we determine our wants, it also means that we frame the laws under which we live. Rousseau's advocacy of democracy is famous: there is no other form of government which is compatible with freedom. How can we be said to be self-determined unless we have a say in framing the rules that govern our actions. This is Rousseau's conception of civil freedom, in contrast to the moral freedom which prevents us from being a slave to our appetites. Rousseau connected his conceptions of moral and civil freedom in the following manner: he saw the

legislation framed collectively by the people when they keep the general interest in mind (by the general will) as a means of each individual being in control over his or her desires. In place of a person's own weak will, these laws, in the framing of which all participate, ensure that one leads a life chosen by oneself? Where the compulsion of the laws in the case of Hobbes, increased one's freedom by preventing others from interfering with one's action, in Rousseau, the interference of collectively made laws becomes a form of freedom. After Rousseau, T.H. Green was an important advocate of positive liberty. In his 1881 essay, Green said: "We shall probably all agree that freedom, rightly understood, is the greatest of blessings; that its attainment is the true end of all our effort as citizens. But when we thus speak of freedom, we should consider carefully what we mean by it. We do not mean merely freedom from restraint or compulsion. We do not mean merely freedom to do as we like irrespectively of what it is we like. We do not mean a freedom that can be enjoyed by one man or one set of men as the cost of a loss of freedom to others.

2.4 RECENT DEBATES ON LIBERTY

Now that we have covered the traditional debate over freedom between the negative and positive liberty advocates, let us look at some ideological positions which are tangential to this debate. We will now look at how feminism has grappled with the value of freedom. It has been claimed that "[f]reedom began its long journey in the Western consciousness as a woman's value".(O. Patterson, 1991, p. 51) Women constituted the first slaves in the period of rudimentary state formation in late ninth and eight century B.C. Greece. During the constant warfare between the aristocratic clans of that period, male prisoners of war were killed, while women were enslaved. As the first slaves in early Greek society, women, both those who were actually slaves, and those who lived in dread of capture and enslavement, thought of, and valued the condition antithetical to that of slavery - that of freedom.

Patterson calls this ideal of freedom that emerged in the consciousness of the women of ancient Greece a conception of personal freedom; he

points out however, that it is different from the idea of negative freedom now familiar in the West: “ancient women were never satisfied with a purely negative view of personal freedom, not only because they recognised its potential nihilism and moral vacuity but because they could see how an emasculated negative liberty easily sublated into liberty as power over others.” (Patterson. p. 398) As slaves, ancient Greek women imagined being able to assert their own will once they were free, but as women-slaves, they visualised the state of freedom not as the domination of the will of others, but as a state to be shared with others. For them, freedom was love, a condition of being restored to their kin’s folk and families.

This concern with an alternative women’s conception of freedom has become dominant in the writings of the post 1960s women’s movement in the west, especially in the work of some women psychoanalytic thinkers on the differential impact of mother dominated parenting on little boys and girls. The mother who is the primary caretaker, represents the entire world outside the self, that is, the object world, to all infants, and the relationship with his or her mother determines a child’s response to others in the world: the infant’s stance toward itself and the world-all derive in the first instance from this earliest relationship. In their first few years of life human infants go through different phases - symbiosis, separation and individuation - in their relationship with their mother. Male and female infants in a patriarchal culture, experience these phases differently because their mothers, for psychological and sociological reasons, respond to them differently. Mothers are able, for instance, to more easily encourage the separation and individuation of their sons, while being less willing to give up the symbiotic phase with respect to their daughters. In addition little boys soon learn to fear their primary identification with their mothers because they realise that their male identity is defined as not being like a female. These psychological processes have an effect on their relationships with others in general: the attainment of masculine gender identity involves denial of attachment or relationship. This process of psychological development in childhood has been used to explain adult male responses, for example, the apparent

male perception of all relationships as threatening, and their sense of freedom as the absence of the (m) other. By doing so, it also problematises the prevalent norms for selfhood and autonomy, which are supposed to be based on the experiences of men. It is misguided to conceptualise the realisation of autonomy or freedom as requiring the absence of others. The development of autonomy takes place in interaction with other selves, and therefore freedom needs to be conceptualised in terms other than non-interference.

2.5 EQUALITY VS. INEQUALITY

Before we discuss the meaning of equality, we must understand that equality is a relative concept. The demand for equality has always been against the prevailing inequalities of the times. The existence of social inequalities is probably as old as human society and the debate about the nature and cause of inequalities is an ancient topic of political philosophy. In classical Greece, Aristotle in his book *Politics* distinguished three social classes and noted the significant difference between citizens and slaves, men and women in terms of rational and civic capacities. Participation in the Polis was restricted to the citizens only. Similarly, in our Hindu Society, according to the classical text, the society was divided into four (varnas) categories: Brahmin, Kshatriya, Vaishya and Shudras. All rights and duties were based upon this classification. During medieval feudalism, legal privileges were based upon status and birth. In short, different types of inequalities have been long enduring, giving rise to the notion that inequality is inevitable in social relations. In fact, the pre-eighteenth century teachings argued that men were naturally unequal and that there was a natural human hierarchy. Different ideologies justified inequality on grounds of superior race, ancestry, age, sex, religion, military strength, culture, wealth, knowledge, etc. According to Turner, inequality is multi-dimensional and the elimination of one aspect of inequality often leads to the exaggeration of other aspects of social, political and cultural inequalities. In fact, all human societies are characterised by some form of social inequalities in terms of class, status, power and gender. While studying the concept of equality, the contradiction between equality as a general

value of modern society and inequality at a practical level, as a fact of all human societies must be kept in mind.

2.5.1 Struggle for Equality

If inequality has been a universal phenomenon, protest against the inequalities based upon privileges and birth had also been voiced right from their emergence. Thus in the history of western political ideas, the doctrine of equality is practically as old as its opposite. For example, the most prominent star in the Greek philosophy was Zeno who founded the Stoic School and supported equality among men. The Stoics concluded that all human beings possess reason and thereby all mankind is differentiated from other animals and is united. Humanity does not admit of degree. As such all men are equal as men. The Stoic philosophers gave the idea of universal brotherhood and they were opposed to slavery. The promulgation of the law of the people by the Roman Empire was another way in which the Romans attempted to give effect to the principle that all men are equal and as an extension to that, they conferred citizenship both on the individuals and entire communities. The climax was reached in 212 AD when a notable edict of Emperor Caracalla conferred citizenship of Rome upon all free inhabitants of the empire. Similarly, St. Paul said to Galatians 'There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female, for you are all one in Jesus Christ'. From the fifth to the fourteenth century, the demand for equality was a cry against serfdom, medieval gradations or rank and hereditary nobility and the equality for career opportunities in the church. From the 15th to the 17th centuries, the cry for equality was against the landowners' status and religious intolerance and was raised by Puritans, Levelers, doctrine of natural rights and John Locke. Simultaneously, the movements of Renaissance and Reformation raised a powerful voice against the legal privileges of the clergy and nobility based upon birth and demanded equality by birth.

Check Your Progress 1

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Note : a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

1. Discuss the Negative Liberty and Positive Liberty.

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2. What do you know about the Recent Debates on Liberty?

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3. Discuss on Equality vs. Inequality.

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2.6 WHAT IS EQUALITY?

While equality is one of the many concepts (others being rights, liberty, justice etc.) it is a crucial one in a world in which so many differences exist among men. Every modern political constitution has some notion of human equality inscribed as a fundamental law and every political theory of any importance has contributed to the nature and feasibility of socio-economic equality. However, it is as difficult to define it clearly as it is to achieve it politically. As mentioned earlier, the concept of equality is relative and it can be understood only in a concrete context. Equality is not identity of treatment or reward. There can be no ultimate identity of treatment so long as men are different in wants, capacities and needs. As Laski wrote, ‘the purpose of society would be frustrated at the outset if

the nature of a mathematician met with identical response with that of a bricklayer'. Also inequalities gifted by nature are an inescapable fact and it has to be accepted in society. Injustice arises as much from treating unequals equally as from treating equals unequally. And most importantly, apart from the natural inequalities, there are inequalities created by the society – inequalities based upon birth, wealth, knowledge, religion, etc. Claims for equality have always been negative denying the propriety of certain existing socio-economic inequalities. When liberalism urged that all men are equal by birth, it meant to challenge the property owning franchise. The Declaration of the Rights of Man explicitly recognised that superior talent and qualities of character are a proper ground for distinction of wealth, honour and power. During the twentieth century, we have been dismantling an educational and social system in which opportunities for advancement depended on the family means and replacing it with one that makes skill in examination one of the principal criteria. Thus, what we have to keep in mind is that out of context, equality is an empty framework for a social ideal. It is concrete only when particularised. The movement of history is not towards greater equality because as fast we eliminate one inequality, we create another one: the difference being that the one we discard is unjustifiable while the one we create seems reasonable. Social, political educational and other equalities are always in need of re-enforcement and reinterpretation by each new generation. Thus, the idea of equality constantly erodes the foundations of every status quo.

Like liberty, equality can also be understood in its negative and positive aspects. Ever since the rise of the idea of equality, it has been engaged in dismantling certain privileges whether they were feudal, social, economic, etc. Thus negatively, equality was associated with 'the end of such privileges'. Positively, it meant 'the availability of opportunity' so that everybody could have equal chance to develop his personality. Explaining the meaning of equality in this context, Laski writes that equality means:

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- i) Absence of special privileges. It means that the will of one is equal to the will of any other. It means equality of rights.
- ii) That adequate opportunities are laid open to all. It depends upon the training that is offered to the citizens. For the power that ultimately counts in society is the power to utilise knowledge; that disparities of education result above all in disparities in the ability to use that power. Opportunity should be given to everyone to realise the implications of his personality.
- iii) All must have access to social benefits and no one should be restricted on any ground. The inequalities by birth or because of parentage and hereditary causes are unreasonable.
- iv) Absence of economic and social exploitation.

Similarly, Barker writes that the idea of equality is a derivative value – derivative from the supreme value of the development of personality- in each alike and equally, but in each along its own different line and of its own separate motion. According to him, ‘The principle of equality, accordingly means that whatever conditions are guaranteed to me in the form of rights shall also and in the same measure be guaranteed to others and that whatever rights are given to others shall also be given to me’. According to Raphael, ‘The right to equality proper..is a right to the equal satisfaction of basic human needs, including the need to develop and use capacities which are specifically human’. According to E.F. Carritt, ‘Equality is just to treat men as equal until some reason other than preference such as need, capacity or desert has been shown to the contrary’. Recently, Bryan Turner in his book Equality has given a comprehensive meaning of equality relevant to the contemporary world. According to him, the concept of equality should include the following:

- i) Fundamental equality of persons
- ii) Equality of opportunity
- iii) Equality of conditions where there is an attempt to make the conditions of life equal
- iv) Equality of outcome of results.

The first kind of equality i.e., equality of persons, is common to cultural, religious and moral traditions typically expressed in statements such as ‘all are equal in the eyes of God’. This is concerned with the equality of men as men; something called ‘human nature’, ‘human dignity’, ‘personality’ or ‘soul’ by virtue of which they must be treated as fundamentally equal. A modern notion of this form of equality is found in Marxism when it talks about the ‘human essence’. In the Marxist tradition, it is claimed that all human beings are defined by praxis, that is all human beings are knowledgeable, conscious and practical agents. It asserts that ‘man is by his essence a universal free being who forms himself through his own self activity in the direction of an ever widening mastery of nature and an ever more universal intercourse, autonomy and consciousness’. Also, writers like R.H. Tawney often combined socialism and Christianity to provide a religious foundation for a commitment to social equality. However, this form of equality is not given importance in the contemporary welfare state based upon the notion of socio-economic equality. The second meaning of equality is associated with the most common argument for equality as ‘equality of opportunity’. This means that the access to important social institutions should be open to all on universalistic grounds, especially by achievement and talent. The debate about equality of opportunity has been especially important in the development of modern educational institutions where promotion and attainment are in theory based upon intelligence, skill and talent regardless of parental and class background. This type of equality believes in meritocracy where the occupational structure of a society is filled on the basis of merit in terms of universal criteria of achievement and not on the basis of age, sex, wealth, caste, religion, etc. Thirdly, the concept of equality of opportunity is closely related to and somewhat inseparable from the notion of equality of conditions. Equality of opportunity regards those who have ability and who are prepared to exercise their skills in the interest of personal achievement in a competitive situation.

2.7 DIMENSIONS OF EQUALITY

Equality is a multi-dimensional concept. The need for equality is felt in different fields of social life. Historically also, the demand for different dimensions of equality was neither raised simultaneously nor with the same intensity. While liberalism laid more emphasis on legal-political dimensions of equality, the socialists preferred socio-economic equality. The different dimensions of equality are:

- Legal Equality
- Political Equality
- Economic Equality
- Social Equality

2.7.1 Legal Equality

Classical liberalism, when it was fighting against feudal and religious privileges, held that equal distribution of opportunities required merely equal allocation of basic rights of life, liberty and property. If legal privileges are abolished and legal rights are protected, no obstacles will stand in the way of one's pursuit of happiness. It means two things: Rule of law and Equality before law. Rule of law means that the law is sovereign and no person, no matter how great he is or thinks he is, can declare himself above the law because that would be tantamount to arbitrary rule. Equality before law means that law guarantees freedom to each citizen. This is popularly explained as

- a) Equality before Law and
- b) Equal Protection of Law.

a) **Equality before Law** consists in 'equal subject of all classes to the ordinary law of the land administered by the ordinary law courts'. It means that amongst equals, the law should be equal and should be equally administered and that the 'like should be treated alike'. In other words, the law is not to make any distinction between rich and poor, feudal lord or peasant, capitalist or workers. In the eyes of law, all are

equal. It also implies equality of rights and duties in law i.e., equal protection of life and limb of everyone under the law and equal penalties on everyone violating them. However, since law creates classes with special rights and duties such as landlord vs. tenant, police vs. people, member of parliament vs. judges etc., in such circumstances, differences in rights are inevitable. And last not but the least, equality before law also implies equality in the actual administration of laws. In spite of the fact that people may be equal before law, the judges may be corrupt or biased. Equality before law must ensure that the judges are free from political pressures, free from corruption, bias etc. The inequality in the application of law may also arise if poor men are kept from the cost of a legal action i.e. if a rich man can force a settlement on less favourable terms than a poor opponent would get in court by threatening to carry the cause of appeal.

b) **Equal Protection of Law:** Equality before law does not mean absolute equality. While the law will not make any distinction between the people, equal protection means that on grounds of reasonable circumstances, certain discriminations can be made. The law, in certain special circumstances, can make rational discriminations. It means 'equal laws for equals and unequal laws for unequals'. This can be understood very well in the context of the Indian constitution where the law, while not recognising any distinction based upon birth, caste, creed or religion, does accept certain rational discriminations like reservation of seats or special queues for ladies, concessions given to students in railway journeys etc. Such discrimination based upon backwardness, sex, ability etc. are considered rational discriminations. In such cases, law protects the people by unequal rather than equal application.

Talking about legal equality, J.R. Lucas writes that equality before law does not necessarily mean that the law will treat all alike, but rather it determines that the law will be within the reach of everybody. In other words, nobody will be small enough that he will be unable to take the shelter of law and nobody will be big enough that he will not be accountable to law. It means that anybody can ask for the help of courts,

everybody is bound to obey its orders, and the courts will also take decisions impartially. Equality before law means equal subjection to law and equal protection of law. However, legal equality becomes meaningless in the absence of equal opportunities to get justice. In liberal societies, people need both time and money to have justice to protect their equality. All may possess equal rights, but all do not have an equal power to vindicate those rights, so long as the vindication demands expenditure and so long as some are more able than others to meet the expenditure demanded. Thus, in actual practice and operation of the courts, as distinct from the rule of law of the land, inequality still prevails though it is being steadily diminished by reforms in their operations.

2.7.2 Political Equality

As Lipson writes, normally and customarily, many had always been governed by few for the benefits of the few. Humanity as a general rule has lived under the regimen of inequalities and privileges. The basis of inequality in political matters has been knowledge (Plato), religion and God (monarchy), birth (aristocracy), money (plutocracy), colour (South Africa), race (Hitler), elite (Pareto, Mosca) etc. Against all these, political equality is associated with democratic institutions and the right to participate in the political process. The demand for political equality is summarised in 'one-man-one-vote'. This is the basic principle of political equality which has now found unqualified support in almost all the countries of the world. The principle is expressed in the right to vote, the right to stand for elections, to hold public office with no distinction (made) on the basis of caste, colour, sex, religion, language etc. According to Laski, political equality means the authority which exerts that power must be subject to rules of democratic governance. However, in recent years, it is being realised that the principle of political equality is not as simple as the liberal meaning conveys. If the word politics means the ability and the skill to influence others which an individual exercises in controlling, managing and arranging things according to his will or to the will of the party to which he may belong, obviously we cannot say that the people are politically equal. In modern times,

functioning of the government has become very complex and real political power vests in the bureaucracy, the police and the army over which people have no control. In fact, political power and political equality are distinct categories. There are many constraints put upon the common man and the multiplicity of factors which include different abilities, the ability to assert oneself and above all the differentiation imposed by the maladjusted property system. However, the merit of political equality lies in recognising the basic truth that if men are equal in law, then there should be equality amongst them regarding the right to governance.

2.7.3 Economic Equality

The twentieth century has witnessed a sharpening of concern for the economic aspect of equality and the means of securing it, either within the framework of the liberal system or by establishing a socialist society. Rapid industrialisation brought about an increasing awareness that equality of opportunity cannot be achieved by the equality of law which forbids the rich and the poor alike to steal bread or to sleep under the bridges. Equality of opportunity does not only pre-suppose the equal allotment of certain rights, but also requires application of another rule of distribution: equality of the satisfaction of certain basic needs. It means privileges for the economically underprivileged.

As Tawney wrote, 'Equality of opportunity is not simply a matter of legal equality. Its evidence depends not merely on the absence of disabilities, but the presence of abilities. It obtains in so far as, and only in so far as, each member of the community, whatever his birth or occupation or social position, possess in fact and not merely in form equal chances of using to the full his natural endowments of physique of character and of intelligence'. Early liberals meant by economic equality an equality of choosing one's trade or profession irrespective of his caste, creed or economic status. It was also understood as freedom of contract or that everybody is equal in so far as the contractual obligations are concerned. Many a time, it was also understood as equalisation of wealth

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and income. However, all these measures were considered insufficient. Explaining economic equality, Rousseau wrote, 'By equality we should understand that not the degree of power and riches be absolutely identical for everybody, but that no citizen be wealthy enough to buy another and none poor enough to be forced to sell himself. Economic equality is concerned with the apportionment of goods. To bring the poor to the general starting line, law must compensate them for those initial disadvantages by means of social legislation and social services such as minimum wages, tax exemption, unemployment benefits, free public schooling, scholarship etc. According to Laski, economic equality is largely a problem of proportion. It means that the things without which life is meaningless must be accessible to all without distinction in degree or kind. All men must eat and drink or obtain shelter. Equality involves, up to the margin of sufficiency, identity of response for primary needs. The equal satisfaction of basic needs as a precondition for equality of opportunity does require economic equality i.e. reduction of extreme inequalities in the distribution of commodities. Economic equality is two fold:

- i) it is a matter of status and
- ii) it is a matter of property and income.

The matter of status raises the issue whether the state should seek to turn industrial production into something like a 'partnership of equals' and should introduce a system under which the directing and managing elements stand on an equal footing. With regard to property and income the issue is what methods the state should seek to correct inequality in their distribution. The liberal state through its policy of mixed economy, methods of differential taxation, regulation and raising the wages by methods of social expenditure and other welfare services has been making corrections in the wide disparities of wealth. The state taxes the rich to provide welfare to the poor. While liberal sociologists like Dahrendorf, Raymond Aron, Lipset feel that through the extension of welfare services to all strata of society and redistribution of income and wealth through progressive taxation, the state has been able to lessen

economic disparity and assure satisfaction of basic needs of all. Galbraith has gone to the extent of declaring that economic inequality has ceased to be an issue in men's mind in Western democracies.

However, the liberal socialists feel that inspite of the fact that state action has resulted in greater diffusion of property, the permanent ownership of capital resources and the disparity between rich and poor continues and is still greater. State action 'only touches the fringe of the problem of finding a general system of its more equitable distribution'. The state is yet to grapple with the problem of finding a general system of profit sharing.

2.7.4 Social Equality

Social equality is concerned with equality of opportunity for every individual for the development of his personality. It means abolition of all kinds of discrimination based upon caste, creed, religion, language, race, sex, education, etc. The cardinal question which confronts us today is how the state and its law should go to promote equality of different castes, classes and races, emancipation of women so far as equality in property and voting rights is concerned, and equality of rights in the admission to educational institutions.

Equality of races and colour denies that the class whose cause it champions is not inferior to any. Inferiority implies two considerations: i) the refusal to extend the principle of equal considerations to the class in question such as the Negroes, Blacks in South Africa, Jews etc., and ii) to prove the inferiority by means of dubious biological evidence that some races are superior to others. The case of equality of sexes can be understood as i) that inspite of physical and psychological difference between men and women, there is no evidence that women are in general inferior to men in intelligence, business capacity, soundness of judgements etc., and that discrimination resting on such assumed inferiorities is misplaced, and ii) the admitted differences will not support discrimination between the sexes in respect of voting rights, entry to profession, educational opportunities, level of remuneration etc.

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Thus 'equal pay for equal work' means that men and women should be paid equally if they do the same type of work; and there are admitted biological and psychological differences in the functions within the family. A mother is expected to occupy herself with house and children, a father with earning the family living. But this does not justify elevating the husband to the position of a lord and a master, nor the complete sacrifice of women's personality to the demands of the family. The emancipation of women has to be expressed itself not only in law and economics, but also in changes in conventional marital relations. For example, many husbands now recognise that the domestic burden carried by mothers of families in previous generations was out of all proportions to the difference in function implied by the difference in sex. Their readiness to share household functions and baby minding is a sign of practical extension of the principle of equal consideration. Social equality also depends upon the openness of educational institutions on an equal basis to facilitate social mobility. This is a field where extreme inequalities prevail.

In almost all the liberal countries, education has been very much organised on the lines of social classes and educational opportunities are very much associated with wealth and position. There are different kinds of schools, serving different social strata of society such as the elite, the middle classes, the lower middle class and the poor masses. In prestigious schools where children of the affluent section of society receive their education, the boys are encouraged to regard themselves as one of the ruling classes, whether in the field of politics, administration or business. On the other hand, an elementary school education, mostly run by the government, is always and still remains a cheap education. An elementary book is a cheap book adapted to the needs and powers of the children of a certain section of society, who are supposed not to require the same kind of education as the children of parents who have money. Even if the elementary school boy, in today's changed circumstances, is not taught that the world is divided by God into the rich who are to rule and the poor who are to be ruled, the circumstances in which he is put provide ample proof of it. He is taught in an atmosphere of unhealthy

buildings, deficiency of playing fields, lack of school libraries and laboratory facilities for practical work, shortage of books, non-availability of teachers, lack of funds etc. The opportunities for the children of the poor masses are rationed like bread.

Moreover, public opinion is so much convinced by the influence of the long standing traditions of educational equality that they have accepted it as a social fact. Equality of educational opportunity is still largely only a paper realisation. The inequality in educational opportunity could only be eliminated if the society becomes unstratified or the school system is totally differentiated. Neither outcome appears likely in liberal countries and the present inequality in education and occupations will persist.

Check Your Progress 2

Note : a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

4. What is Equality?

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5. Discuss the Dimensions of Equality.

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2.8 RELATION OF EQUALITY WITH LIBERTY AND JUSTICE

The relation between equality and liberty has been one of the interesting controversies of liberalism. The root of the controversy is: Are liberty

and equality opposed to each other or are they complimentary to each other? In the modern constitutions, we find a frequent association of both liberty and equality in the list of fundamental rights. But they have not always been the same. The English liberal tradition seemed to place more emphasis on liberty while the French tradition had always sought to secure recognition of the principle of equality. Historically speaking, early negative liberalism preferred liberty to equality. It held preservation of liberty in the sense of ‘absence of restraints’ as the principle function of the state and any concession to equality beyond ‘equality before law’ was deemed as exceeding the proper scope of the functions of state. Positive liberalisation as developed in the twentieth century takes the opposite view. It considers equality as something good and basic to liberty. It holds both the attainment of liberty and equality as complementary to each other. Let us consider both these arguments in detail.

2.7.1 Equality and Liberty As Opposed To Each Other

That liberty and equality are opposed to each other has been an important current of early liberalism. Classical liberalism gave so much importance to liberty that equality became a slave of it. It believed that liberty is natural and so is equality. So by nature liberty and equality are opposed to each other. Early liberal thinkers like Locke, Adam Smith, Bentham, James Mill, and Tocqueville felt that there should be minimum restrictions on the liberty of the individual. For example, Locke did not include equality in the list of three natural rights. Similarly, men like Lord Acton and Alexis de Tocqueville insisted that equality and liberty were anti-thetical. They argued that the desire for equality has destroyed the possibility of having liberty. Liberalism, during this era was based upon the concept of free market and open competition among the egoistic rational individuals and it believed that the outcome of economic competition, though unequal, is benevolent and progressive. This legitimisation of inequality had a strong emphasis on and commitment to the doctrine of individualism.

At the political level, it asserted that there is a necessary contradiction between liberty and equality. Just as liberty is associated with the individual, equality is concerned with social intervention. Thus, any attempt to remove inequality involves considerable social and political intervention to equalise conditions and to remove existing privileges. However, this intervention must interfere with the individual and his private exercise of freedom. Early liberals believed that no individual will voluntarily give up wealth and privileges in an unequal society and as a result, programmes of social equalisation must interfere with the democratic rights of the individual. Only the individual is fully able to know and express his peculiar needs and interests; it is inappropriate for the state or some other body to interfere in the life and liberty of private citizens.

2.7.2 Equality and Liberty Are Complementary To Each Other

The early liberal argument that equality and liberty are mutually exclusive assumed an inevitable conflict between personal interests and social requirements. But this dichotomy of individual versus society proved false historically. The demand for economic and social equality raised in the 19th century by the socialists and positive liberals made equality the prime requirement of liberty. Positive liberals maintained that liberty and equality are complementary to each other and the state was assigned the task of correcting the social and economic imbalances through legislation and regulation. The supporters of this viewpoint are Rousseau, Maitland, T.H. Green, Hobhouse, Lindsay, R.H. Tawney, Barker, Laski, Macpherson, etc. Positive liberalism saw the individual as a social being whose personal desires could be satisfied in the context of a cooperative social relationship within a social environment. It interpreted liberty as 'equality of opportunity' which means that opportunity should be given to everyone to realise the 'implication of his personality'. To provide such opportunity, deliberate social restraints need to be placed upon individual freedom. As Tawney wrote, 'The

liberty of the weak depends upon the restraint of the strong and that of the poor upon the restraint of the rich. Everyman should have this liberty and no more to do upon others as he would that they should do to him'. Liberty demands that none should be placed at the mercy of others. By securing opportunities for all to be their best selves, liberty makes equality real. Without liberty, equality lapses into dull uniformity.

2.7.3 Equality and Justice

Like liberty, the relation between equality and justice is also a controversial one. As we have discussed above, what we find in society are a number of inequalities based upon age, sex, ability, education, social status, wealth, opportunity etc. Inequalities of wealth and social status lead to inequalities of power and dependence and subordination of many to the will of the few. Historically, such inequalities have not only been justified but also perpetuated. The Greek society was based upon birth, status and caste. Early liberalism while championing the cause of legal and political equality did not bother about the economic and social inequalities resulting from freedom of contract, open competition and private property. However, with the advent of socio-economic equality, the struggle against the prevailing inequalities became an important element of justice. Today, equality is invoked by every theory of justice in one form or the other. Justice demands that politics should operate to produce equality of opportunity, equality of treatment, uniform distribution of goods and services, one-man one-vote etc.

The relationship between equality and justice can also be understood at a more abstract and fundamental level; namely, the idea of equality not in the sense of equal distribution but as 'treating people as equals'. Justice demands that at least at the theoretical level, government treat its citizens with equal consideration. Each citizen is entitled to equal concern and respect. According to Kymlicka, this more basic notion of equality is found in Nozick's libertarianism as well as in Marx's communism. While libertarianism believes that equality means equal rights over one's labour and property, the Marxists take it as equality of income and

wealth. Any theory which claims that some people are not entitled to equal consideration from government, or if it is claimed that certain kinds of people just do not matter as much as others, then most people in the modern world would reject that theory immediately. In this context, Dworkin has gone to the extent of saying that ‘every plausible political theory has the same ultimate value, which is equality and that ‘each person matters equally’ is at the heart of all contemporary theories of justice’.

2.9 TOWARDS EQUALITY

There is no doubt that all societies are unequal. The rise of capitalism replaced one set of inequalities based upon birth and privileges with another set of inequalities based upon private property; yet there are a number of historical changes which promoted trends towards equality and egalitarianism. Positive attempts to eradicate inequality are often undermined by the paradoxical relationship between personal liberty and social equality. But the important thing here is to distinguish between equality of opportunity and other forms of equalities such as equality of conditions and equality of results. While most democratic societies have achieved equality of opportunity and to a large extent equality of conditions, they have yet to go a long way to achieve equality of results. The citizenship rights, first developed in Europe and then spread to other parts of the world, helped in evolving a society based upon equality of opportunity, merit and competition. Legal citizenship was associated with freeing the individual from arbitrary, legal constraints and it opened the professions and public administration on the basis of educational qualifications. Similarly, political citizenship rights gave the people an opportunity to participate in the affairs of the government. Social citizenship attempted to reform capitalism through legislation. The gradual development of universal provision for basic education, health and social security was a modest attempt to bring about an equality of condition. The expansion of the welfare state in the 20th century was an extension of social legislation. Legislation on minimum wages, hours of work, unemployment allowance, work conditions, occupational safety

etc have made the employees less vulnerable as a mere commodity on the labour market. At the same time, we cannot forget that these changes do not transform the economic basis of capitalism in terms of private appropriation of wealth. Bryan Turner has called it a ‘hyphenated system’ because it combines a progressive expansion of egalitarian citizenship rights with continuity of inequalities in terms of class, status and power.

2.10 PLEA FOR INEQUALITY IN THE CONTEMPORARY WORLD

As mentioned earlier, equality is a relative concept and has to be understood in the context of prevailing inequalities. Inequality is a universal feature of all societies and its opposition has been fundamental to all social relations. Yet, inequality is still legitimised in contemporary society by reference to a variety of ideological systems which explain the necessity and legitimacy of all forms of inequality. Hence, in order to understand equality, it is desirable to know the arguments against equality. Most forms of traditional ideology legitimising inequality between persons have been religious in character. For example, all major religions – whether Hinduism, Buddhism, Confucianism – believed in the transmission of a special type of knowledge to a cultural elite via a period of training and adherence to rituals which guaranteed purity. Virtually all religions are grounded in the notion of inequality. If Hinduism justified varna-system, similar was the case of Christianity and Islam where slavery was accepted. With the secularisation of industrial capitalist societies, religious inequality became less significant socially. But it brought in racial and economic inequality justified in the name of ‘Social Darwinism’ which gave a special significance to the notion of ‘survival of the fittest’. It was an application of the notion of evolution and natural selection to the historical growth of human society. While it legitimised competitive capitalism in the economic field, it justified the natural superiority of white races over other races and groups and an inevitable outcome of fixed laws of natural development and selection. This found its extreme form in the fascist theories of human inequality to produce a political outlook justifying policies of racial purification and

extermination. Thirdly, the classical political economy of modern capitalism and utilitarianism also justified inequality. This view of economic struggle is associated with the notion of possessive individualism, achievement and initiative. The economic doctrine of inequality associated with utilitarianism is fundamental to the general culture of capitalist society. It is difficult to distinguish between political theories of inequality and the classical economic analysis of inequality arising from the market place. Locke's political arguments were based upon the right to unequal possessions. Similarly, Adam Smith's model of the market assumed three significant social classes, namely, the owners of capital who acquire profits, the landowners who depended upon rents and the working class which depended upon wages. He provided the basis for free market explanations of inequality, especially in the form of income inequality. Though there has been considerable criticism of Smith's economic policies, there has been in the modern period a revival of free market economic doctrine by economic theorists like Milton Friedman and F.A. Hayek, whose theories have been very much influential in reviving classical economics in the form of libertarianism.

2.11 MARXIST CONCEPT OF EQUALITY

In the Marxist-Leninist philosophy, equality is defined as 'abolition of classes and equal social status for all'. It denotes identical conditions of people in a society, but having different contexts in different historical epochs and among different classes. In liberal society, equality has been taken as equality before law, while the exploitation of man by man, economic and political inequality and the actual absence of rights for the working people remains intact. Liberal theory proceeds from the right of every man to own property, but the main thing i.e. relation of the means of production is not taken into account. Marxism proceeds from the premise that whether it is economic equality, i.e. in the sphere of production, distribution and consumption of material wealth, political equality i.e. classes, national or international relations, or cultural equality i.e. in the sphere of production, distribution and consumption of cultural values – all of them are impossible without the abolition of private ownership of the means of production and liquidation of

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exploiting classes.’ As Marx wrote, ‘we want to abolish classes and in this sense we are for equality’. Similarly, Engels wrote that the demand for equality has either been the spontaneous reaction against the crying social inequalities, against the contracts between rich and poor, feudal lords and serfs, slaves and masters, surf - fitters and the starving; or the demand has arisen as a reaction against the bourgeois demand for equality and serving as an agitational means in order to stir up the working class against the capitalists. In both cases, the demand is for the abolition of classes. In the same vein, Lenin felt that only the abolition of classes will achieve social equality and help promote the all round development of human personality. Just as the bourgeois demand for equality was made in relation to feudalism, the same demand is made by the proletariat against the capitalist state and the capitalist class. For the proletariat, equality means:

- i) abolition of the private ownership of the means of production
- ii) end of human exploitation
- iii) elimination of classes and
- iv) eradication of all political and cultural discrimination against the proletariat.

Socialisation of the means of production must precede the universal obligation to work and equality of pay regardless of age, sex or nationality, though wages may be according to quality and quantity of work. Marx emphatically rejected the possibility of establishing equality between men in the sense of equality of physical and mental capacities; for him, the aim was not leveling but an enhancement and differentiation of personal needs. Marx claimed that only by collectivising the means of production and by material incentives would the productive forces be developed to a point where every human need is finally satisfied in a fair measure.

To invoke an ideal of society in the name of equality when in practice justifying inequality in the form of repression of those who are unequal – whether through the dictatorship of the proletariat or by some other

authoritarian regime – is so out of keeping with the normal trend of industrial society that one is compelled to question the principle of economic and social equality propounded by Marxism and practiced in the erstwhile communist states.

Check Your Progress 3

Note : a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

1. How do you know the Relation of Equality with Liberty and Justice?

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2. Discuss the Inequality in the Contemporary World.

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3. Describe Marxist Concept of Equality.

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2.12 LET US SUM UP

The idea of liberty as everyone’s birthright is certainly the gift of modernity, no matter how far it may be from being realised. The recent discussions of liberty have focussed on the relationship between

individual liberty and our social interdependence. It is not by ignoring this social interdependence, but by acknowledging it, that we can construct an adequate conception of individual liberty.

Equality is a value and a principle essentially modern and progressive. It is related to the whole process of modernisation in the form of political egalitarianism. It is also taken as a criterion for radical social change. It is related to the development of democratic politics. Equality can be understood only in the context of prevailing inequalities. All human societies are characterised by some form of social inequalities of class, status, power and gender. Talking about equality, while Laski associated it with the absence of hereditary privileges, availability of opportunities and universal access to socio-economic benefits, Bryan S. Turner has gone a step forward and talks of equality in terms of availability of opportunities, equality of conditions and equality of outcome or results.

2.13 KEY WORDS

Liberty: Broadly speaking, **liberty** is the ability to do as one pleases. In modern politics, liberty is the state of being free within society from oppressive restrictions imposed by authority on one's way of life, behavior, or political views.

Negative Liberty: Negative liberty is freedom from interference by other people. Negative liberty is primarily concerned with freedom from external restraint and contrasts with positive liberty. The distinction was introduced by Isaiah Berlin in his 1958 lecture "Two Concepts of Liberty".

Positive Liberty: Positive liberty is the possession of the capacity to act upon one's free will, as opposed to negative liberty, which is freedom from external restraint on one's actions. A concept of positive liberty may also include freedom from internal constraints.

Equality: Social equality is a state of affairs in which all people within a specific society or isolated group have the same status in certain respects, possibly including civil rights, freedom of speech, property rights and equal access to certain social goods and social services.

2.14 QUESTIONS FOR REVIEW

1. What do you think of the attempt to present the concept of liberty as a triadic concept, that is, as a concept with three terms? What are these three terms?
2. How can you differentiate between conceptions of liberty by changing the domain of A and B? Give some examples.
3. What is the difference between the concept of liberty and various conceptions of liberty?
4. Do you see any difference between theorists of freedom who focus on its social conditions, and advocates of negative and positive liberty? What are some of these differences?
5. Explain the meaning and nature of equality and its relation with inequality.
6. Discuss different dimensions of equality.
7. Explain the relation of equality with liberty and justice.
8. Discuss the role of equality in contemporary societies.
9. Write a note on inequality in the contemporary world.
10. Explain the Marxist conception of equality.

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2.16 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

1. See Section 2.2 and 2.3
2. See Section 2.4
3. See Section 2.5

Check Your Progress 2

1. See Section 2.6
2. See Section 2.7

Check Your Progress 3

1. See Section 2.8
2. See Section 2.10
3. See Section 2.11

UNIT 3: DEMOCRACY AND VIRTUE

STRUCTURE

- 3.0 Objectives
- 3.1 Introduction
- 3.2 Historical Background
- 3.3 The Conceptual framework of Democracy: Autonomy, Equality, and Liberty
- 3.4 Justifications for Democracy: Intrinsic and Instrumental
- 3.5 Democracy: Procedural and Substantive
- 3.6 Types of Democracy: Representative Democracy and its Critics, Participatory Democracy
- 3.7 Deliberative Democracy, Social Democracy and Cosmopolitan Democracy
- 3.8 Aristotle and His Concept of Eudaimonia
- 3.9 Virtues and Actions
- 3.10 Evaluating Virtue Ethics
- 3.11 Deontology versus Virtue Ethics
- 3.12 Ethics of care
- 3.13 MacIntyre: Relativity of Virtues
- 3.14 Virtues in Asian Religions
- 3.15 Let us sum up
- 3.16 Key Words
- 3.17 Questions for Review
- 3.18 Suggested readings and references
- 3.19 Answers to Check Your Progress

3.0 OBJECTIVES

The Theory of morality which makes virtues the central concern is called virtue ethics. We shall explore the chief ideas of virtue ethics especially in the philosophy of the ancient Greek philosopher Aristotle and the contemporary western philosopher MacIntyre. We shall also engage in discussion with regard to virtues from the point of the view of the Asian

religious traditions, notably Confucianism, Buddhism and Taoism. In this unit, we seek to specify some major criticisms against virtue ethics.

- To know the Historical Background of Democracy.
- To discuss the Conceptual framework of Democracy: Autonomy, Equality, and Liberty
- To understand Justifications for Democracy: Intrinsic and Instrumental
- To discuss Democracy: Procedural and Substantive
- To know the Types of Democracy: Representative Democracy and its Critics, Participatory Democracy
- To find out the Deliberative Democracy, Social Democracy and Cosmopolitan Democracy
- To discuss the Aristotle and His Concept of Eudaimonia
- To know Virtues and Actions
- To Evaluating Virtue Ethics
- To know Deontology versus Virtue Ethics
- To discuss Ethics of care
- To highlight MacIntyre: Relativity of Virtues
- To discuss the Virtues in Asian Religions

3.1 INTRODUCTION

Democracy (Greek: δημοκρατία *dēmokratía*, literally "rule by people") is a form of government in which the people have the authority to choose their governing legislation. Who people are and how authority is shared among them are core issues for democratic development and constitution. Some cornerstones of these issues are freedom of assembly and speech, inclusiveness and equality, membership, consent, voting, right to life and minority rights.

Generally there are two types of democracy, direct or representative. In a direct democracy, the people directly deliberate and decide on legislature. In a representative democracy the people elect representatives to deliberate and decide on legislature, such as in parliamentary or

presidential democracy. Combining those basic types is done in liquid democracy.

The most common decision making approach of democracies has been the majority rule. Others are supermajority and consensus.

In the common variant of liberal democracy the powers of the majority are exercised within the framework of a representative democracy, but the constitution limits the majority and protects the minority, usually through the enjoyment by all of certain individual rights, e.g. freedom of speech, or freedom of association. Beside these general types of democracy there have been a wealth of further types (see below). Republics, though often associated with democracy because of the shared principle of rule by consent of the governed, are not necessarily democracies. That's because republicanism does not specify how the people are to rule.

Democracy is a system of processing conflicts in which outcomes depend on what participants do, but no single force controls what occurs and its outcomes. The uncertainty of outcomes is inherent in democracy. Democracy makes all forces struggle repeatedly to realize their interests and devolves power from groups of people to sets of rules. Western democracy, as distinct from that which existed in pre-modern societies, is generally considered to have originated in city-states such as Classical Athens and the Roman Republic, where various schemes and degrees of enfranchisement of the free male population were observed before the form disappeared in the West at the beginning of late antiquity. The English word dates back to the 16th century, from the older Middle French and Middle Latin equivalents.

According to American political scientist Larry Diamond, democracy consists of four key elements: a political system for choosing and replacing the government through free and fair elections; the active participation of the people, as citizens, in politics and civic life; protection of the human rights of all citizens; a rule of law, in which the

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laws and procedures apply equally to all citizens. Todd Landman, nevertheless, draws our attention to the fact that democracy and human rights are two different concepts and that "there must be greater specificity in the conceptualisation and operationalisation of democracy and human rights".

The term appeared in the 5th century BC to denote the political systems then existing in Greek city-states, notably Athens, to mean "rule of the people", in contrast to aristocracy (ἀριστοκρατία, aristokratía), meaning "rule of an elite". While theoretically these definitions are in opposition, in practice the distinction has been blurred historically. The political system of Classical Athens, for example, granted democratic citizenship to free men and excluded slaves and women from political participation. In virtually all democratic governments throughout ancient and modern history, democratic citizenship consisted of an elite class, until full enfranchisement was won for all adult citizens in most modern democracies through the suffrage movements of the 19th and 20th centuries.

Democracy contrasts with forms of government where power is either held by an individual, as in an absolute monarchy, or where power is held by a small number of individuals, as in an oligarchy. Nevertheless, these oppositions, inherited from Greek philosophy, are now ambiguous because contemporary governments have mixed democratic, oligarchic and monarchic elements. Karl Popper defined democracy in contrast to dictatorship or tyranny, thus focusing on opportunities for the people to control their leaders and to oust them without the need for a revolution

Among the major currents that now dominate moral philosophy, virtue ethics counterbalances the influence of Kantianism. While the Kantian ethics attempts to relativize the ethical importance of happiness, virtue ethics rejects the Enlightenment project that founds morality on reason and brings to the forefront the question of happiness and that of nature. By what logic is this shift made possible and how does it reconcile altruism inherent in Kant's ethics of duty with more personal research of

our own happiness? In the legacy of Kant, one cannot define morality from within the framework of happiness because that would make desire to be the foundation of the moral will and desire by definition varies from individual to individual. If everyone is in search of one's own happiness, the very content of one's happiness is strictly personal: This would sacrifice any attempt to conceive a universal moral law. In order to prevent moral conscience from relativism in the pursuit of goals, Kant opposed the pursuit of happiness by consciousness of duty enabled through the categorical imperative, as a universal obligation. Yet in recent decades we are witnessing in ethics, a resurgence of the need for happiness, not as the maximization of pleasure as in the case of utilitarianism, but as the perfection of one's own existence. This idea through reinstated by some contemporary writers such as Alasdair MacIntyre (*After Virtue*) or as Elizabeth Anscombe (*The Modern Moral Philosophy*), is as old as the Greek thinkers like Aristotle. Virtue – in the Aristotelian sense of the term – is a form of excellence in the realization of one's being.

Thus virtue ethics as one of the major approaches in normative ethics is in contrast both to the approach which emphasizes duties (deontology) and to that which emphasizes the consequences of actions (consequentialism). Suppose someone in need should be helped, an utilitarian will point to the fact that the consequences of doing so will maximize one's well-being, a deontologist will emphasize the fact that, in doing so the agent will be acting in accordance with a moral rule such as "Do unto others as you would like others do to you" and a virtue ethicist will underscore that helping that person would be benevolent and therefore virtuous.

3.2 HISTORICAL BACKGROUND

Rival systems

How many people hold power in a society, and how they exercise it, are eternal themes of political debate.

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At one extreme a single person rules. Such a system is usually called a monarchy (Greek for 'rule by one') when the position can be inherited within a family. It is likely to be given such names as **tyranny** (from examples in Greek history) or **dictatorship** (from Rome) when power is seized by or granted to an individual member of society.

The other extreme is democracy (Greek for 'power of the people'), in which theoretically every adult can influence group decisions. Such an egalitarian approach is familiar to anthropologists, studying the customs of small tribal groups, but it has been a rarity in more developed societies.

Between the two extremes is oligarchy (Greek for 'rule by a few'). In a sense all early clashes between oligarchy and democracy are an argument over how many to include in the few, with democrats pressing for a higher figure than oligarchs can accept. Even in Athens, where sophisticated democracy begins, only a small proportion of the community can vote.

Athenian democracy: 5th century BC

In the 5th century BC Athens pioneers an experiment in direct democracy, as opposed to the representative democracy of modern societies. It is copied by her Greek allies and colonies at the time, but it has rarely been attempted anywhere else since (**Switzerland** in the 13th century is one example).

Democracy of this kind has two preconditions. The community must be small enough for citizens to be capable of attending debates and voting on issues. And its economy must give these citizens enough leisure to engage in politics; in the ancient world this means that there must be **slaves** to do most of the work. Both circumstances prevail in **Athens**.

The citizen democrats of Athens are those males, over the age of eighteen, who are sons of an Athenian father (after 451 BC the mother must be Athenian as well). They number no more than 50,000 in the whole of Attica. In addition to these citizens the population includes about 25,000 metics (*metoikoi*, or foreigners trading in Athens, for this is a major commercial centre), together with free women and children and perhaps 100,000 slaves. This gives a total of about 300,000 people. So the voting citizens form at most 20% of the population.

Democracy is achieved in several stages, through reforms linked with **Solon** in 594, with the **Ten tribes of Cleisthenes** in 508, and with **Pericles** in 462.

The people's army: 6th - 5th century BC

The move towards democracy reflects other changes in society. In the prehistoric period, throughout Greece, aristocratic families have provided the main fighting force, as cavalry.

In the 7th century the Greek city-states develop the new military concept of the heavily armed infantryman, the hoplite. A remorseless phalanx of **hoplites** becomes as effective on the battlefield as the tank in modern times. These soldiers provide their own weapons and armour, but this is expensive. Several of the Greek oligarchies, including that of Athens in the 6th century, reflect the power of this middle class of citizens.

The poorer citizens of a Greek state, unable to afford armour, can only play their part in the army as light infantry - useful in a skirmish, but relatively unimportant on the battlefields of the day.

A strategic change of direction by Athens, early in the 5th century, gives these poorer citizens a new power. The military effort is diverted into building up an **Athenian navy**. Triremes, the fast warships of the time, need men to row them. Suddenly every citizen has a part to play, and the crews of a fleet of warships have a self-evident political strength. A more

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radical democracy, introduced by Pericles in 462, is almost an inevitable result.

The mechanics of Athenian democracy: 5th century BC

The system which emerges in the mid-5th century involves citizens in government in a variety of ways.

Each has a voice in the highest forum of the nation, the *ecclesia* or assembly, which meets four times a month on the Pnyx, a flat-topped hill in Athens. On major occasions, with important issues to be decided, as many as 5000 citizens attend. It is not always easy to assemble a large crowd. Scythian slaves (serving as state police) are much in evidence at the start of each meeting, tightening a long red-dyed rope to net any nearby loiterers. In about 400 BC pay is introduced for attendance, to compensate for loss of working time.

Any citizen may answer the herald's question 'Who wishes to speak?', but addressing such a large crowd in the open air is difficult. Most of the debate is carried on by regular speakers - in effect the leading politicians, who are known as *rhetores* (orators).

The business of the day is fixed by another body of 500 members, called the *boule* or council. Here the principle of amateurism is more firmly established, for the members are chosen by drawing lots. Fifty are selected at village level by each of the ten tribes which make up Athenian society (the **reforms of Cleisthenes**, in 508, have imposed these arbitrary tribal divisions in order to share out democratic power).

The principle of selection by lot is carried even further in the council of 500. Each member serves for a month as one of the 50 *prutaneis*, or presidents, who run the everyday administration of the city (there are ten months in the Athenian year, so every councillor has one monthly term of office). Furthermore the chairman of the *boule* changes every day,

again selected by lot from the 50 *prutaneis*. So almost every councillor is effectively head of state for one day of the year.

Non-specialization can hardly be carried further. But the Athenians do have the common sense to use election, without any time limit, for the most important posts.

Generals and treasurers

The effective leaders of Athens, because of their responsibility for war (an almost constant state of affairs), are the ten *stratego*i or generals. There is one from each of the ten tribes, elected each year by the *ecclesia* in which every citizen has a vote (see the **Ten tribes of Cleisthenes**). The dominant position of Pericles in mid-5th century Athens is reflected in his election, year after year, as the leading *strategos*.

The only other officials to be elected rather than chosen by lot are the treasurers, with responsibility for the state's accounts - evidence again that the Athenian citizens recognize the areas where expertise rather than common sense is essential.

The Athenian administration

The functions associated with a modern civil service are carried out in Athens by citizens chosen randomly by lot. Such tasks range from supervising the markets and checking weights and measures to keeping the minutes of the council or travelling abroad on diplomatic business. All such offices are held for a year.

Even in law, an important area of each citizen's responsibility, there are no experts. Jurors are selected by lot and a second lottery assigns each man to a particular case. Pericles introduces payment for jury service so that no citizen is excluded by poverty. Without professional judges or lawyers, and with huge juries, an **Athenian court of law** is rough and ready justice.

Ostracism

The most dramatic example of direct democracy in 5th-century Athens is the system of ostracism, used from about 487 to 417. Anyone ostracized must go into exile for ten years but no harm is done to his family, his property or his own subsequent rights. Intended as a way of ridding the city of a powerful but unpopular figure, it can all too easily be used for political vendetta. There is no charge to answer, and no redress.

At a mass meeting, summoned specifically to decide on ostracism, each citizen writes one name on a broken shard of pottery (an *ostrakon*). Anyone featuring on more than a given number of shards (variously interpreted as 6000 or a majority from 6000 voters) is removed from public life.

The end of the experiment: 322 BC

Democracy survives the defeat of Athens in the Peloponnesian War, in 404 BC, only to come to an abrupt end a century later. After the death of Alexander the Great, the Athenians join other Greek states in an unsuccessful revolt against Macedonian rule. The Macedonians retaliate in 322 by placing a garrison in Attica. An oligarchy is imposed, with the franchise restricted to the rich.

Among modern countries where democracy is the favoured system, the Athenian experiment eventually acquires a hallowed status. But more than 2000 years will pass, after the heyday of Athens, before anyone again regards with approval the dangerous idea of giving real power to the people.

A democracy is a political system, or a system of decision-making within an institution or organization or a country, in which all members have an equal share of power. Modern democracies are characterized by two capabilities that differentiate them fundamentally from earlier forms of government: the capacity to intervene in their own societies and the

recognition of their sovereignty by an international legalistic framework of similarly sovereign states. Democratic government is commonly juxtaposed with oligarchic and monarchic systems, which are ruled by a minority and a sole monarch respectively.

Democracy is generally associated with the efforts of the ancient Greeks and Romans, who were themselves considered the founders of Western civilization by the 18th century intellectuals who attempted to leverage these early democratic experiments into a new template for post-monarchical political organization. The extent to which these 18th century democratic revivalists succeeded in turning the democratic ideals of the ancient Greeks and Romans into the dominant political institution of the next 300 years is hardly debatable, even if the moral justifications they often employed might be. Nevertheless, the critical historical juncture catalyzed by the resurrection of democratic ideals and institutions fundamentally transformed the ensuing centuries and has dominated the international landscape since the dismantling of the final vestige of empire following the end of the Second World War.

Modern representative democracies attempt to bridge the gulf between the Hobbesian 'state of nature' and the grip of authoritarianism through 'social contracts' that enshrine the rights of the citizens, curtail the power of the state, and grant agency through the right to vote. While they engage populations with some level of decision-making, they are defined by the premise of distrust in the ability of human populations to make a direct judgement about candidates or decisions on issues.

3.3 THE CONCEPTUAL FRAMEWORK OF DEMOCRACY: AUTONOMY, EQUALITY, AND LIBERTY

Historic origins

Anthropologists have identified forms of proto-democracy that date back to small bands of hunter-gatherers that predate the establishment of agrarian, sedentary societies and still exist virtually unchanged in

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isolated indigenous groups today. In these groups of generally 50-100 individuals, often tied closely by familial bonds, decisions are reached by consensus or majority and many times without the designation of any specific chief. Given that these dynamics are still alive and well today, it is plausible to assume that democracy in one form or another arises naturally in any well-bonded group or tribe.

These types of democracy are commonly identified as tribalism, or primitive democracy. In this sense, a primitive democracy usually takes shape in small communities or villages when there are face-to-face discussions in a village council or with a leader who has the backing of village elders or other cooperative forms of government. This becomes more complex on a larger scale, such as when the village and city are examined more broadly as political communities. All other forms of rule – including monarchy, tyranny, aristocracy, and oligarchy – have flourished in more urban centers, often those with concentrated populations.

The concepts (and name) of democracy and constitution as a form of government originated in ancient Athens circa 508 B.C. In ancient Greece, where there were many city-states with different forms of government, democracy was contrasted with governance by elites (aristocracy), by one person (monarchy), by tyrants (tyranny), etc.

Proto-democratic societies

In recent decades scholars have explored the possibility that advancements toward democratic government occurred somewhere else (i.e. other than Greece) first, as Greece developed its complex social and political institutions long after the appearance of the earliest civilizations in Egypt and the Near East.

Mesopotamia

Studying pre-Babylonian Mesopotamia, Thorkild Jacobsen used Sumerian epic, myth, and historical records to identify what he has called primitive democracy. By this, Jacobsen means a government in which ultimate power rests with the mass of free (non-slave) male citizens, although "the various functions of government are as yet little specialised [and] the power structure is loose". In early Sumer, kings like Gilgamesh did not hold the autocratic power that later Mesopotamian rulers wielded. Rather, major city-states functioned with councils of elders and "young men" (likely free men bearing arms) that possessed the final political authority, and had to be consulted on all major issues such as war.

The work has gained little outright acceptance. Scholars criticize the use of the word "democracy" in this context since the same evidence also can be interpreted convincingly to demonstrate a power struggle between primitive monarchy and noble classes, a struggle in which the common people function more like pawns rather than any kind of sovereign authority. Jacobsen conceded that the vagueness of the evidence prohibits the separation between the Mesopotamian democracy from a primitive oligarchy.

Indian subcontinent

Another claim for early democratic institutions comes from the independent "republics" of India, sanghas and ganas, which existed as early as the 6th century B.C. and persisted in some areas until the 4th century. The evidence for this is scattered, however, and no pure historical source exists for that period. In addition, Diodorus—a Greek historian who wrote two centuries after the time of Alexander the Great's invasion of India—mentions, without offering any detail, that independent and democratic states existed in India. Modern scholars note the word democracy at the time of the 3rd century B.C. and later suffered from degradation and could mean any autonomous state, no matter how oligarchic in nature.

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The Mahajanapadas were the sixteen most powerful and vast kingdoms and republics of the era, there were also a number of smaller kingdoms stretching the length and breadth of Ancient India. Among the Mahajanapadas and smaller states, the Shakyas, Koliyas, Mallas, and Licchavis followed republican government.

Key characteristics of the gana seem to include a monarch, usually known by the name raja, and a deliberative assembly. The assembly met regularly. It discussed all major state decisions. At least in some states, attendance was open to all free men. This body also had full financial, administrative, and judicial authority. Other officers, who rarely receive any mention, obeyed the decisions of the assembly. Elected by the gana, the monarch apparently always belonged to a family of the noble class of Kshatriya Varna. The monarch coordinated his activities with the assembly; in some states, he did so with a council of other nobles. The Licchavis had a primary governing body of 7,077 rajas, the heads of the most important families. On the other hand, the Shakyas, Koliyas, Mallas, and Licchavis, during the period around Gautama Buddha, had the assembly open to all men, rich and poor. Early "republics" or Gaṇasangha, such as Mallas, centered in the city of Kusinagara, and the Vajji (or Vriji) confederation, centered in the city of Vaishali, existed as early as the 6th century BCE and persisted in some areas until the 4th century CE. The most famous clan amongst the ruling confederate clans of the VajjiMahajanapada were the Licchavis. The Magadha kingdom included republican communities such as the community of Rajakumara. Villages had their own assemblies under their local chiefs called Gramakas. Their administrations were divided into executive, judicial, and military functions.

Scholars differ over how best to describe these governments, and the vague, sporadic quality of the evidence allows for wide disagreements. Some emphasize the central role of the assemblies and thus tout them as democracies; other scholars focus on the upper-class domination of the leadership and possible control of the assembly and see an oligarchy or an aristocracy.[Despite the assembly's obvious power, it has not yet been

established whether the composition and participation were truly popular. The first main obstacle is the lack of evidence describing the popular power of the assembly. This is reflected in the Arthashastra, an ancient handbook for monarchs on how to rule efficiently. It contains a chapter on how to deal with the sangas, which includes injunctions on manipulating the noble leaders, yet it does not mention how to influence the mass of the citizens—a surprising omission if democratic bodies, not the aristocratic families, actively controlled the republican governments. Another issue is the persistence of the four-tiered Varna class system. The duties and privileges on the members of each particular caste—rigid enough to prohibit someone sharing a meal with those of another order—might have affected the roles members were expected to play in the state, regardless of the formality of the institutions. A central tenet of democracy is the notion of shared decision-making power. The absence of any concrete notion of citizen equality across these caste system boundaries leads many scholars to claim that the true nature of ganas and sanghas is not comparable to truly democratic institutions.

Autonomy

In developmental psychology and moral, political, and bioethical philosophy, autonomy is the capacity to make an informed, uncoerced decision. Autonomous organizations or institutions are independent or self-governing. Autonomy can also be defined from a human resources perspective, where it denotes a (relatively high) level of discretion granted to an employee in his or her work. In such cases, autonomy is known to generally increase job satisfaction. Autonomy is a term that is also widely used in the field of medicine — personal autonomy is greatly recognized and valued in health care.

Four features of this view of autonomy are particularly significant for aging. First, the autonomous person is regarded outside a developmental framework and is assumed to fully possess all autonomy-related faculties. Thus, the standard view of autonomy has no ready way to accommodate incapacity. Second, autonomy implies independence and

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self-direction. States of dependence are regarded as problematic for true autonomy. Third, autonomy focuses on the individual in abstraction from social structures like the family, so the aged individual is seen as possessing value, purpose, and rights separate from the social and personal relationships that provide everyday support and assistance. Fourth, the standard view of autonomy incorporates a simplifying assumption that freedom of choice or decision-making expresses the most important dimension of being autonomous. Each of these features of autonomy creates a range of problems in the context of aging.

Logical consistency: The concept should be neither internally inconsistent nor inconsistent (logically) with other concepts we know to be consistent. So, for example, if the idea of an uncaused cause was inconsistent and autonomy required the existence of such a cause, it would fail to satisfy this criterion.

Equality

Politics and Society

- Political equality, in which all members of a society are of equal standing
 - Consociationalism, in which an ethnically, religiously, or linguistically divided state functions by cooperation of each group's elites
 - Egalitarianism, a trend of thought that favors equality for all people
 - Equal opportunity, a stipulation that all people should be treated similarly
 - Equality of outcome, in which the general conditions of people's lives are similar
 - For specific groups:
 - Gender equality
 - Racial equality
 - Equality Party (disambiguation), several political parties

- Social equality, in which all people within a group have the same status, a form of social justice.

Liberty

Broadly speaking, liberty is the ability to do as one pleases. In modern politics, liberty is the state of being free within society from oppressive restrictions imposed by authority on one's way of life, behavior, or political views. In philosophy, liberty involves free will as contrasted with determinism. In theology, liberty is freedom from the effects of "sin, spiritual servitude, [or] worldly ties". Sometimes liberty is differentiated from freedom by using the word "freedom" primarily, if not exclusively, to mean the ability to do as one wills and what one has the power to do; and using the word "liberty" to mean the absence of arbitrary restraints, taking into account the rights of all involved. In this sense, the exercise of liberty is subject to capability and limited by the rights of others. Thus liberty entails the responsible use of freedom under the rule of law without depriving anyone else of their freedom. Freedom is more broad in that it represents a total lack of restraint or the unrestrained ability to fulfill one's desires. For example, a person can have the freedom to murder, but not have the liberty to murder, as the latter example deprives others of their right not to be harmed. Liberty can be taken away as a form of punishment. In many countries, people can be deprived of their liberty if they are convicted of criminal acts.

The word "liberty" is often used in slogans, such as "life, liberty, and the pursuit of happiness" or "Liberty, Equality, Fraternity".

Liberty originates from the Latin word *libertas*, derived from the name of the goddess *Libertas*, who, along with the Goddess of Liberty, usually portrays the concept, and the archaic Roman god *Liber*.

Philosophers from earliest times have considered the question of liberty. Roman Emperor Marcus Aurelius (121–180 AD) wrote:

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a polity in which there is the same law for all, a polity administered with regard to equal rights and equal freedom of speech, and the idea of a kingly government which respects most of all the freedom of the governed.

a free man is he that in those things which by his strength and wit he is able to do is not hindered to do what he hath the will to do.

— Leviathan, Part 2, Ch. XXI.

John Locke (1632–1704) rejected that definition of liberty. While not specifically mentioning Hobbes, he attacks Sir Robert Filmer who had the same definition. According to Locke:

In the state of nature, liberty consists of being free from any superior power on Earth. People are not under the will or lawmaking authority of others but have only the law of nature for their rule. In political society, liberty consists of being under no other lawmaking power except that established by consent in the commonwealth. People are free from the dominion of any will or legal restraint apart from that enacted by their own constituted lawmaking power according to the trust put in it. Thus, freedom is not as Sir Robert Filmer defines it: 'A liberty for everyone to do what he likes, to live as he pleases, and not to be tied by any laws.' Freedom is constrained by laws in both the state of nature and political society. Freedom of nature is to be under no other restraint but the law of nature. Freedom of people under government is to be under no restraint apart from standing rules to live by that are common to everyone in the society and made by the lawmaking power established in it. Persons have a right or liberty to

(1) follow their own will in all things that the law has not prohibited and

(2) not be subject to the inconstant, uncertain, unknown, and arbitrary wills of others.

3.4 JUSTIFICATIONS FOR DEMOCRACY: INTRINSIC AND INSTRUMENTAL

What is democracy? Does it have only instrumental value? One common picture of democracy identifies it with certain governing practices, and claims that it has only instrumental value. On this view, the purpose of government, like that of the market, is to satisfy individual preferences. Individual preferences are assumed to be formed exogenously to democratic processes. Democratic mechanisms of accountability are instituted to ensure that government tries to satisfy these preferences. The main such mechanism is voting, a device for choosing public officials and policies by aggregating individual preferences into a collective decision. Voting is the primary way in which citizens participate in democracy. Its value, like the value of other democratic governing practices, is plainly instrumental. In this essay, I shall not deny that voting has instrumental value. If voting were not a means to reaching collective decisions responsive to the desires of the electorate, or if it led to results that systematically undermined the interests of the electorate, it would be worthless. But it does not follow that voting has only instrumental value. In our consumer culture, we take it for granted that shopping is an activity many people enjoy, beyond its instrumental value in enabling people to acquire goods they desire. Even if a computer could be perfectly programmed with a consumer's tastes so that it automatically ordered online exactly what the consumer prefers, many consumers would prefer to personally survey their options and choose for themselves. For these consumers, shopping has noninstrumental as well as instrumental value. Yet its noninstrumental value is conditional on its instrumental value. Although some people can content themselves with pure window-shopping for goods beyond their reach, most would stay home if shopping malls contained only goods that they could not acquire by shopping. I shall argue the same about democratic participation. It would make no sense if it didn't achieve the ends for which it is instituted. Yet in virtue of its instrumental value, it acquires a noninstrumental value too – if not, for many citizens, as an activity people enjoy, then as something they rightly value as a constitutive part of a way

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of life that they value no instrumentally. Even if a dictatorship could give them what they wanted, as the government of Singapore claims it does for its subjects, democratic citizens would prefer to govern themselves. I shall also argue that the democratic way of life can be justified as a matter of justice. Each member of a state is entitled to have equal standing to make claims on others regarding the protection of their interests, and to participate in decisions concerning the shared background conditions of their interactions and the adoption of collective goals.

The democratic way of life realizes the universal and equal standing of the members of society, and is therefore justified as morally right. To appreciate these noninstrumental values of democracy, we need to alter our understanding of democracy. I join a tradition of democratic thinking advanced by John Stuart Mill and John Dewey. Both held that democracy is more than a set of governing practices. It is a culture or way of life of a community defined by equality of membership, reciprocal cooperation, and mutual respect and sympathy and located in civic society. On Mill's view, democratic participation is a way of life that unites two higher pleasures – sympathy and autonomy. On Dewey's view, it is the exercise of practical intelligence in discovering and implementing collective solutions to shared problems, which is the basic function of community life. On both of their views, voting is just one mode of democratic self-expression among many others that constitute a democratic way of life. I'll also be arguing for a change in the way we think about instrumental vs. noninstrumental justification. Here, I join John Dewey, who offered a trenchant critique of traditional ways of understanding noninstrumental or "intrinsic" values. As my shopping example illustrates, "intrinsic" values cannot always be identified prior to and independently of instrumental values. Among reflective persons, judgments of intrinsic and instrumental value interact bi-directionally. This contrasts with the standard philosophical view, according to which we fix on the intrinsic values first, and then identify the instrumental values as whatever brings about the intrinsic values.

Democracy: Instrumental vs. Non-Instrumental Value

is the belief that even when needs and ends or consequences are different for each individual, the habit of amicable cooperation – which may include, as in sport, rivalry and competition – is itself a priceless addition to life. To take as far as possible every conflict which arises – and they are bound to arise – out of the atmosphere and medium of force, of violence as a means of settlement into that of discussion and of intelligence is to treat those who disagree – even profoundly – with us as those from whom we may learn, and in so far, as friends. (Dewey 1981: 227–8) As the citizens of ex-communist countries of Eastern Europe are aware, democracy requires not just the installation of democratic governing institutions but the flourishing of civil society. Civil society, the locus of democratic culture, is a sphere of life intermediate between the private sphere of family and friends, and the sphere of the state. It consists in the domains where citizens freely interact and cooperate, spontaneously in public streets and parks, and in more organized fashion in firms and non-profit associations of all kinds. These are the primary locations where citizens from different walks of life communicate with each other, in ways that shape their sense of what their proper goals are as a public. This is where citizens' preferences are transformed through discussion and become matters of public and even shared interest, not simply isolated private preferences. This is where matters of private concern can become matters of public concern, when citizens pool information about their problems and discover that some problems they thought were personal are shared by others in the same predicament, and caused by factors subject to collective control (Dewey 1927). The construction of a democratic culture in civil society requires several elements. One – foremost in the minds of those who seek to construct civil society in Eastern Europe – is to promote the spontaneous self-organization of citizens into numerous associations not directed by the state. Most of these associations, including private firms, clubs, and fraternal associations, do not have direct political aims. Yet they contribute to a democratic culture by providing experience in citizen self-organization and self-governance on a small scale, settings in which

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informal discussions contribute to the formation of public opinion, and sites of feedback on government decisions (Estlund 2005; Rosenblum 1998; Skocpol 2003).

Check Your Progress 1

Note : a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

1. How to know the Historical Background of Democracy?

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2. Discuss the Conceptual framework of Democracy: Autonomy, Equality, and Liberty.

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3. How to understand Justifications for Democracy: Intrinsic and Instrumental?

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3.5 DEMOCRACY: PROCEDURAL AND SUBSTANTIVE

Procedural democracy in India

So far it has been largely agreed that procedural democracy in India functions quite well. Elections are held regularly and India has never faced a military coup. The three constitutionally mandated institutions, the Supreme and the high courts, the President and the Election Commission are autonomous. Several examples in the past have proved this. In the 1990s, the era of unstable government, not only did the court approximate the framework of lawfulness that protected the citizens, but it also moved to restore the independence of the CBI. The proof of the fairness of ECI lies, M.S. Gill, former Chief Election Commissioner asserts, in the fact that incumbent parties are defeated. The President of India has the power to request reconsideration of a problematic piece of act. For example, former President R. Venkataraman expressed displeasure at the Bill authorising the government to read suspect mails – the Bill was withdrawn.

It has been argued (notably by political scientist Arend Lijphart) that the success of procedural democracy has been made possible due to reasons many of which predate independence and can be traced to writing of the Constitution. First, the Congress party's inclusive nature and political dominance effectively achieved grand coalition cabinets with ministers of different linguistic, regional and religious groups. Second, Indian democracy ensured cultural autonomy, by making state and linguistic boundaries roughly coincide, giving religious and linguistic minorities rights to open their educational institutions, and recognising personal laws as legitimate. Lastly, the Indian cabinet has provided proportional representation to minorities and reserved seats for scheduled castes, tribes and OBCs, who have also benefited from quotas in public service employment and education.

Many believe that this alone proves that the Indian democracy is successful since democracy is a valued end in itself by giving the citizens self-government that is explained by high voter turn outs especially among the marginalised. However, substantive goals may be temporarily overlooked but never completely abandoned since participating in a

democratic process does not always lead to transformation of the democratic polity.

Substantive democracy in India

Even on the eve of adoption of the Constitution Ambedkar had warned against the split, or the “life of contradictions”. He stated, “In politics we will be recognising the principle of one man one vote and one vote one value. In our social and economic, we structure continue to deny the principle of one man one value... If we continue to deny it for long, we will do so only by putting our political democracy in peril.”

Indian Constitution was written with the benevolent and ambitious task of removing both social and political inequalities; in fact removing social inequalities precisely by giving political equalities (one man one vote principle). It did to some extent achieve this. It shifted the basis of right from inherited status to numerical preponderance. Greater participation by the marginal groups has guaranteed that the institutional space is now opened for them and parties comprising Dalit leaders have come to power. Local governance through the Panchayati Raj institutions has ensured a space for the marginal through reservations in posts. The challenge now is in ensuring that such parties ensure substantial betterment of oppressed groups and instead of focusing on playing the politics of the moment, they actually articulate a comprehensive programme for long-term change. Care should also be taken to ensure that such parties do not slip into populist, caste based identity politics, and instead present an inclusive agenda for development.

Substantive democracy continues to elude the country as development promises are seldom met. India’s rank on the Global Hunger Index is dismal. Public health is in shambles – children in Gorakhpur died because oxygen ran out. Poor are being systematically excluded from MNREGA wages and pensions because of Aadhaar. Farmers are marching relentlessly with no redressal and are being met with violent crackdowns in some states.

Infrastructure is collapsing everywhere and incidents from Elphinstone road railway bridge tragedy to deaths due to Varanasi flyover collapse prove that lives of Indians hold little value. Employment has hit an all-time low. And even though the principle of one person one vote has had transformative results in politics, Dalits continue to face discrimination and humiliation – attacked for keeping moustaches and watching garba dance or for riding a horse.

The failure to deliver goods is because of the basic problem with the political style that underplays the importance of institutions and structures. Instead, it tries to win the masses by evoking symbols and encouraging blind trust in leaders. The opposition too sometimes loses focus of the larger developmental issues, focusing its energies just on displacing the party in power. Political scientist Rajni Kothari discusses ‘a crisis of institutions’ that has resulted both in terms of morale and effectiveness by overemphasis on leaders. Tendency to treat power for personal aggrandisement and state as means of patronage and profit threatens the basic pillars of procedural democracy – Parliament, the bureaucracy and law and order machinery, the party system and the judiciary. Lastly ‘a crisis of values’ is the consequence of failure on the part of the people running the system to respect the norms of behaviour and the rules of the game. Fairness and equality guaranteed by the constitution has still not affected change in the mindsets, especially when it comes to religion, caste, or gender.

3.6 TYPES OF DEMOCRACY: REPRESENTATIVE DEMOCRACY AND ITS CRITICS, PARTICIPATORY DEMOCRACY

Representative Democracy and its Critics

The term ‘representative democracy’ conveys the complexity, richness and uniqueness of the political order of the moderns, an original synthesis of two distinct and in certain respects alternative political traditions. ‘Democracy’, a Greek word with no Latin equivalent, stands

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for direct rule ('getting things done') by the people. Representation, a Latin word with no Greek equivalent, entails a delegated action on the part of some on behalf of someone else. As a mixture of these two components, in its standard meaning representative democracy has four main features: (a) the sovereignty of the people expressed in the electoral appointment of the representatives; (b) representation as a free mandate relation; (c) electoral mechanisms to ensure some measure of responsiveness to the people by representatives who speak and act in their name; and (d) the universal franchise, which grounds representation on an important element of political equality. The central element of this standard account is that constituencies are formally defined by territory, not economic or corporate interests or cultural identities, an aspect that has belonged to democracy since Cleisthenes' reform of *demes* in Athens during the sixth century BCE: 'in almost every democracy in the world, citizens are represented by where they live' (Rehfeld 2005: 3). This basic formal equality in the distribution of voting power among adult citizens gives the mark of authorisation and legitimacy to a government that relies upon consent, yet not on the direct presence by the people in the lawmaking process.

Participatory Democracy

Participatory democracy emphasizes the broad participation of constituents in the direction and operation of political systems. Etymological roots of democracy (Greek *demos* and *kratos*) imply that the people are in power and thus that all democracies are participatory. However, participatory democracy tends to advocate more involved forms of citizen participation and greater political representation than traditional representative democracy.

Participatory democracy strives to create opportunities for all members of a population to make meaningful contributions to decision-making, and seeks to broaden the range of people who have access to such opportunities. Since so much information must be gathered for the overall decision-making process to succeed, technology may provide

important forces leading to the type of empowerment needed for participatory models, especially those technological tools that enable community narratives and correspond to the accretion of knowledge. Effectively increasing the scale of participation, and translating small but effective participation groups into small world networks, are areas currently being studied. Other advocates have emphasized the importance of face to face meetings, warning that an overreliance on technology can be harmful.

Some scholars argue for refocusing the term on community-based activity within the domain of civil society, based on the belief that a strong non-governmental public sphere is a precondition for the emergence of a strong liberal democracy. These scholars tend to stress the value of separation between the realm of civil society and the formal political realm. In 2011, considerable grassroots interest in participatory democracy was generated by the Occupy movement.

3.7 DELIBERATIVE DEMOCRACY, SOCIAL DEMOCRACY AND COSMOPOLITAN DEMOCRACY

Deliberative Democracy

Deliberative democracy or discursive democracy is a form of democracy in which deliberation is central to decision-making. It adopts elements of both consensus decision-making and majority rule. Deliberative democracy differs from traditional democratic theory in that authentic deliberation, not mere voting, is the primary source of legitimacy for the law.

While deliberative democracy is generally seen as some form of an amalgam of representative democracy and direct democracy, the actual relationship is usually open to dispute. Some practitioners and theorists use the term to encompass representative bodies whose members authentically and practically deliberate on legislation without unequal

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distributions of power, while others use the term exclusively to refer to decision-making directly by lay citizens, as in direct democracy.

The term "deliberative democracy" was originally coined by Joseph M. Bessette in his 1980 work *Deliberative Democracy: The Majority Principle in Republican Government*.

Characteristics

Fishkin's model of deliberation

James Fishkin, who has designed practical implementations of deliberative democracy for over 15 years in various countries,^[13] describes five characteristics essential for legitimate deliberation:

- *Information*: The extent to which participants are given access to reasonably accurate information that they believe to be relevant to the issue
- *Substantive balance*: The extent to which arguments offered by one side or from one perspective are answered by considerations offered by those who hold other perspectives
- *Diversity*: The extent to which the major position in the public are represented by participants in the discussion
- *Conscientiousness*: The extent to which participants sincerely weigh the merits of the arguments
- *Equal consideration*: The extent to which arguments offered by all participants are considered on the merits regardless of which participants offer them

In Fishkin's definition of deliberative democracy, lay citizens must participate in the decision-making process, thus making it a subtype of direct democracy.

James Fishkin and Robert Luskin suggest that deliberative discussion should be:

1. *Informed* (and thus informative). Arguments should be supported by appropriate and reasonably accurate factual claims.
2. *Balanced*. Arguments should be met by contrary arguments.
3. *Conscientious*. The participants should be willing to talk and listen, with civility and respect.
4. *Substantive*. Arguments should be considered sincerely on their merits, not on how they are made or by who is making them.
5. *Comprehensive*. All points of view held by significant portions of the population should receive attention.

Social Democracy

Social democracy is a political, social and economic philosophy that supports economic and social interventions to promote social justice within the framework of a liberal democratic polity and a capitalist oriented mixed economy. The protocols and norms used to accomplish this involve a commitment to representative and participatory democracy, measures for income redistribution, regulation of the economy in the general interest and social welfare provisions.

In this way, social democracy aims to create the conditions for capitalism to lead to greater democratic, egalitarian and solidaristic outcomes.^[4] Due to longstanding governance by social democratic parties during the British post-war consensus and their influence on socioeconomic policy in the Nordic countries, social democracy has become associated with the Nordic model and Keynesianism within political circles in the late 20th century.

Social democracy originated as a political ideology that advocated an evolutionary and peaceful transition from capitalism to socialism using established political processes in contrast to the revolutionary approach to transition associated with orthodox Marxism. In the early post-war era in Western Europe,

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social democratic parties rejected the Stalinist political and economic model then current in the Soviet Union, committing themselves either to an alternative path to socialism or to a compromise between capitalism and socialism. In this period, social democrats embraced a mixed economy based on the predominance of private property, with only a minority of essential utilities and public services under public ownership.

As a result, social democracy became associated with Keynesian economics, state interventionism and the welfare state while abandoning the prior goal of replacing the capitalist system (factor markets, private property and wage labour) with a qualitatively different socialist economic system. With the rise of popularity for neoliberalism and the New Right by the 1980s, many social democratic parties incorporated the Third Way ideology, aiming to fuse liberal economics with social democratic welfare policies. By the 2010s, the Third Way had generally fallen out of favour in a phenomenon known as PASOKification.

Modern social democracy is characterised by a commitment to policies aimed at curbing inequality, oppression of underprivileged groups and poverty, including support for universally accessible public services like care for the elderly, child care, education, health care and workers' compensation. The social democratic movement often has strong connections with the labour movement and trade unions which are supportive of collective bargaining rights for workers as well as measures to extend decision-making beyond politics into the economic sphere in the form of co-determination for employees and other economic stakeholders

Cosmopolitan Democracy

Cosmopolitan democracy is a political theory which explores the application of norms and values of democracy at the transnational and global sphere. It argues that global governance of the people, by the people, for the people is possible and needed. Writers advocating

cosmopolitan democracy include Immanuel Kant, David Held, Daniele Archibugi, Richard Falk, and Mary Kaldor. In the cosmopolitan democracy model, decisions are made by those affected, avoiding a single hierarchical form of authority. According to the nature of the issues at stake, democratic practice should be reinvented to take into account the will of stakeholders. This can be done either through direct participation or through elected representatives. The model advocated by cosmopolitan democrats is confederal and decentralized—global governance without world government—unlike those models of global governance supported by classic World Federalism thinkers, such as Albert Einstein.

Check Your Progress 2

Note : a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

1. Discuss Democracy: Procedural and Substantive

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2. How do you know the Types of Democracy: Representative Democracy and its Critics, Participatory Democracy?

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3. Discuss about the Deliberative Democracy, Social Democracy and Cosmopolitan Democracy.

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3.8 ARISTOTLE AND HIS CONCEPT OF EUDAIMONIA

Aristotle is one of the founders of the Virtue Ethics in Greece. He says that the human person is a rational animal. Human person has got the ability to reason out which serves as the essential characteristics and functions of the human being. This essential characteristic of being rational leads to achieve a particular goal or end which Aristotle calls virtue. This position is called as the ‘Teleological Position’. Action oriented life is based on an assumption what do you want to do? But virtuous life presupposes the question ‘what do you want to be?’ or ‘what kind of person you are aspiring to be. For example, a good carpenter aims at the virtue that is a good sense of aesthetics. “Eudaimonia” is an Aristotelian term loosely and inadequately translated as happiness. It is not what we think of in an ordinary way. Eudaimonia means the flourishing of human life. Aristotle recognizes that actions are not pointless because they have a purpose. Every action aims at some good. For example, the doctor’s vaccination of the baby aims at the baby’s health. Furthermore, some actions are done for their own sake (ends in themselves) and some other actions are done for the sake of some other end (means to other ends). Aristotle claims that all actions that are ends in themselves also contribute to a wider end, an end that is the greatest good of all. That good is eudaimonia. In other words, eudaimonia is happiness, contentment, and fulfilment; it’s the name of the best kind of life, which is an end in itself and a means to live and fare well. In his opinion virtuous thinking of human being leads to a good action that further cultivates good habits. These habits develop virtuous characters that lead to the final goal that is eudaimonia (happiness). Virtues are of two types. They are intellectual virtues and moral virtues. Intellectual virtues are that which can be taught and learnt. Prudence is one such

virtue. We can easily learn from others as to how to be prudent. Moral virtues can be achieved by repeatedly doing an action that becomes a habit. These cultivated habits lead to achieve the ultimate happiness. Aristotle also says that virtue is a golden mean, that which lies in the middle of the two extremes. For example, courage as a moral virtue lays between the two extremes namely cowardice and fool-hardiness. Four important virtues, according to Aristotle, are Wisdom, Prudence, Temperance and Fortitude (courage). All virtue ethicists are indebted to Aristotle in some way. Almost all of them give importance to the character of a person rather than compliance with certain norms of right behaviour. This does not mean that they ignore moral obligations; rather they affirm the primacy of virtues because according to them moral obligations can only be derived from virtues. Hence the virtue ethicists do not primarily concern themselves with questions like if lying is wrong; they would rather seek to address if lying in a particular situation is detrimental to the honesty of the person. It becomes clear then that the virtue ethicists consider that mere adherence to moral precepts does not satisfactorily respond to challenges in leading a moral life. A full-blown ethics should take into account many factors such as motives and intentions, which are largely neglected by the duty based ethics. Kant's 'duty for duty's sake' offers no place for motives. In other words, we do not act out of loyalty or honesty. It may be the duty of a son to take care of his ailing mother, but if he does without being motivated by love, his moral life seems incomplete. Hence moral virtues alone can ensure human flourishing.

3.9 VIRTUES AND ACTIONS

How virtues are related to actions? Are they related at all? How does an adherent of virtue ethics judge his/her own actions and those of others to be right or wrong? If someone tells a lie to avoid paying a debt, an adherent of virtue ethics instead of taking recourse to the moral norm "do not lie," would judge the action of lying as wrong based on the virtue of honesty, for lying lacks the virtue of honesty. And honesty for a virtue ethicist is integral to human flourishing. The virtue ethicist has been cultivating the virtue of honest over the years, not only in the case of

lying but also in other actions. Thus acting honestly is part of his/her very person and his/her actions reflect his/her virtuous character. In other words, his/her actions naturally flow from what kind of person he/she is rather than from adhering to specific moral norms. Virtue ethicists develop virtues not only because it leads them to happiness but also it enables human flourishing in general. Hence they evaluate their actions not only in the light of results they produce for them but also for others. Similarly they judge not only their actions but also those of others to see if those actions lead to human flourishing. Thus the guidance they seek in living out a moral life is not so much from the clearly laid out norms as from virtues that promote human flourishing. Not moral norms but persons who lead virtuous life become moral ideal. As the philosopher Louis Pojman says, they look for moral ideals in persons without focusing on abstract reasons.

3.10 EVALUATING VIRTUE ETHICS

As we have noted earlier, virtue ethics offers a better motive for the action one does than the duty-based ethics. Saving a life of someone only out of the sense of duty seems to lack a better motivation like compassion and kindness, which can be expected only from a person who has developed these virtues in him/her. It is also important to note that duty-based ethics somehow neglects some of the essential aspects of moral life, namely the emphasis of being a good person leading a virtuous life. While there are such positive aspects in virtue ethics, which is not accounted by duty ethics, there are also some limitations in virtue ethics. The critics of Virtue Ethics specify at least three difficulties with regard to this ethical approach. First of all, they lack moral principles and ethics without specific principles cannot guide us in deciding the moral choice of an action. For example, when someone steals money, what would be a morally right act in dealing with that person? Virtue Ethics at best can tell us that we have to follow the model of virtuous persons. It does not specify or give guiding principles as to what virtuous persons would do exactly in that situation. The problem with virtue ethics, as is pointed by many philosophers is that it presents its argument in a circular way: the action if a virtuous person is right and the right action is the one

done by virtuous person. If we need to avoid this circularity, we need other guiding principles which go beyond virtue ethics. Secondly, there is a lack of moral judgment in virtue ethics. A person may be virtuous but he/she may still not be able to distinguish right action from wrong action especially if he/she is not knowledgeable in a particular field. For example a virtuous person who is a neophyte as far as scientific developments are concerned will not be able to say if stem cell research can be permitted or forbidden. In other words, the rightness or wrongness of an action does not fully depend on the virtuous character of a person. There are moral standards that are independent of the character of a person to judge the moral rightness or wrongness of an action. Thirdly, there can be situations in which virtues enter into conflict with one another. For example if a person comes across a dilemma situation of his/her friend brought to trial and he/she is a witness. If the person tells the truth, which means he/she is dishonest, his/her friend will end up in prison for a few years. If the person wants to save his/her friend to show loyalty to his/her friendship, he/she will necessarily tell lie which implies that he/she is dishonest. Which of these two virtues honesty and loyalty, is to be pursued in this situation? Virtue ethics does not seem to provide us a satisfactory answer. This is true of all such dilemma situations. What does virtue ethics have to say about dilemmas – cases in which different virtues conflict? Justice prompts us to kill the person who is a reckless murderer, but love forbids it. Honesty demands that truth be told even if hurts, while compassion might suggest lying. What shall we do? Of course, the same kinds of dilemmas are generated by conflicts between the rules of the duty-based ethics. Deontology and virtue ethics share the conflict problem. The proponents of the duty-based ethics suggest that such conflicts between norms of duty can be resolved by determining the prominence of one norm over another. This, however, does not seem to be possible in virtue ethics unless otherwise there are other guiding principles to ascertain as to which virtues are more important than other virtues.

Check Your Progress 3

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Note : a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

1. Discuss the Aristotle and His Concept of Eudaimonia.

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2. Write about Virtues and Actions.

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3. How do Evaluating Virtue Ethics?

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3.11 DEONTOLOGY VERSUS VIRTUE ETHICS

Virtue ethics is “concerned with Being rather than Doing,” It is “agent-centred rather than actcentred.” Critics maintained that it was unable to provide action-guidance and hence, rather than being a normative rival to utilitarian and deontological ethics, it could claim to be no more than a valuable supplement to them. Immanuel Kant, in his duty-based ethics emphasizes on doing the duty for the sake of duty, which is also the stand of all other deontologists in general. For example, if a wife falls sick, it is obviously the duty of her husband to take care of her. Duty-based ethics does not give any motivation other than duty. Virtue ethics

offer us virtues like loyalty, compassion, love and the like as motivations to do one's duty in an effective way. Good virtues motivate us to do our duties. Sometimes this duty-based ethics goes against common sense. For example, during the war time thousands and thousands of innocents like women and children are brutally killed by the army. But army men follow the duty-based ethics, so they simply kill the innocent in order to execute their plan that which is part of duty as army men. Virtue ethics, however, has inspired many thinkers to give the right place to principles without making them absolute. As William Frankena notes rightly, "principles without traits [virtues] are impotent and traits without principles are blind."

3.12 ETHICS OF CARE

Ethics of Care is a very powerful and influential version of virtue ethics though some might consider it to be an independent moral theory in its own right. Developed mainly by feminist thinkers like the woman psychologist Carol Gilligan, this account of virtue ethics dwells chiefly on the different ways in which men and women think of moral problems. According to Gilligan, men make moral decisions on the basis of rights and justice while women make moral decision on the basis of caring and feeling for others and their view-points. According the approach of men towards moral issues can be termed 'ethics of justice' while that of women can be called 'ethics of care.' Thus the ethics of care emphasizes close personal relationships and moral virtues such as compassion and sympathy. It calls for a change in our perception of morality and of virtues, laying greater emphasis on virtues exemplified by women, such as taking care of others, patience, the ability to nurture, self-sacrifice, etc. It is not clear if we can maintain that women and men adopt different approaches to virtues. Be that as it may, there must be place for care in virtue ethics along with other virtues such as justice and honesty.

3.13 MACINTYRE: RELATIVITY OF VIRTUES

In the contemporary era, Alasdair MacIntyre is a major figure in the recent revival of interest in virtue ethics and also the ethics of care, which gives importance to the body with regard to the conduct of human beings. In his *Dependent Rational Animals: Why Human Beings Need the Virtues?* (1999), he affirms that morality cannot be thought outside of biology in so far as human person is an embodied being and not just pure rational mind as is presented within the framework of dualistic philosophy. He says that virtues change according to the context. In the period of Homer, physical strength was considered to be the virtue. In the period of Athens (Socrates and Aristotle), moral integrity was considered as a virtue, whereas during the Middle Ages when Christianity thrived, spiritual strength was considered to be the virtue. MacIntyre took a relativist stand that virtues are relative that is to say that the virtues differ in different contexts. He concludes that these differences can be attributed to different practices that generate different conceptions of virtues. Each account of virtue requires a prior account of social and moral features in order to be understood. Thus, in order to understand Homeric virtue we need to look its social role in Greek society. Virtues, then, are exercised within practices and social forms of activity that are coherent and seek to realize goods internal to the activity. Virtues enable us to achieve these goods. There is an end (telos) that transcends all particular practices and it constitutes the good of a whole human life.

3.14 VIRTUES IN ASIAN RELIGIONS

Confucianism: While Aristotle emphasises nurturing virtues through habitual ways of behaviour by individuals, Confucius holds that the humaneness (jen or ren which can also be translated as kind-heartedness or benevolence) is derived from the web of social relationship. Hence leading a virtuous life does not consist so much in living accordance to one's inner nature, as was thought by Aristotle, but meeting the requirement of relationship in which we find ourselves. We are not isolated individuals but part of the social network. Hence the most basic of all virtues is "humaneness." All other virtues such as righteousness and faithfulness flow naturally from humaneness. For example, in the relationship of citizen and ruler, the prime virtue is righteousness and in

friendship, it is faithfulness. Be it righteousness or faithfulness, all virtues are associated to the greatest virtue of humanity, that is, humaneness. Thus Confucius brings in the social character of human person which allows for a harmonious society.

Buddhism: Both Aristotle and Confucius give importance to the human person, be it individually or collectively in their frame of virtue ethics, Buddhism adopts completely a different approach, for the concept of ‘self’ as a substance does not fall in line with the main teachings of Buddhism. Human is made up of five skandas which are on changing. There is no permanent ‘self.’ The imagined entity called self only leads to desire and attachment, which in turn further lead to suffering. So virtues are neither self-actualizing as in the case of Aristotle, not society-centred as in the case of Confucius. Instead it consists in freeing ‘oneself’ and ‘others’ from suffering. If desire is the cause of suffering, then the virtues that would free us from suffering would be tranquillity and non-attachment. In order to arrive at these virtues, we should be truthful both in thought and speech.

Taoism: Taoism takes its inspiration from Buddhism with regard to the idea of flux and nonpermanence. To be virtuous would then mean that going with the flow just like water in a stream, analogy given by Tao TeChing. The flow of water is not an image of the weak but of the strong because its flow cannot be resisted. A true Taoist must let him/her go along the currents, taking control of one’s senses, body and mind. This is possible only through selfless, spontaneous, simple and serene life.

Check Your Progress 4

Note : a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

1. How do you know Deontology versus Virtue Ethics?

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2. Discuss Ethics of care.

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3. Highlight MacIntyre: Relativity of Virtues.

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4. Discuss the Virtues in Asian Religions.

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3.15 LET US SUM UP

The basic contention of virtue ethics is that moral actions are derived from virtues. Aristotle, the main proponent of virtue ethics from the western tradition hold that the greatest good of human life is eudaimonia, human flourishing and to achieve this, we should cultivate virtues. And a virtue is a golden mean between two extremes. The resurgence of virtue ethics in the contemporary era through eminent thinkers like MacIntyre points out to the lack in duty-based ethics, thus insisting that ethics

involves not merely actions impelled by duty but also motives and intentions. While Aristotle's virtue ethics rests on human individual, virtue ethics as developed by some Asian religions emphasize social relationship and non-attachment. Whatever be the pitfalls of virtue ethics, it remains relevant and forms part of ethical theories.

3.16 KEY WORDS

Eudaimonia: term introduced by Aristotle that is translated as happiness.

The term means to flourish is the aim of human person.

Deontology: a school of thought which holds on to the view that rules/norms are more important than values.

Teleology: the theory that events and developments are meant to achieve a purpose and happen because of that. Telos means end.

3.17 QUESTIONS FOR REVIEW

5. How to know the Historical Background of Democracy?
6. Discuss the Conceptual framework of Democracy: Autonomy, Equality, and Liberty
7. How to understand Justifications for Democracy: Intrinsic and Instrumental?
8. Discuss Democracy: Procedural and Substantive
9. How do you know the Types of Democracy: Representative Democracy and its Critics, Participatory Democracy?
10. Discuss about the Deliberative Democracy, Social Democracy and Cosmopolitan Democracy.
11. Discuss the Aristotle and His Concept of Eudaimonia.
12. Write about Virtues and Actions.
13. How do Evaluating Virtue Ethics?
14. How do you know Deontology versus Virtue Ethics?
15. Discuss Ethics of care.
16. Highlight MacIntyre: Relativity of Virtues.
17. Discuss the Virtues in Asian Religions.

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3.19 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

1. See Section 3.2
2. See Section 3.3
3. See Section 3.4

Check Your Progress 2

1. See Section 3.5
2. See Section 3.6
3. See Section 3.7

Check Your Progress 3

1. See Section 3.8
2. See Section 3.9
3. See Section 3.10

Check Your Progress 4

1. See Section 3.11
2. See Section 3.12
3. See Section 3.13
4. See Section 3.14

UNIT 4: DEBATES ON FREEDOM I

STRUCTURE

- 4.0 Objectives
- 4.1 Introduction
- 4.2 Historical Background
- 4.3 Ancient vs. Modern Liberty (Constant)
- 4.4 Freedom as autonomy (Kant, Mill)
- 4.5 Negative vs. Positive Liberty (Berlin, MacCallum)
- 4.6 Let us sum up
- 4.7 Key Words
- 4.8 Questions for Review
- 4.9 Suggested readings and references
- 4.10 Answers to Check Your Progress

4.0 OBJECTIVES

After this unit we can able to know:

- To discuss the Ancient vs. Modern Liberty (Constant)
- To know the Freedom as autonomy (Kant, Mill)
- To describe Negative vs. Positive Liberty (Berlin, MacCallum)

4.1 INTRODUCTION

Freedom among the Ancients

For Constant, freedom in the sense of the Ancients "consisted of the active and constant participation in the collective power" and consisted in "exercising, collectively, but directly, several parts of the whole sovereignty" and, except in Athens, they considered that this vision of liberty was compatible with "the complete subjection of the individual to the authority of the whole". Thus, at that time and outside the particular case of Athens, power was entitled to everything and therefore to the mores of society. Constant takes the example of Terpander, who in the

time of Sparta was condemned by the Ephors for having added a string to his lyre without warning them; or the principle of ostracism in Athens showing that the state regulates everything.

Freedom is therefore contradictory in ancient Greece, because sovereignty in public affairs coexists with slavery in the private sphere. "As a citizen, he decides on peace and war; as particular, he is circumscribed, observed, repressed in all his movements". Constant explains that the ancients had no notion of individual rights, except in Athens, which, Constant tells us, "is [of all the ancient states] the one who has resembled the modern ones" and that it granted "to its citizens infinitely more individual freedom than Rome and Sparta". This type of freedom is explained by the small size of the republics of the time. The rivalry between the cities causes the states to buy their security at the price of war.

Freedom among the Moderns

Freedom in modern societies is incompatible with that of the ancients. This is the opportunity to do what we want, it is a protection of the private sphere. "The aim of the moderns is the enjoyment of security in private pleasures; and they call liberty the guarantees accorded by institutions to these pleasures". Size and trade explain it. The sharing of power diminishes with increasing size of states. The war has given way to trade. They are only two means to achieve the same goal, namely to possess what you want. Trade is "an attempt to obtain by mutual agreement what one no longer hopes to conquer by violence." War, just like trade, makes it possible to achieve a goal, and the evolution of society has changed the means without touching the end. "Trade inspires men with a keen love of individual independence." Thus Athens, which was the most commercial democracy, was also the one which bestowed the most individual liberty. However, we must moderate this idea with the practice of ostracism, symbol of the power of the state over the individual.

The errors of the French Revolution were being the result of an attempt to apply ancient liberty in a modern world. Benjamin Constant criticizes Father Gabriel Bonnot de Mably, who, he says, regrets that the law only reaches actions and not thought. He explains the admiration of the author for Sparta. He also criticizes the beliefs of Jean-Jacques Rousseau.

4.2 HISTORICAL BACKGROUND

Firstly, the confusion of these two kinds of liberty has been amongst us, in the all too famous days of our revolution, the cause of many an evil. France was exhausted by useless experiments, the authors of which, irritated by their poor success, sought to force her to enjoy the good she did not want, and denied her the good which she did want. Secondly, called as we are by our happy revolution (I call it happy, despite its excesses, because I concentrate my attention on its results) to enjoy the benefits of representative government, it is curious and interesting to discover why this form of government, the only one in the shelter of which we could find some freedom and peace today, was totally unknown to the free nations of antiquity.

I know that there are writers who have claimed to distinguish traces of it among some ancient peoples, in the Lacedaemonian republic for example, or amongst our ancestors the Gauls; but they are mistaken. The Lacedaemonian government was a monastic aristocracy, and in no way a representative government. The power of the kings was limited, but it was limited by the ephors, and not by men invested with a mission similar to that which election confers today on the defenders of our liberties. The ephors, no doubt, though originally created by the kings, were elected by the people. But there were only five of them. Their authority was as much religious as political; they even shared in the administration of government, that is, in the executive power. Thus their prerogative, like that of almost all popular magistrates in the ancient republics, far from being simply a barrier against tyranny became sometimes itself an insufferable tyranny.

The regime of the Gauls, which quite resembled the one that a certain party would like to restore to us, was at the same time theocratic and warlike. The priests enjoyed unlimited power. The military class or nobility had markedly insolent and oppressive privileges; the people had no rights and no safeguards.

In Rome the tribunes had, up to a point, a representative mission. They were the organs of those plebeians whom the oligarchy -- which is the same in all ages -- had submitted, in overthrowing the kings, to so harsh a slavery. The people, however, exercised a large part of the political rights directly. They met to vote on the laws and to judge the patricians against whom charges had been leveled: thus there were, in Rome, only feeble traces of a representative system.

This system is a discovery of the moderns, and you will see, Gentlemen, that the condition of the human race in antiquity did not allow for the introduction or establishment of an institution of this nature. The ancient peoples could neither feel the need for it, nor appreciate its advantages. Their social organization led them to desire an entirely different freedom from the one which this system grants to us. Tonight's lecture will be devoted to demonstrating this truth to you.

First ask yourselves, Gentlemen, what an Englishman, a French-man, and a citizen of the United States of America understand today by the word 'liberty'. For each of them it is the right to be subjected only to the laws, and to be neither arrested, detained, put to death nor maltreated in any way by the arbitrary will of one or more individuals. It is the right of everyone to express their opinion, choose a profession and practice it, to dispose of property, and even to abuse it; to come and go without permission, and without having to account for their motives or undertakings. It is everyone's right to associate with other individuals, either to discuss their interests, or to profess the religion which they and their associates prefer, or even simply to occupy their days or hours in a way which is most compatible with their inclinations or whims. Finally it is everyone's right to exercise some influence on the administration of

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the government, either by electing all or particular officials, or through representations, petitions, demands to which the authorities are more or less compelled to pay heed. Now compare this liberty with that of the ancients.

The latter consisted in exercising collectively, but directly, several parts of the complete sovereignty; in deliberating, in the public square, over war and peace; in forming alliances with foreign governments; in voting laws, in pronouncing judgments; in examining the accounts, the acts, the stewardship of the magistrates; in calling them to appear in front of the assembled people, in accusing, condemning or absolving them. But if this was what the ancients called liberty, they admitted as compatible with this collective freedom the complete subjection of the individual to the authority of the community. You find among them almost none of the enjoyments which we have just seen form part of the liberty of the moderns. All private actions were submitted to a severe surveillance. No importance was given to individual independence, neither in relation to opinions, nor to labor, nor, above all, to religion. The right to choose one's own religious affiliation, a right which we regard as one of the most precious, would have seemed to the ancients a crime and a sacrilege. In the domains which seem to us the most useful, the authority of the social body interposed itself and obstructed the will of individuals. Among the Spartans, Therpandrus could not add a string to his lyre without causing offense to the ephors. In the most domestic of relations the public authority again intervened. The young Lacedaemonian could not visit his new bride freely. In Rome, the censors cast a searching eye over family life. The laws regulated customs, and as customs touch on everything, there was hardly anything that the laws did not regulate.

Thus among the ancients the individual, almost always sovereign in public affairs, was a slave in all his private relations. As a citizen, he decided on peace and war; as a private individual, he was constrained, watched and repressed in all his movements; as a member of the collective body, he interrogated, dismissed, condemned, beggared, exiled, or sentenced to death his magistrates and superiors; as a subject

of the collective body he could himself be deprived of his status, stripped of his privileges, banished, put to death, by the discretionary will of the whole to which he belonged. Among the moderns, on the contrary, the individual, independent in his private life, is, even in the freest of states, sovereign only in appearance. His sovereignty is restricted and almost always suspended. If, at fixed and rare intervals, in which he is again surrounded by precautions and obstacles, he exercises this sovereignty, it is always only to renounce it.

I must at this point, Gentlemen, pause for a moment to anticipate an objection which may be addressed to me. There was in antiquity a republic where the enslavement of individual existence to the collective body was not as complete as I have described it. This republic was the most famous of all: you will guess that I am speaking of Athens. I shall return to it later, and in subscribing to the truth of this fact, I shall also indicate its cause. We shall see why, of all the ancient states, Athens was the one which most resembles the modern ones. Everywhere else social jurisdiction was unlimited. The ancients, as Condorcet says, had no notion of individual rights. Men were, so to speak, merely machines, whose gears and cog-wheels were regulated by the law. The same subjection characterized the golden centuries of the Roman republic; the individual was in some way lost in the nation, the citizen in the city. We shall now trace this essential difference between the ancients and ourselves back to its source.

All ancient republics were restricted to a narrow territory. The most populous, the most powerful, the most substantial among them, was not equal in extension to the smallest of modern states. As an inevitable consequence of their narrow territory, the spirit of these republics was bellicose; each people incessantly attacked their neighbors or were attacked by them. Thus driven by necessity against one another, they fought or threatened each other constantly. Those who had no ambition to be conquerors could still not lay down their weapons, lest they should themselves be conquered. All had to buy their security, their independence, their whole existence at the price of war. This was the

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constant interest, the almost habitual occupation of the free states of antiquity. Finally, by an equally necessary result of this way of being, all these states had slaves. The mechanical professions and even, among some nations, the industrial ones, were committed to people in chains.

The modern world offers us a completely opposing view. The smallest states of our day are incomparably larger than Sparta or than Rome was over five centuries. Even the division of Europe into several states is, thanks to the progress of enlightenment, more apparent than real. While each people, in the past, formed an isolated family, the born enemy of other families, a mass of human beings now exists, that under different names and under different forms of social organization are essentially homogeneous in their nature. This mass is strong enough to have nothing to fear from barbarian hordes. It is sufficiently civilized to find war a burden. Its uniform tendency is towards peace.

This difference leads to another one. War precedes commerce. War and commerce are only two different means of achieving the same end, that of getting what one wants. Commerce is simply a tribute paid to the strength of the possessor by the aspirant to possession. It is an attempt to conquer, by mutual agreement, what one can no longer hope to obtain through violence. A man who was always the stronger would never conceive the idea of commerce. It is experience, by proving to him that war, that is the use of his strength against the strength of others, exposes him to a variety of obstacles and defeats, that leads him to resort to commerce, that is to a milder and surer means of engaging the interest of others to agree to what suits his own. War is all impulse, commerce, calculation. Hence it follows that an age must come in which commerce replaces war. We have reached this age.

I do not mean that amongst the ancients there were no trading peoples. But these peoples were to some degree an exception to the general rule. The limits of this lecture do not allow me to illustrate all the obstacles which then opposed the progress of commerce; you know them as well as I do; I shall only mention one of them.

4.3 ANCIENT VS. MODERN LIBERTY (CONSTANT)

Moreover, if I could permit myself a digression which would unfortunately prove too long, I would show you, Gentlemen, through the details of the customs, habits, and way of trading with others of the trading peoples of antiquity, that their commerce was itself impregnated by the spirit of the age, by the atmosphere of war and hostility which surrounded it. Commerce then was a lucky accident; today it is the normal state of things, the only aim, the universal tendency, the true life of nations.

Among the ancients, a successful war increased both private and public wealth in slaves, tributes and lands shared out. For the moderns, even a successful war costs infallibly more than it is worth. Finally, thanks to commerce, to religion, to the moral and intellectual progress of the human race, there are no longer slaves among the European nations. Free men must exercise all professions, provide for all the needs of society.

It is easy to see, Gentlemen, the inevitable outcome of these differences. Firstly, the size of a country causes a corresponding decrease of the political importance allotted to each individual. The most obscure republican of Sparta or Rome had power. The same is not true of the simple citizen of Britain or of the United States. His personal influence is an imperceptible part of the social will which impresses on the government its direction.

Secondly, the abolition of slavery has deprived the free population of all the leisure which resulted from the fact that slaves took care of most of the work. Without the slave population of Athens, 20,000 Athenians could never have spent every day at the public square in discussions. Thirdly, commerce does not, like war, leave in men's lives intervals of inactivity. The constant exercise of political rights, the daily discussion of the affairs of the state, disagreements, confabulations, the whole entourage and movement of factions, necessary agitations, the compulsory filling, if I may use the term, of the life of the peoples of

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antiquity, who, without this resource would have languished under the weight of painful inaction, would only cause trouble and fatigue to modern nations, where each individual, occupied with his speculations, his enterprises, the pleasures he obtains or hopes for, does not wish to be distracted from them other than momentarily, and as little as possible.

Finally, commerce inspires in men a vivid love of individual independence. Commerce supplies their needs, satisfies their desires, without the intervention of the authorities. This intervention is almost always -- and I do not know why I say almost -- this intervention is indeed always a trouble and an embarrassment. Every time collective power wishes to meddle with private speculations, it harasses the speculators. Every time governments pretend to do our own business, they do it more incompetently and expensively than we would.

Finally, we shall be struck by their excessive love of individual independence. In Sparta, says a philosopher, the citizens quicken their step when they are called by a magistrate; but an Athenian would be desperate if he were thought to be dependent on a magistrate. However, as several of the other circumstances which determined the character of ancient nations existed in Athens as well; as there was a slave population and the territory was very restricted; we find there too the traces of the liberty proper to the ancients. The people made the laws, examined the behavior of the magistrates, called Pericles to account for his conduct, sentenced to death the generals who had commanded the battle of the Arginusae. Similarly ostracism, that legal arbitrariness, extolled by all the legislators of the age; ostracism, which appears to us, and rightly so, a revolting iniquity, proves that the individual was much more subservient to the supremacy of the social body in Athens, than he is in any of the free states of Europe today.

It follows from what I have just indicated that we can no longer enjoy the liberty of the ancients, which consisted in an active and constant participation in collective power. Our freedom must consist of peaceful enjoyment and private independence. The share which in antiquity ever;

one held in national sovereignty was by no means an abstract presumption as it is in our own day. The will of each individual had real influence: the exercise of this will was a vivid and repeated pleasure. Consequently the ancients were ready to make many a sacrifice to preserve their political rights and their share in the administration of the state. Everybody, feeling with pride all that his suffrage was worth, found in this awareness of his personal importance a great compensation.

This compensation no longer exists for us today. Lost in the multitude, the individual can almost never perceive the influence he exercises. Never does his will impress itself upon the whole; nothing confirms in his eyes his own cooperation. The exercise of political rights, therefore, offers us but a part of the pleasures that the ancients found in it, while at the same time the progress of civilization, the commercial tendency of the age, the communication amongst peoples, have infinitely multiplied and varied the means of personal happiness.

It follows that we must be far more attached than the ancients to our individual independence. For the ancients when they sacrificed that independence to their political rights, sacrificed less to obtain more; while in making the same sacrifice! We would give more to obtain less. The aim of the ancients was the sharing of social power among the citizens of the same fatherland: this is what they called liberty. The aim of the moderns is the enjoyment of security in private pleasures; and they call liberty the guarantees accorded by institutions to these pleasures.

But those men had derived several of their theories from the works of two philosophers who had they failed to recognize the changes brought by two thousand years in the dispositions of mankind. I shall perhaps at some point examine the system of the most illustrious of these philosophers, of Jean-Jacques Rousseau, and I shall show that, by transposing into our modern age an extent of social power, of collective sovereignty, which belonged to other centuries, this sublime genius, animated by the purest love of liberty, has nevertheless furnished deadly pretexts for more than one kind of tyranny. No doubt, in pointing out

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what I regard as a misunderstanding which it is important to uncover, I shall be careful in my refutation, and respectful in my criticism. I shall certainly refrain from joining myself to the detractors of a great man. When chance has it that I find myself apparently in agreement with them on some one particular point, I suspect myself; and to console myself for appearing for a moment in agreement with them on a single partial question, I need to disown and denounce with all my energies these pretended allies.

Nevertheless, the interests of truth must prevail over considerations which make the glory of a prodigious talent and the authority of an immense reputation so powerful. Moreover, as we shall see, it is not to Rousseau that we must chiefly attribute the error against which I am going to argue; this is to be imputed much more to one of his successors, less eloquent but no less austere and a hundred times more exaggerated. The latter, the abbe de Mably, can be regarded as the representative of the system which, according to the maxims of ancient liberty, demands that the citizens should be entirely subjected in order for the nation to be sovereign, and that the individual should be enslaved for the people to be free.

The men who were brought by events to the head of our revolution were, by a necessary consequence of the education they had received, steeped in ancient views which are no longer valid, which the philosophers whom I mentioned above had made fashionable. The metaphysics of Rousseau, in the midst of which flashed the occasional sublime thought and passages of stirring eloquence; the austerity of Mably, his intolerance, his hatred of all human passions, his eagerness to enslave them all, his exaggerated principles on the competence of the law, the difference between what he recommended and what had ever previously existed, his declamations against wealth and even against property; all these things were bound to charm men heated by their recent victory, and who, having won power over the law, were only too keen to extend this power to all things. It was a source of invaluable support that two disinterested writers anathematizing human despotism, should have

drawn up the text of the law in axioms. They wished to exercise public power as they had learnt from their guides it had once been exercised in the free states. They believed that everything should give way before collective will, and that all restrictions on individual rights would be amply compensated by participation in social power.

We all know, Gentlemen, what has come of it. Free institutions, resting upon the knowledge of the spirit of the age, could have survived. The restored edifice of the ancients collapsed, notwithstanding many efforts and many heroic acts which call for our admiration. The fact is that social power injured individual independence in every possible way, without destroying the need for it. The nation did not find that an ideal share in an abstract sovereignty was worth the sacrifices required from her. She was vainly assured, on Rousseau's authority, that the laws of liberty are a thousand times more austere than the yoke of tyrants. She had no desire for those austere laws, and believed sometimes that the yoke of tyrants would be preferable to them. Experience has come to undeceive her. She has seen that the arbitrary power of men was even worse than the worst of laws. But laws too must have their limits.

If I have succeeded, Gentlemen, in making you share the persuasion which in my opinion these facts must produce, you will acknowledge with me the truth of the following principles. Individual independence is the first need of the moderns: consequently one must never require from them any sacrifices to establish political liberty. It follows that none of the numerous and too highly praised institutions which in the ancient republics hindered individual liberty is any longer admissible in the modern times.

You may, in the first place, think, Gentlemen, that it is superfluous to establish this truth. Several governments of our days do not seem in the least inclined to imitate the republics of antiquity. However, little as they may like republican institutions, there are certain republican usages for which they feel a certain affection. It is disturbing that they should be precisely those which allow them to banish, to exile, or to despoil. I

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remember that in 1802, they slipped into the law on special tribunals an article which introduced into France Greek ostracism; and God knows how many eloquent speakers, in order to have this article approved, talked to us about the freedom of Athens and all the sacrifices that individuals must make to preserve this freedom! Similarly, in much more recent times, when fearful authorities attempted, with a timid hand, to rig the elections, a journal which can hardly be suspected of republicanism proposed to revive Roman censorship to eliminate all dangerous candidates.

I do not think therefore that I am engaging in a useless discussion if, to support my assertion, I say a few words about these two much vaunted institutions. Ostracism in Athens rested upon the assumption that society had complete authority over its members. On this assumption it could be justified; and in a small state, where the influence of a single individual, strong in his credit, his clients, his glory, often balanced the power of the mass, ostracism may appear useful. But amongst us individuals have rights which society must respect, and individual interests are, as I have already observed, so lost in a multitude of equal or superior influences, that any oppression motivated by the need to diminish this influence is useless and consequently unjust. No one has the right to exile a citizen, if he is not condemned by a regular tribunal, according to a formal law which attaches the penalty of exile to the action of which he is guilty. No one has the right to tear the citizen from his country, the owner away from his possessions, the merchant away from his trade, the husband from his wife, the father from his children, the writer from his studious meditations, the old man from his accustomed way of life. All political exile is a political abuse. All exile pronounced by an assembly for alleged reasons of public safety is a crime which the assembly itself commits against public safety, which resides only in respect for the laws, in the observance of forms, and in the maintenance of safeguards.

Roman censorship implied, like ostracism, a discretionary power. In a republic where all the citizens, kept by poverty to an extremely simple moral code, lived in the same town, exercised no profession which might

distract their attention from the affairs of the state, and thus constantly found themselves the spectators and judges of the usage of public power, censorship could on the one hand have greater influence: while on the other, the arbitrary power of the censors was restrained by a kind of moral surveillance exercised over them. But as soon as the size of the republic, the complexity of social relations and the refinements of civilization deprived this institution of what at the same time served as its basis and its limit, censorship degenerated even in Rome. It was not censorship which had created good morals; it was the simplicity of those morals which constituted the power and efficacy of censorship.

In France, an institution as arbitrary as censorship would be at once ineffective and intolerable. In the present conditions of society, morals are formed by subtle, fluctuating, elusive nuances, which would be distorted in a thousand ways if one attempted to define them more precisely. Public opinion alone can reach them; public opinion alone can judge them, because it is of the same nature. It would rebel against any positive authority which wanted to give it greater precision. If the government of a modern people wanted, like the censors in Rome, to censure a citizen arbitrarily, the entire nation would protest against this arrest by refusing to ratify the decisions of the authority.

Religion is also exposed to these memories of bygone ages. Some brave defenders of the unity of doctrine cite the laws of the ancients against foreign gods, and sustain the rights of the Catholic church by the example of the Athenians, who killed Socrates for having undermined polytheism, and that of Augustus, who wanted the people to remain faithful to the cult of their fathers; with the result, shortly afterwards, that the first Christians were delivered to the lions. Let us mistrust, Gentlemen, this admiration for certain ancient memories. Since we live in modern times, I want a liberty suited to modern times; and since we live under monarchies, I humbly beg these monarchies not to borrow from the ancient republics the means to oppress us.

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Individual liberty, I repeat, is the true modern liberty. Political liberty is its guarantee, consequently political liberty is indispensable. But to ask the peoples of our day to sacrifice, like those of the past, the whole of their individual liberty to political liberty, is the surest means of detaching them from the former and, once this result has been achieved, it would be only too easy to deprive them of the latter.

As you see, Gentlemen, my observations do not in the least tend to diminish the value of political liberty. I do not draw from the evidence I have put before your eyes the same conclusions that some others have. From the fact that the ancients were free, and that we cannot any longer be free like them, they conclude that we are destined to be slaves. They would like to reconstitute the new social state with a small number of elements which, they say, are alone appropriate to the situation of the world today. These elements are prejudices to frighten men, egoism to corrupt them, frivolity to stupefy them, gross pleasures to degrade them, despotism to lead them; and, indispensably, constructive knowledge and exact sciences to serve despotism the more adroitly. It would be odd indeed if this were the outcome of forty centuries during which mankind has acquired greater moral and physical means: I cannot believe it. I derive from the differences which distinguish us from antiquity totally different conclusions. It is not security which we must weaken; it is enjoyment which we must extend. It is not political liberty which I wish to renounce; it is civil liberty which I claim, along with other forms of political liberty. Governments, no more than they did before, have the right to arrogate to themselves an illegitimate power.

But the governments which emanate from a legitimate source have even less right than before to exercise an arbitrary supremacy over individuals. We still possess today the rights we have always had, those eternal rights to assent to the laws, to deliberate on our interests, to be an integral part of the social body of which we are members. But governments have new duties; the progress of civilization, the changes brought by the centuries require from the authorities greater respect for customs, for affections,

for the independence of individuals. They must handle all these issues with a lighter and more prudent hand.

This reserve on the part of authority, which is one of its strictest duties, equally represents its well-conceived interest; since, if the liberty that suits the moderns is different from that which suited the ancients, the despotism which was as possible amongst the ancients is no longer possible amongst the moderns. Because we are often less concerned with political liberty than they could be, and in ordinary circumstances less passionate about it, it may follow that we neglect, sometimes too much and always wrongly, the guarantees which this assures us. But at the same time, as we are much more preoccupied with individual liberty than the ancients, we shall defend it, if it is attacked, with much more skill and persistence; and we have means to defend it which the ancients did not.

Commerce makes the action of arbitrary power over our existence more oppressive than in the past, because, as our speculations are more varied, arbitrary power must multiply itself to reach them. But commerce also makes the action of arbitrary power easier to elude, because it changes the nature of property, which becomes, in virtue of this change, almost impossible to seize.

Commerce confers a new quality on property, circulation. Without circulation, property is merely a usufruct; political authority can always affect usufruct, because it can prevent its enjoyment; but circulation creates an invisible and invincible obstacle to the actions of social power.

The effects of commerce extend even further: not only does it emancipate individuals, but, by creating credit, it places authority itself in a position of dependence. Money, says a French writer, 'is the most dangerous weapon of despotism; yet it is at the same time its most powerful restraint; credit is subject to opinion; force is useless; money hides itself or flees; all the operations of the state are suspended'. Credit did not have the same influence amongst the ancients; their governments

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were stronger than individuals, while in our time individuals are stronger than the political powers. Wealth is a power which is more readily available in all circumstances, more readily applicable to all interests, and consequently more real and better obeyed. Power threatens; wealth rewards: one eludes power by deceiving it; to obtain the favors of wealth one must serve it: the latter is therefore bound to win.

As a result, individual existence is less absorbed in political existence. Individuals carry their treasures far away; they take with them all the enjoyments of private life. Commerce has brought nations closer, it has given them customs and habits which are almost identical; the heads of states may be enemies: the peoples are compatriots. Let power therefore resign itself: we must have liberty and we shall have it. But since the liberty we need is different from that of the ancients, it needs a different organization from the one which would suit ancient liberty. In the latter, the more time and energy man dedicated to the exercise of his political rights, the freer he thought himself; on the other hand, in the kind of liberty of which we are capable, the more the exercise of political rights leaves us the time for our private interests, the more precious will liberty be to us.

For from the fact that modern liberty differs from ancient liberty, it follows that it is also threatened by a different sort of danger. The danger of ancient liberty was that men, exclusively concerned with securing their share of social power, might attach too little value to individual rights and enjoyments.

The danger of modern liberty is that, absorbed in the enjoyment of our private independence, and in the pursuit of our particular interests, we should surrender our right to share in political power too easily. The holders of authority are only too anxious to encourage us to do so. They are so ready to spare us all sort of troubles, except those of obeying and paying! They will say to us: what, in the end, is the aim of your efforts, the motive of your labors, the object of all your hopes? Is it not happiness? Well, leave this happiness to us and we shall give it to you.

No, Sirs, we must not leave it to them. No matter how touching such a tender commitment may be, let us ask the authorities to keep within their limits. Let them confine themselves to being just. We shall assume the responsibility of being happy for ourselves.

Political liberty, by submitting to all the citizens, without exception, the care and assessment of their most sacred interests, enlarges their spirit, ennobles their thoughts, and establishes among them a kind of intellectual equality which forms the glory and power of a people.

Thus, see how a nation grows with the first institution which restores to her the regular exercise of political liberty. See our countrymen of all classes, of all professions, emerge from the sphere of their usual labors and private industry, find themselves suddenly at the level of important functions which the constitution confers upon them, choose with discernment, resist with energy-, brave threats, nobly withstand seduction. See a pure, deep and sincere patriotism triumph in our towns, revive even our smallest villages, permeate our workshops, enliven our countryside, penetrate the just and honest spirits of the useful farmer and the industrious tradesman with a sense of our rights and the need for safeguards; they, learned in the history of the evils they have suffered, and no less enlightened as to the remedies which these evils demand, take in with a glance the whole of France and, bestowing a national gratitude, repay with their suffrage, after thirty years, the fidelity to principles embodied in the most illustrious of the defenders of liberty.

Therefore, Sirs, far from renouncing either of the two sorts of freedom which I have described to you, it is necessary, as I have shown, to learn to combine the two together. Institutions, says the famous author of the history of the republics in the Middle Ages, must accomplish the destiny of the human race; they can best achieve their aim if they elevate the largest possible number of citizens to the highest moral position.

The work of the legislator is not complete when he has simply brought peace to the people. Even when the people are satisfied, there is much left to do. Institutions must achieve the moral education of the citizens.

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By respecting their individual rights, securing their independence, refraining from troubling their work, they must nevertheless consecrate their influence over public affairs, call them to contribute by their votes to the exercise of power, grant them a right of control and supervision by expressing their opinions; and, by forming them through practice for these elevated functions, give them both the desire and the right to discharge these.

Check Your Progress 1

Note : a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

1. Discuss the Historical Background on debate of freedom.

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2. Discuss the relation of Ancient vs. Modern Liberty (Constant).

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4.4 FREEDOM AS AUTONOMY (KANT, MILL)

Individual autonomy is an idea that is generally understood to refer to the capacity to be one's own person, to live one's life according to reasons and motives that are taken as one's own and not the product of manipulative or distorting external forces. It is a central value in the Kantian tradition of moral philosophy but it is also given fundamental

status in John Stuart Mill's version of utilitarian liberalism (Kant 1785/1983, Mill 1859/1975, ch. III). Examination of the concept of autonomy also figures centrally in debates over education policy, biomedical ethics, various legal freedoms and rights (such as freedom of speech and the right to privacy), as well as moral and political theory more broadly. In the realm of moral theory, seeing autonomy as a central value can be contrasted with alternative frameworks such as an ethic of care, utilitarianism of some kinds, and an ethic of virtue. Autonomy has traditionally been thought to connote independence and hence to reflect assumptions of individualism in both moral thinking and political designations of political status. In recent decades, however, theorists have increasingly tried to structure the concept so as to sever its ties to this brand of individualism. In all such discussions the concept of autonomy is the focus of much controversy and debate, disputes which focus attention on the fundamentals of moral and political philosophy and the Enlightenment conception of the person more generally.

Kant: Autonomy in Moral Philosophy

Autonomy is central in certain moral frameworks, both as a model of the moral person — the feature of the person by virtue of which she is morally obligated — and as the aspect of persons which ground others' obligations to her or him. For Kant, the self-imposition of universal moral law is the ground of both moral obligation generally and the respect others owe to us (and we owe ourselves). In short, practical reason — our ability to use reasons to choose our own actions — presupposes that we understand ourselves as free. Freedom means lacking barriers to our action that are in any way external to our will, though it also requires that we utilize a law to guide our decisions, a law that can come to us only by an act of our own will (for further discussion see Hill 1989). This self-imposition of the moral law is autonomy. And since this law must have no content provided by sense or desire, or any other contingent aspect of our situation, it must be universal. Hence we have the (first formulation of the) Categorical Imperative, that by virtue

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of our being autonomous we must act only on those maxims that we can consistently will as a universal law.

The story continues, however: for the claim is that this capacity (to impose upon ourselves the moral law) is the ultimate source of all moral value — for to value anything (instrumentally or intrinsically) implies the ability to make value judgments generally, the most fundamental of which is the determination of what is *morally* valuable. Some theorists who are not (self-described) Kantians have made this inference central to their views of autonomy. Paul Benson, for example, has argued that being autonomous implies a measure of self-worth in that we must be in a position to trust our decision-making capacities to put ourselves in a position of responsibility (Benson 1994; cf. also Grovier 1993, Lehrer 1997, and Westlund 2014). But the Kantian position is that such self-regard is not a contingent psychological fact about us, but an unavoidable implication of the exercise of practical reason (cf. Taylor 2005).

So we owe to ourselves moral respect in virtue of our autonomy. But insofar as this capacity depends in no way on anything particular or contingent about ourselves, we owe similar respect to all other persons in virtue of their capacity. Hence (via the second formulation of the Categorical Imperative), we are obliged to act out of fundamental respect for other persons in virtue of their autonomy. In this way, autonomy serves as both a model of practical reason in the determination of moral obligation and as the feature of other persons deserving moral respect from us. (For further discussion, see *Immanuel Kant and moral philosophy*.)

Recent discussions of Kantian autonomy have downplayed the transcendental nature of practical reason in this account (see, for example, Herman 1993 and Hill 1991). For example, Christine Korsgaard follows Kant in seeing our capacity for self-reflection as both the object of respect and the seat of normativity generally. On her view, we are all guided by what she calls a “practical identity”, a point of view which orients reflection on values and manifests an aspect of our self-

concept. But unlike Kant, Korsgaard argues that we have different practical identities that are the source of our normative commitments, and not all of them are of fundamental moral worth. But the most general of such identities — that which makes us members of a kingdom of ends — is our moral identity, which yields universal duties and obligations independent of contingent factors. Autonomy is the source of all obligations, whether moral or non-moral, since it is the capacity to impose upon ourselves, by virtue of our practical identities, obligations to act (Korsgaard 1996).

Traditional critiques of autonomy-based moral views, and Kant's in particular, have been mounted along various lines. I mention two here, as they connect with issues concerning autonomy in social and political theory. The first concerns the way in which autonomy-based moral theory grounds obligation in our *cognitive* abilities rather than in our emotions and affective connections (see, e.g., Williams 1985, Stocker 1976). The claim is that Kantian morality leaves too little room for the kinds of emotional reactions that are constitutive of moral response in many situations: the obligations of parents for example concern not only what they do but the passions and care they bring forth in doing it. To view obligation as arising from autonomy but understanding autonomy in a purely cognitive manner makes such an account vulnerable to this kind of charge.

The difficulty this criticism points to resides in the ambiguities of the self-description that we might utilize in valuing our “humanity” — our capacity to obligate ourselves. For we can reflect upon our decision-making capacities and value this positively (and fundamentally) but regard that “self” engaging the capacity in different ways. The Kantian model of such a self is of a pure cognizer — a reflective agent engaged in practical reason. But also involved in decision-making are our passions — emotions, desires, felt commitments, senses of attraction and aversion, alienation and comfort. These are both the objects of our judgement and partly constitutive of them — to passionately embrace an option is different from coolly determining it to be best. Judgment is

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involved with all such passions when decisions are made. And it (judgment) need not be understood apart from them, but as an ability to engage in those actions whose passionate and reasoned support we muster up. So when the optimal decision for me is an impassioned one, I must value my ability to engage in the right passions, not merely in the ability to cold-heartedly reflect and choose. Putting the passions outside the scope of reasoned reflection, as merely an ancillary quality of the action — to consider how to do something not merely what we are doing — is to make one kind of decision. Putting passions inside that scope — saying that what it is right to do now is to act with a certain affect or passion — is another. When we generalize from our ability to make the latter sort of decisions, we must value not only the ability to weigh options and universalize them but also the ability to engage the right affect, emotion, etc. Therefore, we value ourselves and others as passionate reasoners not merely reasoners *per se*.

The implications of this observation is that in generalizing our judgments in the manner Korsgaard (following Kant) says we must, we need not commit ourselves to valuing only the cognitive capacities of humanity but also its (relatively) subjective elements. This directly relates to the nature of autonomy, for the question of whether moral obligation rests upon and contains affective elements depends on the conception of autonomy at work and whether affective elements are included in the types of reflective judgments that form its core.

A second question is this: since the reflection that is involved in autonomy (and which, according to this view, is the source of normativity) need only be *hypothetical* reflection upon one's desires and mental capacities, then the question arises: under what conditions is this hypothetical reflection meant to take place? If the capacity for reflection is the seat of obligation, then we must ask if the conditions under which such hypothetical reflection takes place are idealized in any sense — if they are assumed to be reasonable for example. Are we considering merely the reflections the (actual) person would make were she to turn her attention to the question, no matter how unreasonable such

reflections might be? If so, why should we think this grounds obligations? If we assume they are reasonable, then under some conditions moral obligations are not imposed by the actual self but rather by an idealized, more rational self. This implies that morality is not literally self-imposed if by “self” one means the actual set of judgments made by the agent in question. Indeed, a Platonist/realist about moral value could claim that the objective values which (according to the theory) apply to all agents independent of choice are in fact “self-imposed” in this idealized sense: they would be imposed were the person to reflect on the matter, acting as a perfectly reasonable agent. This shows the complex and potentially problematic implications of this ambiguity.

These points to the question of whether autonomy can be the seat of moral obligation and respect if autonomy is conceived in a purely procedural manner. If no substantive commitments or value orientations are included in the conceptual specification of autonomy, then it is unclear how this capacity grounds any particular substantive value commitments. On the other hand, if autonomy includes a specification of particular values in its conditions — that the autonomous person must value her own freedom for example — then it turns out that moral obligation (and respect) attaches only to those already committed in this way, and not more generally to all rational agents as such (as traditionally advertised by the view). This echoes, of course, Hegel's critique of Kant.

These difficulties point to ambiguities in autonomy-based moral views, ones which may well be clarified in further developments of those theories. They also pick up on traditional problems with Kantian ethics (though there are many other such difficulties not mentioned here). Before leaving moral philosophy, we should consider ethical views which focus on autonomy but which do not depend directly on a Kantian framework.

Mill: Autonomy as an Object of Value

Autonomy can play a role in moral theory without that theory being fully Kantian in structure. For example, it is possible to argue that personal autonomy has intrinsic value independent of a fully worked out view of practical reason. Following John Stuart Mill, for example, one can claim that autonomy is “one of the elements of well-being” (Mill 1859/1975, ch. III). Viewing autonomy as an intrinsic value or as a constitutive element in personal well-being in this way opens the door to a generally consequentialist moral framework while paying heed to the importance of self-government to a fulfilling life (for discussion see Sumner 1996).

It may also be unclear why autonomy — viewed here as the capacity to reflect on and endorse one's values, character and commitments — should have value independent of the results of exercising that capacity. Why is one person's autonomy intrinsically valuable when she uses it to, say, harm herself or make rash or morally skewed choices? More generally, how can we take account of the systematic biases and distortions that plague typical human reasoning in valuing people's capacity to make decisions for themselves (see, e.g., Conly 2013)? This question becomes more acute as we consider ways that autonomy can obtain in degrees, for then it is unclear why personal autonomy should be seen as equally valuable in persons who display different levels of it (or different levels of those abilities that are its conditions, such as rationality).

Indeed, autonomy is often cited as the ground of treating all individuals equally from a moral point of view. But if autonomy is not an all-or-nothing characteristic, this commitment to moral equality becomes problematic (Arneson 1999). It can be argued that insofar as the abilities required for autonomy, such as rational reflectiveness, competences in carrying out one's decisions, and the like, vary across individuals (within or between species as well), then it is difficult to maintain that all autonomous beings have equal moral status or that their interests deserve the same weight in considering decisions that affect them.

The move that must be made here, I think, picks up on Korsgaard's gloss on Kantianism and the argument that our reflective capacities ultimately ground our obligations to others and, in turn, others' obligations to regard us as moral equals. Arneson argues, however, that people surely vary in this capacity as well — the ability to reflectively consider options and choose sensibly from among them. Recall what we said above concerning the ambiguities of Korsgaard's account concerning the degree to which the self-reflection that grounds obligation is idealized at all. If it is, then it is not the everyday capacity to look within ourselves and make a choice that gives us moral status but the more rarified ability to do so rationally, in some full sense. But we surely vary in our ability to reach that ideal, so why our autonomy should be regarded as equally worthy?

The answer may be that our normative commitments do not arise from our actual capacities to reflect and to choose (though we must have such capacities to some minimal degree), but rather from the way in which we must *view ourselves* as having these capacities. We give special weight to our own present and past decisions, so that we continue on with projects and plans we make because (all other things being equal) *we* made them, they are ours, at least when we do them after some reflective deliberation. The pull that our own decisions have on our ongoing projects and actions can only be explained by the assumption that we confer status and value on decisions simply because we reflectively made them (perhaps, though, in light of external, objective considerations). This is an all-or-nothing capacity and hence may be enough to ground our equal status even if perhaps, in real life, we exercise this capacity to varying degrees. Much has been written about conceptions of well being that rehearse these worries (see Sumner 1996, Griffin 1988). Such a view might be buttressed with the idea that the attribution of autonomous agency, and the respect that purportedly goes with it, is itself a normative stance, not a mere observation of how a person actually thinks and acts (for discussion of this position see Christman 2005 and Korsgaard 2014)

4.5 NEGATIVE VS. POSITIVE LIBERTY (BERLIN, MACCALLUM)

Berlin criticised: one concept of freedom?

I've already mentioned that the most important feature of Berlin's article for our purposes is his distinction between negative and positive concepts of freedom: freedom from constraint, and the freedom that results from self-mastery or self-realisation. Most discussion of Berlin's article has also focused on this distinction. Now I want to consider a criticism of the distinction between two types of freedom.

The whole article rests on the assumption that we can make a meaningful distinction between negative and positive concepts of freedom. Gerald MacCallum challenged this view in an article, 'Negative and Positive Freedom', in which he claimed that there is just one concept of freedom, not two, and that the idea that there are two concepts introduces confusion about what is really at stake. MacCallum summarises his position on the distinction between negative and positive concepts of freedom:

the distinction between them has never been made sufficiently clear, is based in part upon a serious confusion, and has drawn attention away from precisely what needs examining if the differences separating philosophers, ideologies, and social movements concerned with freedom are to be understood. The corrective advised is to regard freedom as always one and the same triadic relation, but recognise that various contending parties disagree with each other in what they understand to be the ranges of the term variables. To view the matter in this way is to release oneself from a prevalent but unrewarding concentration on 'kinds' of freedom, and to turn attention toward the truly important issues in this area of social and political philosophy.

(MacCallumjnr, in Miller (1991), p. 100)

The single concept of freedom that MacCallum puts forward as a replacement for Berlin's two concepts is 'triadic'. All this means is that it

has three parts. The three parts are as follows: freedom is always freedom for someone; it is also freedom from some possible constraint; and it is freedom to do (or not do) something. MacCallum believes that in any discussion of freedom, we should be able to fill in the details for each of the three parts. When one of the parts seems to be missing this is simply because it is implicit in the context. So, for example, any discussion of freedom of speech will, implicitly or explicitly, refer to some person or persons who are or are not constrained to make some sort of public statement.

What MacCallum is doing is arguing that there is a simpler and more useful concept of freedom available than the two concepts set out by Berlin. This simpler concept embodies aspects of both the negative and the positive concepts of freedom described by Berlin. However, Berlin has responded to this criticism by pointing out that there are important cases in which freedom is at issue which cannot be fitted into this three part concept of freedom. Here is Berlin's response:

It has been suggested that liberty is always a triadic relation: one can only seek to be free from X to do or be Y; hence 'all liberty' is at once negative and positive or, better still, neither... This seems to me an error. A man struggling against his chains or a people against enslavement need not consciously aim at any definite further state. A man need not know how he will use his freedom; he just wants to remove the yoke. So do classes and nations.

(Berlin, *op. cit.*, footnote, p. xliii)

Put simply, what Berlin has done here is to have provided several counterexamples to MacCallum's general claim that all discussions of freedom can be resolved into a single triadic concept of freedom with varying content. To MacCallum's claim that freedom must always include an explicit or implicit view about what it is freedom to do or be, Berlin has presented some cases in which this does not appear to be so. Any general claim, such as one that begins 'All... are...' (e.g. all aardvarks have long tongues) can be refuted by a single counter-example

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(e.g. in this case, a short-tongued aardvark). If someone claims that all mammals live on land, you only need to cite the single counterexample of dolphins to make clear that the generalisation is false. Similarly, if someone claims that no one ever lived over the age of one hundred and twenty, you only need to produce evidence that one person has lived to be one hundred and twenty-one to refute their claim. (The word ‘refute’ means ‘demonstrate to be false’; it shouldn't be confused with the word ‘repudiate’ which simply means ‘deny’.) Counter-examples provide a powerful way of undermining a generalisation.

MacCallum

Disputes about freedom have been about what it constitutes, how its attainment relates to the attainment of other “social benefits” like “economic and military security, technological efficiency”, where it may be ranked among such benefits, and what consequences policies may have on the attainment of freedom.

Once one admits that freedom is not the *only* benefit a society may secure its members, disputes about reconciling it with other benefits or values may arise. We may legitimately ask whether reconciliation is possible; and if possible, whether it is desirable. However, in practice, these questions are often obscured by disputes about the implications of policy on these values.

It has also been common for “partisans” of all kinds to claim for themselves special affinity to freedom in light of the policies or forms of organisation that they advocate, while reserving the opposite treatment to their rivals. This is why freedom has come to be associated with so wide an array of social and individual benefits as to utterly obscure its meaning. This has suited the “purposes of the polemicist”.

The distinction between negative and positive liberty must be seen against this backdrop of confusion, and being influenced by it, the

distinction itself is confused because it fails to fully understand the conditions under which the use of the concept of freedom is intelligible.

“In the end, then, discussions of the freedom of agents can be fully intelligible and rationally assessed only after the specification of each term of this triadic relation has been made or at least understood. The principal claim made here has been that insistence upon this single “concept” of freedom puts us in a position to see the interesting and important ranges of issues separating the philosophers who write about freedom in such different ways, and the ideologies that treat freedom so differently.”

Check Your Progress 2

Note: a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

- 1. Discuss the Freedom as autonomy (Kant, Mill).

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- 2. Write about Negative vs. Positive Liberty (Berlin, MacCallum).

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4.6 LET US SUM UP

- Individual independence is the first of modern needs .
- One must never sacrifice individual liberty to obtain political freedom.

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- The institutions of the ancient republics, hindering individual liberty, are not admissible in modern societies.
- Individuals have rights that society must respect.
- We must not want to go back. "Since we are in modern times, I want freedom that is proper in modern times."
- Political freedom is the guarantee; political freedom is therefore indispensable.

The political system must be that of representation. Every man votes for his interests to be defended. He does not speak of the general will.

Since ancient liberty is not the same as modern liberty, it follows that they are respectively threatened with different dangers. The danger of ancient liberty rests on an alienation of the individual, in which the state crushes the individual. But the danger that threatens modern freedom is, as Tocqueville suggests, that the individual is too absorbed in the pursuit of his individual interests and renounces his rights to share political power (thus endangering his individual freedom, since is the political power that ensures its safeguarding and protection).

He concludes his speech by explaining the need to learn to combine these two types of freedom.

4.7 KEY WORDS

Freedom:the power or right to act, speak, or think as one wants.

Will:A will or testament is a legal document by which a person, the testator, expresses their wishes as to how their property is to be distributed at death, and names one or more persons, the executor, to manage the estate until its final distribution.

Defended:resist an attack made on (someone or something); protect from harm or danger.

4.8 QUESTIONS FOR REVIEW

3. Discuss the Historical Background on debate of freedom.

4. Discuss the relation of Ancient vs. Modern Liberty (Constant).
5. Discuss the Freedom as autonomy (Kant, Mill).
6. Write about Negative vs. Positive Liberty (Berlin, MacCallum).

4.9 SUGGESTED READINGS AND REFERENCES

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4.10 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

1. See Section 4.2
2. See Section 4.3

Check Your Progress 2

1. See Section 4.4
2. See Section 4.5

UNIT 5: DEBATES ON FREEDOM II

STRUCTURE

- 5.0 Objectives
- 5.1 Introduction
- 5.2 Freedom and the market (Libertarians)
- 5.3 Republican Conception (Skinner)
- 5.4 Let us sum up
- 5.5 Key Words
- 5.6 Questions for Review
- 5.7 Suggested readings and references
- 5.8 Answers to Check Your Progress

5.0 OBJECTIVES

In this unit we try to understand the concept of freedom in all its complexities beginning from the Greek period. The problem of Free will, is the key issue examined and studied in detail, giving special emphasis to deterministic theories and explaining the position of its opponents in detail. By the end of this unit you should be able to:

- Distinguish and explain different kinds of Freedom
- The problem of Free will and various philosophical approaches and theories about it
- Freedom and the market (Libertarians)
- Republican Conception (Skinner)

5.1 INTRODUCTION

Human is both intelligent and free. Freedom is another title of human excellence and nobility. It represents a great window for looking in to the mystery of human, to acquire a more correct, more complete and a more adequate comprehension of human. Both in the practical and theoretical fields freedom constituted an intricate problem from age old times. In the practical field it was the social, economic, political and cultural chains

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that often bound human in chains. In the theoretical field the question revolves round the problem of free will. Human distinguishes oneself above the other beings, above all precisely because one is gifted with free will.

The market is traditionally hailed as the very exemplar of a system under which people enjoy freedom, in particular the negative sort of freedom associated with liberal and libertarian thought: freedom as noninterference. But how does the market appear from the perspective of a rival conception of freedom (freedom as non-domination) that is linked with the Roman and neoRoman tradition of republicanism? The republican conception of freedom argues for important normative constraints on property, exchange, and regulation, without supporting extremes to the effect that 'property is theft' or 'taxation is theft' or anything of that kind. It does not cast a cold eye on.

DEFINITION AND KINDS OF FREEDOM

Freedom is the right to act according to one's will without being held up by the power of others. From a philosophical point of view, it can be defined as the capacity to determine your own choices. It can be defined negatively as an absence of subordination, servitude or constraint. In general, by freedom we mean absence of constriction. Constriction can be due to various causes and accordingly there can be distinguished various forms of freedom, such as: Physical freedom – immunity from physical constriction.

Moral freedom : absence of constrictions through the oppressive forces of moral order such as rewards, punishments, threats, etc.

Psychological freedom: it is a human capacity in choosing to do or not to do a thing when all conditions for action are already present. It is a power to make the choice fall in favour of one of various alternative possibilities.

Political freedom: Outer or political freedom, or personal liberty is the absence of outward restraints, with respect to speech, freedom of thought, religious practice, the press and the freedom to modify one's outward circumstances.

HISTORICAL DEVELOPMENTS

It is often said that Greek philosophy was unsuccessful in giving a proper solution or even effectuating a satisfactory enquiry in to the very problem of freedom. There are three principal reasons why they didn't have a deeper enquiry in to this vital problem.

- a) because it considers all things as subject to fate, an absolute will, superior to humans and to gods, which consciously or unconsciously determines an action.
- b) according to Greek-thought human makes up part of nature and is subject to general laws that govern oneself, by which one cannot behave differently.
- c) human is subject to the strong influence of history, which is conceived in Greek thought as a cyclical movement, in which everything repeats itself within a certain period of time.

The problem of free-will was first definitely stated as a problem of Christian theology. The problem arose, in fact, from a number of different roots in Christian belief. Christianity asserts on the one hand that human does freely choose one's actions, but also asserts on the other hand statements not evidently compatible with . For example, God being omniscient knows from all eternity what actions a human will in fact perform. That is why Augustine puts this question, why has God created human free, knowing that one would abuse this gift? Aquinas makes a different question; how is it possible that human is free if God is the principle and ultimate cause of everything? In the modern period there was another shift of perspective from theocentrism to anthropocentrism.

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Freedom is no longer a question of rapport with God but a rapport with other faculties and with the society. During the contemporary period, the phenomenon of socialization and of its consequences brings freedom into consideration above all in the social perspective. Freedom today is no longer compromised by extra-worldly or infra-human forces, but by human, social forces created by humans themselves.

Check Your Progress 1

Note: a) Use the space provided for your answer

b) Check your answers with those provided at the end of the unit

1) Define freedom and explain its various kinds.

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2) Why did Greek thought fail to provide proper solution to the problem of freedom?

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5.2 FREEDOM AND THE MARKET (LIBERTARIANS)

The market is traditionally hailed as the very exemplar of a system under which people enjoy freedom, in particular the negative sort of freedom associated with liberal and libertarian thought: freedom as noninterference. The appeal of the market from within that viewpoint is that it represents a regime of unobstructed consumer choice and, as a

bonus, a regime in which consumer options may be expected to increase and diversify under the pressure of competition. In this article, I want to look at how the market appears from the perspective of a rival conception of freedom (freedom as non-domination) that is linked with the Roman and neo-Roman tradition of republicanism — so, at any rate, a number of recent authors claim, myself included among them.¹ In pursuing this task, I do not say that the appeal of the market as a forum of unobstructed choice among ever-improving options is in any way bogus or suspect. Setting aside that issue, I want to examine the credentials of the market in republican as distinct from characteristically liberal or libertarian terms.

Republican freedom, to sum up these considerations, involves the sort of standing among your fellows that we think of as social freedom. It involves a standing that is challenged by arbitrary or uncontrollable interference, not (or at least not directly) by interference of the nonarbitrary sort. Moreover, it requires not that you have a high probability of escaping arbitrary interference, no matter by what means, but rather that you be properly protected against such interference. In a word, freedom requires that no one stand over you in the position of a dominus or master who can interfere arbitrarily in your life. Freedom consists in nondomination. With these matters clarified, we can turn now to the connections between freedom understood and valorized in this way and three aspects of the market: property, exchange, and taxation.

Let freedom as non-domination be cast as a central political value (let it be cast in the role in which freedom is generally cast) and the market assumes an interesting profile, or at least it does so under some idealizing assumptions about how it works. Not only will it appeal on the grounds on which it is often recommended, as a means of generating unobstructed options: indeed, ideally, options that are ever increasing and ever diversifying. It will appeal, in particular, for the way it can respect people's undominated standing in relation to one another, allowing them to exchange things on a noncoercive basis. Indeed, it may also strengthen this standing, reinforcing it as a result of facilitating its exercise and

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recognition. There is no market, however, without property and without regulation. I hope that this article will serve not just to demonstrate the republican credentials of the market, but also the acceptability of both of these arrangements. The distribution of property may tend toward inegalitarian extremes, and it may be necessary to regulate against the effects of those extremes on people's overall enjoyment of freedom as non-domination. Again, the system of rules governing titles to property and rights of ownership may assume forms in which people's enjoyment of freedom as non-domination is suboptimal. But short of such distributional effects and such systemic forms, there need be nothing inimical to republican freedom in the existence of a regime of private property. On the contrary, the property regime may serve freedom well in facilitating the emergence of a suitable market. Market regulation may refer to the restriction of certain activities, to the redistribution of property, or to the taxation that is necessary for either of those initiatives. Let freedom as non-domination be a central ideal in political life and not only will it be likely to make a case for a variety of forms of regulation, it will also explain how regulation by a coercive state need not be viewed with quite the reluctance that other ideals would generate. Take freedom as noninterference and regulation will be justified only so far as it perpetrates less interference than it is expected to prevent. Take freedom as non-domination and the equation changes. In perpetrating public interference, the state can be a nonarbitrary presence that conditions but does not compromise people's freedom, and in preventing private interference it can serve to block the compromise of freedom that goes with access to such interference, not just with its exercise. These are brisk comments on a broad topic, but I hope they will serve a useful purpose. Arguments for the permissibility and desirability of the market, and for various ways of organizing the market, are generally associated with libertarian and liberal conceptions of freedom. These are distinguished by incriminating all forms of interference, nonarbitrary as well as arbitrary, and by looking in many contexts for the probabilification of noninterference rather than its protection. I hope that my observations in this article will indicate that even if freedom is conceptualized differently on these fronts (even if it is conceptualized on

the older republican pattern), it can still provide a useful perspective on the market. Republicanism does not cast a cold eye on commerce; it merely provides an alternative view of the attractions.

5.3 REPUBLICAN CONCEPTION (SKINNER)

“A Third Concept of Liberty” is Quentin Skinner’s Isaiah Berlin Lecture (Published 2002, Proceedings of the British Academy 117, pp. 237-68). In the lecture the famed intellectual historian of political thought in the Renaissance and Early Modern periods pays tribute to Berlin by situating his own ‘republican’ conception of liberty in relation to Berlin’s famous essay “Two Concepts of Liberty”.

Skinner’s essay is rich, and contains an astounding amount of historical detail, which my presentation of it, unfortunately, will be unable to do justice to. Here, I simply summarize the main lines of argument in Skinner’s text.

From One to Two Concepts of Liberty

It is commonly held, Skinner writes, that “there must be one overarching formula...under which all intelligible locutions about freedom can be subsumed” (237). This view was influentially expressed by Gerald MaCallum, who thought that freedom is always ‘freedom from some constraint upon doing X’. On this view, freedom is a ‘three-place relation’ between an agents, constraints and ends, and thus to speak of the presence of freedom is to speak of an absence of constraint or interference. Call this ‘negative freedom’

But this, Skinner reports, is not the only concept of freedom. Or so Isaiah Berlin taught us. For Berlin, there is a different conception of freedom – what Berlin calls ‘positive freedom’- on which being free is, in essence, becoming oneself. On this view, freedom is a kind of self-realization, or a realization of some essential part of human nature.

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Skinner accepts Berlin's distinction: there are, indeed, at least two concepts of freedom, one positive and one negative. In the next part of the lecture, Skinner will try to add a third: a conception of negative freedom as non-domination. He does, first, by tracing the genealogy of negative liberty.

The Origins of Negative Liberty

Berlin's own view of negative liberty – we are free to do what is in our powers[1], unhindered by obstacles -gets its first clear statement in Hobbes: “a free man”, Hobbes writes, is someone who “in those things, which by his strength and wit he is able to do, is not hindered to do what he has a will to” (245).

But Hobbes, Skinner notes, develops his conception of freedom in reaction to an older one: Hobbes aims to “discredit and supersede a rival and strongly contrasting understanding of negative liberty (246). Hobbes's analysis seems to have won the day. But Skinner is interested in unearthing and rehabilitating this rival conception of liberty.

Republican Freedom

To do so, we need to see what Hobbes was reacting to. Hobbes was, Skinner notes, responding to a particular set of historical circumstances: early Seventeenth century critics of the ‘royal prerogative’.

These critics employed a powerful alternative conception of freedom, according to which one is unfree – indeed, in a state of servitude insofar as one is dependent on the will of another. On this view, freedom is not only restricted by actual interference, but by the mere knowledge that one is dependent on another.

The origins of this conception lie in Roman law (it is codified in the Justinian Codex) and even deeper still in a series of Roman historians that predate the Codex: notably, Sallust, Livy, and Tacitus. In this context,

the contrast between a 'free person' and a 'slave' was of paramount importance.

These works were translated in the late 16th century, and had influence on English common law (through Bracton and Littleton) of the day. And they gained credence in various critiques of the Crown in the early to mid Seventeenth Century.

Here, the criticism was that individual acts of interference by the crown – say, the imposition of taxation of ships- were but manifestations of a deeper affront to liberty, expressed in the idea of royal prerogative (particularly, the power of Negative Voice, that is, to over-rule parliament by dissent). The charge was that the mere existence of this power rendered persons substantively unfree. And when, acting in light of this understanding, Parliament dissolved the office of the king (through the Acts of March, in 1649), Hobbes first began to write Leviathan.

How Domination Makes One Unfree

Berlin, Skinner notes, did consider whether there was a 'third concept of liberty' related to the idea of status, dependence and recognition. Berlin thought the answer was no: for there to be unfreedom, there must be actual interference.

The republican critics Skinner discusses rejected this very idea. They thought that the mere fact of living under domination leads one to make different kinds of choices that constrain one's freedom.

Of course, these are 'self-constraints', in a sense, for they are indeed choices. But the same is true, Skinner thinks, in cases of coercion, so there's no harm in talking about unfreedom here. The republican critics noted certain 'psychological impacts' associated with two kinds of responses subjects of domination tend to have to the fact of their being dominated.

First, such subjects refrain from doing certain things — not only expressing their disagreement with their lord, but also exercising their talents and virtues, for fear that this will inspire jealousy or be perceived as a threat. The long-term effect of this relation is that people are inhibited from exercising their talents and do not cultivate them,

Second, such subjects are compelled to do certain things — to agree with the king, and to flatter him. The long-term effect here is to breed servility of a negative kind.

A Third Concept

Having outlined his conception of freedom, Skinner concludes by considering objections.

First, he considers whether the republican idea really expresses a third concept of freedom. This, of course, depends on one's view of concepts. But, he notes, on Berlin's view of concepts, the answer would be yes, since the two concepts of negative liberty pick out different cases as examples of unfreedom.

Second, he considers whether freedom as non-domination boils down to a concern for 'resilient non-interference'; that is, there being a high-degree of non-interference over time. He thinks it does not: the mere fact of living subject to the will of another is enough.

Third, he suggests that the two concepts of negative liberty express different concepts of autonomy: while freedom as non-interference holds that one is autonomous if one is not coerced or threatened, freedom as non-domination adds the further condition that one must not be subject to the will of another.

Fourth, after noting Berlin's own ideological reasons for rejecting positive liberty, he considers whether Berlin's claim that his idea of

negative liberty is somehow ‘truer’. There are two senses of the word truer at work: (A) truer to our aspirations and purposes and (B) truer to the concept ‘liberty’ itself. In the case of (A), different aspirations and purposes have been held by different groups, so there is no one answer to the question. In the case of (B), the idea that one can be truer to a concept as such contains an illusion that one can “step outside the stream of history and furnish a neutral definition” (265) of concepts like freedom. This is markedly false, as the study of history shows.

Skinner concludes, echoing Berlin, by noting that in thinking about the concept of liberty, “I am well aware of how much more needs to be done” (265).

This is an important qualification, Skinner thinks. Often, philosophers want to distinguish between “formal” and “effective” possession of negative liberty. But, without the qualification that we are only free to do what is within our powers to do, this becomes absurd: we end up saying that a blind person is formally free to see, but not ‘effectively’ able to see. On Berlin’s view, to contrast, he is neither free nor unfree to see, simply because he lacks the relevant ability.

A DIVERGENCE IN THE CONSTRUAL OF REPUBLICAN LIBERTY

Quentin Skinner’s pioneering historical work on the history of republican thought established that authors in the Roman and neo-Roman republican tradition—I shall often speak, for short, of the republican tradition—did not think of freedom in a positive sense: in particular, did not see it as being tied definitionally to participation in a self-determining polity. The work overturned a tradition of representing these authors that had been in place since at least the time of Benjamin Constant’s early nineteenth-century lecture on the freedom of the ancients and the moderns; this had been reinforced in the twentieth century by Isaiah Berlin’s influential essay on ‘Two Concepts of Liberty’ and had been upheld by John Pocock in the reconstruction of the republican tradition that inspired

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Skinner's work. According to Skinner, republican authors had argued for a negative conception of freedom as noncoercion or noninterference, not a positive conception. What distinguished them from later, nineteenth-century liberal thinkers, so the line went, was an insistence that no one could hope to win freedom in this negative sense except by virtue of incorporation and participation in a suitably republican polity: a free state. Skinner argued this line most explicitly in commentary on Machiavelli's *Discourse*, but he always suggested that it applied also to the Roman authors themselves and to the English and American thinkers over whom Machiavelli had exercised enormous influence. These included all the so-called 'commonwealth man' writers of seventeenth and eighteenth-century England and America, as Peacock had shown. While following the spirit and direction of Skinner's analysis, I argued for a variation on his construal in my book, *Republicanism: A Theory of Freedom and Government*. The republican conception of freedom was certainly negative, I maintained, but it did not represent liberty as noninterference in the manner that Hobbes inaugurated and that came to prominence among nineteenth-century liberal writers. It was, rather, a conception of liberty in which the antonym is not interference as such but rather domination or domination. Domination is subjection to an arbitrary power of interference on the part of another—a dominos or master—even another who chooses not actually to exercise that power. Republican freedom, I maintained, should be defined as no domination, not noninterference. Since the appearance of my book, Skinner has addressed the theme of republican liberty once again in his inaugural lecture as Regius Professor of History at Cambridge on *Liberty before Liberalism*. In this publication, he moves from Renaissance figures to focus on English writers like Harrington and Sidney in the seventeenth century. He argues that these writers rely on ideas derived from Machiavelli and other Renaissance thinkers, though they are often happy to employ the language of rights in stating their demands. He thinks that what unites them in particular is the conception of liberty that they derived from Roman and Renaissance sources and not, for example, an opposition to monarchy as such. This conception of liberty they apply in the first place to states, he maintains, and in the second to the individual;

their characteristic assumption—well grounded, I believe—is that ‘it is only possible to be free in a free state.

But Skinner goes beyond this earlier argument about liberty and here maintains, with generous reference to the claims in my own work, that the Roman and neo-Roman school of thought did have a different conception of liberty from the negative one that became popular after Bentham. Where before he had attributed to those writers the negative conception of liberty as noncoercion or noninterference, he now maintains that they had a distinctive conception of their own. As they reject the positive identification of individual freedom with virtue or the right to participate in government, so he says that they reject the negative identification of freedom with the absence of coercion. They oppose ‘the key assumption of classical liberalism to the effect that force or the coercive threat of it constitutes the only forms of constraint that interferes with individual liberty’. Skinner argues that where liberals after Bentham came to care only about coercion of the body or the will, republicans had cared about dependency on the good will of another, even dependency in the case where there is no actual coercion.¹⁶ As he says in elaborating the extra neo-Roman concern, ‘It is never necessary to suffer this kind of overt coercion in order to forfeit your civil liberty. You will also be rendered unfree if you merely fall into a condition of political subjection or dependence’. Thus it is vital, he explains, to ensure that your government not gives any individual or group prerogative or discretionary powers.

The claim in Skinner’s lecture that republicans worried about dependency is clearly convergent with my own claim that they worried about domination, and he is generous in acknowledging the connection with my work. Where Skinner speaks of dependency on the good will of another, I speak of being dominated. Being dominated involves occupying a position where another can interfere on an arbitrary basis in your life: specifically, though I shall neglect these details below, where another can interfere with greater or lesser ease on a more or less arbitrary basis across a smaller or larger range of choices. I see no relevant difference between what we say here, and I shall assume that,

though we use different words, we have roughly the same thing in mind. For the record, I think that someone has an arbitrary power of interference in the affairs of another so far as they have a power of interference that is not forced to track the avowed or readily avowable interests of the other: they can interfere according to their own arbitrium or decision. Despite our agreeing on the meaning of dependency or domination, however, and despite our both thinking that republican writers saw it as inimical to freedom, there is a remaining difference between our accounts of the neoRoman or republican conception of freedom. Roughly stated, I hold that for republicans freedom means nondomination, period, whereas he says that it means nondomination and noninterference. On his view, Romans and neoRomans shared the concern of classical liberals for the reduction of coercion of the body and will, even the sort of coercion—as they saw it, the nondominating coercion—associated with a fair rule of law. They were concerned to reduce domination or dependency, including the sort that involves no interference, but they were equally concerned to reduce interference, even the sort that involves no domination. On my view their primary concern was with reducing domination.

TO PRIORITISE DOMINATION OR TO EQUATE DOMINATION AND INTERFERENCE?

The issue between Skinner and me is whether in giving an account of republican liberty, we should prioritise domination as the antonym of freedom or equate domination and interference as part of a joint antonym. I now look in greater detail at this issue, arguing that while the divergence between us is significant, and certainly worth marking, it is not as deep as it may at first seem. The crucial point to note is this. Even if domination is the only antonym of freedom, it is still going to follow according to my analysis that undominating or nonarbitrary interference—in particular, the interference suffered in living under a coercive but fair rule of law—must count as a secondary offence against freedom. Such a rule of law will not compromise freedom, in the manner of a dominating agency, but it will condition freedom, as I put it in my

book; it will reduce the range or ease with which people enjoy undominated choice. The distinction between compromising and conditioning factors is familiar, even if those particular terms are not. If freedom is identified negatively as the absence of interference or domination or any evil that involves the action or presence of other human beings, it is bound to embody two associated ideals. First, the ideal that consists in the absence of that particular evil: freedom proper or formal, whether that be noninterference or nondomination. And second, the ideal that consists in also having the other resources required to enjoy the noninterference or the nondomination: the ideal that some writers call effective or real freedom as distinct from merely formal freedom. Thus, the formal ideal of noninterference will be made effective through the reduction of nonintentional obstacles to the enjoyment of uninterferedwith choice: obstacles such as poverty, ill health, handicap or lack of talent, or obstacles that are unintended effects of what others do; not being intentional, none of these restrictions count themselves as forms of interference. The formal ideal of nondomination will be made effective through the reduction both of nonintentional obstacles and also intentional but nonarbitrary obstacles—for example, obstacles raised by a nonarbitrary rule of law—to the enjoyment of undominated choice. Where the evil that must be absent for formal freedom—interference or domination—can be said to compromise such freedom, I describe these obstacles that limit the enjoyment of formal freedom as conditioning that freedom without compromising it. According to Skinner's account, republican freedom requires both noninterference and nondomination. According to mine, formal republican freedom requires only the absence of domination, but effective republican freedom also requires the minimisation of intentional interference, as of course—presumably like Skinner's own account—it will require the minimisation of nonintentional obstacles like those associated with poverty, handicap, and the like. Thus, the difference between the two accounts does not go very deep. He presents the ideal of republican freedom as horizontally complex, so far as it involves two coordinated and distinct elements: nondomination and noninterference. I present the ideal as vertically complex, so far as it involves those same two elements, but with one

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subordinated to the other. Freedom will be formally present so far as domination is avoided, and it will be effectively present so far as intentional interference—and nonintentional obstruction—is absent. The best way to relate these two accounts is to consider the following four scenarios and ask how they will be ranked under the accounts:

1. Neither interference nor domination
2. Both interference and domination
3. Domination without interference
4. Interference without domination

The first two scenarios will be ranked in the same way under the two accounts of the republican ideal, scoring respectively top and bottom in an overall ranking. Moreover, the two accounts will both be able to distinguish the two elements in each scenario: the two elements that make the first good and the two elements that make the second bad. Consider the second scenario, for example, as that might be exemplified in a crime of assault. We can distinguish in any such case between the evil associated with the domination assumed by the criminal and the distinct evil associated with the reduction of choice by the criminal's interference. While a victim generally suffers reduced choice as a result of crime—say, that involved in loss of money, traumatisation, or physical harm—this is the sort of effect that might have come about as a result of an unintended accident. The evil of reduced choice is certainly important, but it is distinct from the evil involved in the assumption and exercise of domination by the criminal; it is this evil that explains why, intuitively, it is worse to have one's choices reduced by crime than by an unintended, perhaps purely natural, accident. What of the last two scenarios? Under both of our accounts these are less good than the first scenario and better than the second. But the accounts differ in how they rank them relative to one another. Under my account, the third scenario of domination without interference will be worse than that of interference without domination. It will involve a compromise of freedom, whereas the fourth scenario will only involve a conditioning of freedom; formal freedom as nondomination will be present, but it will not be relevantly

effective. Under Skinner's version of the republican ideal, however, the scenarios will be of the same value or disvalue. So far as domination and interference are equally the antonyms of freedom, the scenarios will count as equally bad; formal freedom will be absent in each case. This divergence in the ranking of the last two scenarios is the one and only difference between the two accounts.

ARGUING FOR THE PRIORITY OF DOMINATION

Quentin Skinner's knowledge and command of the neo-Roman, republican texts is unequalled, and certainly unequalled by me. But I am still inclined to think that my version of the ideal of freedom to be found in those texts is more satisfactory. The main reason for taking this view is that my account seems to fit better with the clear tendency among neo-Roman writers to rate domination without interference as worse than interference without domination. The model of interference without domination is the coercion of the will implicit in the imposition of a nonarbitrary rule of law. As already mentioned, I think of a rule of law as nonarbitrary to the extent that those who make the law are forced to track the avowable common interests—and only the avowable common interests—of those who live under the law.²⁵ But without going in detail into the definition of 'nonarbitrary', everyone can agree that the writers on whom Skinner and I focus did think that a rule of law can be nonarbitrary and did agree furthermore in celebrating the benefits of such a regime: such an 'empire of laws, and not of men'. It is hard to think of any passage in their work where there is a significant critique of the restriction of choice implicit in such a rule of law. They implicitly recognise that there is a restriction so far as they contrast the position of someone who lives under such a rule with that of a person who seeks to enjoy unrestricted licentiousness. But the very scorn poured on licentiousness—and the opposition that came to be established between licentiousness and civil liberty—shows that they did not think of the restriction as a serious infringement on liberty. Consider the attitude of these writers, on the other hand, to the scenario of domination without interference: the scenario, as it was often described, of the kindly master.

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They emphasise, in Sidney's words, that 'he is a slave who serves the best and gentlest man in the world, as well as he who serves the worst'. They maintain a claim boldly stated by Richard Price: 'Individuals in private life, while held under the power of masters, cannot be denominated free, however equitably and kindly they may be treated. This is strictly true of communities as well as of individuals'. Their condemnation of domination, even where it is not particularly associated with interference, shows up in their hostility to colonialism, even benign colonialism, and in their objection, as Skinner himself puts it, 'not to the exercise but to the very existence of the royal veto'. The main reason, then, for preferring my version of the republican ideal to Skinner's is that the ranking of possible scenarios that it gives us—interference-without-domination is superior to domination-without interference—fits better with the emphases of traditional republican writers. But there is also a subsidiary reason that supports my preference for construing the republican conception of freedom as an ideal of nondomination, not as an ideal of nondomination and noninterference. This is that it makes much better sense of what republicans say about the nonarbitrary rule of law and its relation to liberty. The Hobbesian message about law had been that all law, as such, takes away liberty and that it can promote liberty only so far as it does more good in inhibiting private interference than the harm it does in perpetrating public. If my reading is correct, then this message was not much heeded until Bentham's time when, conscious of innovating, he insisted that 'all laws creative of liberty, are "as far as they go" abrogative of liberty'. In the broader republican tradition, and particularly in that tradition as it prospered between the time of Hobbes and Bentham, the constant refrain is that a nonarbitrary rule of law, while it is certainly restrictive, is not a straightforward offence against freedom. John Locke, who is constantly quoted on the point, offers a fairly standard comment—though one that may in his case have been overdetermined by other influences—when he says of such law 'that ill deserves the Name of Confinement which serves to hedge us in only from Bogs and Precipices . . . the end of Law is not to abolish or restrain, but to preserve and enlarge Freedom'.

Under my reading of the republican ideal of freedom, it is understandable that while republicans recognised that law does restrict choice, they should nevertheless have seen it as not inherently opposed—not opposed in the manner and measure of domination—to freedom. And that is exactly the nonHobbesian, non-Benthamite line we find in their writings. In emphasising that law restricts choice, but nonetheless that it does not offend straightforwardly against liberty, they are displaying precisely the sort of attitude that we would expect if they embraced the ideal of freedom as nondomination. Under the Skinner reading of the republican ideal, on the other hand, we will need to find a special explanation as to why these writers speak in nonHobbesian and non-Benthamite tones—as to why they speak in Roman rather than gothic tones, as he puts it elsewhere—when they discourse on the relation between law and liberty. He has such an explanation to offer in the case of Machiavelli: that Machiavelli sees the restrictions of the law as preventing people from indulging their appetites and avoiding public service and from thereby undermining the freedom of the state in which their own freedom is included. But it would be better to be able to make do without such a special account, and in any case it is not clear how far that explanation will work with English writers in the seventeenth and eighteenth centuries: with writers, as he himself says, for whom the language of rights plays as important a role as the Machiavellian language of service.

Check Your Progress 2

Note: a) Use the space provided for your answer

b) Check your answers with those provided at the end of the unit

1) Discuss the Freedom and the market (Libertarians).

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2) Write about Republican Conception (Skinner).

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5.4 LET US SUM UP

The essential character of human is that one is a homo volens. The gift of will, a most precious gift is the distinguishing mark of human beings from all other beings. In the past, the Greek mind was unaware of this. The understanding of freedom as indeterminism was foreign to the Greek consciousness. It was a static mind-set, without knowing the dynamics of human freedom. The problem of the freedom of will is not a simple issue, but it poses a great net-work of difficulties. These difficulties are not unrelated with each other; rather they are part of a great network – the center of which human as a reflective conscious being and human as part of physical nature; conditioned by and acted upon by nature. Thus comes the theories of determinism, indeterminism of various kinds. If human is made a problem of nature, and if freedom of choice is completely arbitrary, as the theory of evolution wishes to do, the real freedom will always remain an illusion. Even if in the practical level every form of oppression and inequality disappears, in the philosophical plane, the freedom of will may always remain a point of discussion.

We began this essay by noting that there is one remaining difference between Quentin Skinner’s construal of republican liberty and mine. Whereas he contrasts freedom with a composite antonym of nondomination and noninterference, I contrast it with the single antonym of nondomination. We saw that this does not make for an enormous contrast, since I have to acknowledge that even if interference does not necessarily involve domination, it has the effect—like nonintentional obstruction—of restricting the range in which an agent can enjoy undominated choice. It represents a secondary evil from the point of view of freedom as nondomination, just as nonintentional limitation will

represent a secondary evil from the point of view of freedom as noninterference—or indeed from the point of view of freedom as nondomination cum noninterference. But though the contrast between Skinner and me is not enormous, it is certainly worth marking. If he is right, then we should expect republicans to regard as equally bad the two scenarios involving, respectively, domination without interference (the kindly master) and interference without domination (the nonarbitrary law).

There has recently been a good deal of interest in the republican tradition, particularly in the political conception of freedom maintained within that tradition. I look here at the characterisation of republican liberty in a recent work of Quentin Skinner¹ and argue on historical and conceptual grounds for a small amendment—a simplification—that would make it equivalent to the view that freedom in political contexts should be identified with nondomination.

5.5 KEY WORDS

Determinism: It is the view that all current and future events are causally necessitated by past events combined with the law of nature.

Compatibilism: it is the view that the assumption of free will and the existence of a concept of determinism are compatible with each other.

Incompatibilism : It is the view that there is no way to reconcile a belief in a deterministic universe with a concept of free will.

5.6 QUESTIONS FOR REVIEW

- 3) Define freedom and explain its various kinds.
- 4) Discuss the Freedom and the market (Libertarians).
- 5) Write about Republican Conception (Skinner).

5.7 SUGGESTED READINGS AND REFERENCES

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5.8 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

3. See Section 5.1 - Freedom is the right to act according to one's will without being held up by the power of others. From a philosophical point of view, it can be defined as the capacity to determine your own choices. There are different kinds of freedom such as Physical freedom which is the absence of any physical force or constriction, Moral freedom which is the absence of any constriction through rewards or punishments, psychological freedom with the capacity to choose to do or not to do an act when all the constituents of an act are present. Political freedom is that which is assured by the government such as the freedom of speech, religion etc.
4. There are three reasons why the Greeks failed to adequately address the problem of freedom. It had a deterministic view because of which it considered all things as subject to fate, an absolute will superior to men and to gods, which consciously or unconsciously determines an action. Secondly, according to Greek thought human makes up part of nature and is subject to general laws that govern humans, by which human cannot behave differently. Therefore, human is not ultimately responsible for

one's action. Thirdly, it is believed that human is subject to the strong influence of history, which is conceived as a cyclical movement, in which everything repeats itself within a certain period of time.

Check Your Progress 2

5. See Section 5.2
6. See Section 5.3

UNIT 6: FREEDOM AS DEVELOPMENT (SEN)

STRUCTURE

- 6.0 Objectives
- 6.1 Introduction
- 6.2 Background
- 6.3 Development: Concept and Nature
- 6.4 Interdependence of Freedom
- 6.5 Democracy and the ends and Means of Development
- 6.6 India and China
- 6.7 Freedoms, Rights and Public Discussion
- 6.8 Institutions and Institutional Freedom
- 6.9 Let us sum up
- 6.10 Key Words
- 6.11 Questions for Review
- 6.12 Suggested readings and references
- 6.13 Answers to Check Your Progress

6.0 OBJECTIVES

After studying this lesson, you will be able to:

1. To understand the concept and processes of development;
2. To identify interdependence of freedom
3. To know the Democracy and the ends and Means of Development
4. To know about the development of India and China
5. To discuss Freedoms, Rights and Public Discussion
6. To understand Institutions and Institutional Freedom.

6.1 INTRODUCTION

Development can be seen, it is argued here, as a process of expanding the real freedoms that people enjoy. Focusing on human freedoms contrasts with narrower views of development, such as identity 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. Growth of GNP or of individual incomes can, of course, be very important as means to expanding the freedoms enjoyed by the members of the society. But freedoms depend also on other determinants, such as social and economic. Arrangements (for example, facilities for education and health care) as well as political and civil rights (for example, the liberty to anticipate 'n public discussion and shouting). Similarly, industrialization or technological progress or social modernizations can substantially contribute to expanding human freedom, but freedom depends on other influences as well. If freedom is what development advances, then there is a major argument for concentrations on that overarching objective, rather than on some particular means, or some specially chosen list of instruments. Viewing development in terms of expanding substantive freedoms directs attention to the ends that make development important, rather merely to some of the means that, *inter alia*, play a prominent part in the process. Development requires the removal of major source of unfreedom: poverty as well as tyranny, poor economic opportunities as well as systematic deprivation, neglect of public facilities as well as intolerance or over activity of repressive states.

Sen concludes his treatise with a discussion of the interconnectedness of humans and our responsibility to recognize this shared humanity. Human freedoms depend on personal, social and environmental situations. Poignant stories compel the reader to recognize the very human element of any discussion on development and the concept of a shared humanity. Overall, *Development as Freedom* is an engaging interdisciplinary text for undergraduates and graduate students, business and public policy makers, and others concerned with economic and social development, politics, sociology, human rights, demography, and ethics. The book's descriptive nature and use of memorable vignettes and simple charts makes it a perfect introductory text for GJSS readers, regardless of their previous knowledge in the field. As this is Sen's first book after receiving the Nobel Prize, it provides a wonderfully non-technical (yet Nobel

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winner's) guide to development in both political and economic terms. Many readers may find that they begin to look at development differently, though they may be challenged to identify implementable recommendations. Those craving more robust research and theory development are best directed to Sen's original research or a more technical text. Nevertheless, some readers may grow frustrated by the repetition of topics and cases from African and South East Asian locations. Sen's treatise also fails to acknowledge the connection between freedom and other key processes, such as the market mechanisms and the balance with the need for stability and security. His failure to link these issues may leave the reader with a perhaps too-optimistic picture of development.

Development can be seen as a process of expanding the freedoms that people enjoy. Focusing on 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.

capabilities approach

If freedom is what development advances, then there is a major argument for concentrating on that overarching objective, rather than on some particular means, or some specially chosen list of instruments. Viewing development in terms of expanding substantive freedoms directs attention to the ends that make development important, rather than merely to some of the means that, inter alia, play a prominent part in the process.

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 overactivity of repressive states.

Despite unprecedented increases in overall opulence, the contemporary world denies elementary freedoms to vast numbers- perhaps even the majority – of people.

Sometimes the lack of the substantive freedoms relates directly to economic poverty, which robs people of the freedom to satisfy hunger, or to achieve sufficient nutrition, or to obtain remedies for treatable illnesses, or the opportunity to be adequately clothed or sheltered, or to enjoy clean water or sanitary facilities.

In other cases, the unfreedom links closely to the lack of public facilities and social care, such as the absence of epidemiological programs, or of organized arrangements for health care or educational facilities and social care, or of effective institutions for the maintenance of local peace and order.

In still other cases, the violation of freedom results directly from a denial of political and civil liberties by authoritarian regimes and from imposed restrictions on the freedom to participate in the social, political and economic life of the community.

Freedom is central to the process of development for two distinct reasons:

The evaluative reason: assessment of progress has to be done primarily in terms of whether the freedoms that people have are enhanced

The effectiveness reason: achievement of development is thoroughly dependent on the free agency of people
chains

Not only is free agency itself a “constitutive” part of development, it also contributes to the strengthening of free agencies of other kinds. What people can positively achieve is influenced by economic opportunities, political liberties, social powers, and the enabling conditions of good health, basic education, and the encouragement and cultivation of initiatives.

The institutional arrangements for these opportunities are also influenced by the exercise of people's freedoms, through the liberty to participate in social choice and in the making of public decisions that impel the progress of these opportunities. The difference that is made by seeing freedom as the principal ends of development can be illustrated with a few simple examples.

Substantive freedoms – the liberty of political participation or the opportunity to receive basic education or health care, are among the constituent components of development. Their relevance for development does not have to be freshly established through their indirect contribution to the growth of Gross National Product (GNP) or to the promotion of industrialization. These freedoms and rights are also very effective in contributing to economic progress. The vindication of freedoms and rights provided by this causal linkage is over and above the directly constitutive role of these freedoms in development.

The point is often made that African Americans in the United States are relatively poor compared with American whites, though much richer than people in the third world. It is, however, important to recognize that African Americans have an absolutely lower chance of reaching mature ages than do people of many third world societies, such as China, or Sri Lanka, or parts of India with different arrangements of health care, education and community relations.

The ability of the market mechanism to contribute to high economic growth and to overall economic progress has been widely acknowledged in the contemporary development literature. As Adam Smith noted, freedom of exchange and transaction is itself part of the basic liberties that people have reason to value.

6.2 BACKGROUND

Turning now to the theme of this seminar¹, given the globally undivided nature of the basic approach, there can be, in a foundational sense, no

specifically 'Indian perspective' of 'development as freedom'. The Indian perspective has to be? and that is clearly the intention of the organisers of the seminar ? only one part of a larger global perspective. The approach I have tried to pursue involves a universalism, which finds expression in different ways in the book, including the diagnosis of a set of common concerns and basic aspirations that we share across the world, despite the diversity of their manifestations in different countries, cultures and societies. For example, the food we like to eat, the clothes we want to wear, the entertainment we seek, the uses we make of our liberties vary greatly between one society and another, and yet the general freedom of being well-fed, well clothed, well-entertained and well-emancipated is, I have argued, a shared objective. This point is important to me in my attempt to resist the separatism generated by political nationalism and also the growing influence of cultural sectarianism. Our robust uniqueness can, I would argue, go hand in hand with our shared commonality, without any conflict whatsoever.

Along with the happiness in receiving attention, I am also, as I mentioned earlier, somewhat embarrassed, since the basic approach presented in my book is not really new. Indeed, very far from it. In one form or another, they have figured in the thoughts of people across the world over thousands of years. They were prominent, for example, in the deliberations of Gautama Buddha arguably the greatest Indian of all times when, twenty-five hundred years ago, he left his princely home in search of wisdom. Gautama was deeply bothered by the unfreedoms of ill health, disability, mortality and ignorance which he saw around him in the foothills of the Himalayas but which he knew existed all around the world. The questions that moved him and sent him in search of enlightenment throw significant light on a great many subjects, including the need to overcome unfreedoms that motivate the pedestrian approach of 'development as freedom'. Even though Buddha himself went on, as we all know, into rather abstruse issues involving the nature of life and the transcendental predicament of living beings, nevertheless, the nature of Buddha's motivating questions remains profoundly relevant for practical public policy as well. In the transcendental context it may

appear trivial that some of the earliest interregional meetings to settle differences of views were arranged by Buddhist intellectuals (respectively in Rajagariha in the sixth century BCE, in Vaishali in the fifth century BCE, in Pataliputra in the third century BCE, and in Kashmir in the second century AD), and that every early attempt at printing in China, Korea and Japan was undertaken by Buddhist technologists (the first printed book in the world was a Sanskrit Buddhist text, Vajrachedikaprajnaparamita, translated into Chinese in early fifth century and printed in 868 AD). But these were major steps in the development of a deliberative and communicative tradition in the world and in enhancing the reach of public reasoning, a proper history of which is yet to be written. Similar connections can be identified in the immensely diverse writings of such thoroughly disparate thinkers as Kautilya, Ashoka, Shudraka or Akbar, in our, country or of Aristotle, Adam Smith, Condorcet, Mary Wollstonecraft, Karl Marx or John Stuart Mill, in the West (to name just a few writers). Valuing substantive freedoms is not at all novel, nor is the search for the ways and means of advancing these freedoms through public deliberation and social organisation. Many of these earlier authors paid specific attention to the inequality of the adversities we face, related to class, gender, race, location, community, and other stratifications that divide us. The need to address these structured inequalities is a critically important part of development as freedom.

6.3 DEVELOPMENT: CONCEPT AND NATURE

The freedom to exchange words, or goods, or gifts, does not need defensive justification in terms of their favourable but distant effects; they are part of the way human beings in society live and interact with each other. The contribution of the market mechanism to economic growth important but this comes only after the direct significance of the freedom to interchange – words, goods, gifts – has been acknowledged.

As it happens, the rejection of the freedom to participate in the labour market is one of the ways of keeping people in bondage and captivity

and the battle against the unfreedom of bound labour is important in many countries today. The freedom to enter markets can itself be a significant contribution to development, quite aside from whatever the market mechanism may or may not do to promote economic growth or industrialization.

The crucial challenges of development in many countries today include the need for the freeing of labour from explicit or implicit bondage that denies access to the open labour market. Similarly, the denial of access to product markets is often among the deprivations from which many small cultivators and struggling producers suffer under traditional arrangements and restrictions. The freedom to participate in economic interchange has a basic role in social living.

We must examine the persistence of deprivations among segments of the community that happen to remain excluded from the benefits of the market oriented society, and the general judgements, including criticisms, that people may have of lifestyles and values associated with the culture of markets.

It is hard to think that any process of substantial development can do without very extensive use of markets, but that does not preclude the role of social support, public regulation, or statecraft when they can enrich – rather than impoverish – human lives.

Economic unfreedom, in the form of extreme poverty, can make a person a helpless prey in the violation of other kinds of freedom. Economic unfreedom can breed social unfreedom, just as social or political unfreedom can also foster economic unfreedom.

A broad approach of this kind permits simultaneous appreciation of the vital roles, in the process of development, of many different institutions, including markets and market related organizations, governments and

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local authorities, political parties and other civic institutions, educational arrangements and opportunities of open dialogue and debate including the role of the media and other means of communication.

Such an approach also allows us to acknowledge the role of social values and prevailing mores, which can influence the freedoms that people enjoy and have reason to treasure. Shared norms can influence social features such as gender equity, the nature of child care, family size and fertility patterns, the treatment of the environment and many other arrangements and outcomes. Prevailing values and social mores also affect the presence or absence of corruption, and the role of trust in economic or social or political relationships.

The exercise of freedom is mediated by values, but the values in turn are influenced by public discussion and social interactions, which are themselves influenced by participatory freedoms. Each of these connections deserves careful scrutiny.

Five distinct types of freedom, seen in an “instrumental” perspective, are particularly important to investigate:

- Political freedoms
- Economic facilities
- Social opportunities
- Transparency guarantees
- Protective security

Each of these distinct types of rights and opportunities helps to advance the general capability of a person. They may also serve to complement each other. We must explore and work towards the promotion of overall freedoms of people to lead the kind of lives they have reason to value.

The instrumental freedoms link with each other and with the ends of enhancement of human freedom in general. Empirical linkages tie the

distinct types of freedom together, strengthening their joint importance. These connections are central to a fuller understanding of the instrumental role of freedom.

Development as Freedom proceeds from the basic recognition that freedom is both

(1) the primary objective, and

(2) the principal means of development.

The former is a normative claim and includes the understanding that the assessment of development must not be divorced from the lives that people can lead and the real freedoms that they can enjoy. Development can scarcely be seen merely in terms of enhancement of inanimate objects of convenience, such as a rise in the GNP (or in personal incomes), or industrialisation, or technological advance, or social reforms. These are, of course, valuable and often crucially important influences on our lives, but they are not valuable in themselves; their importance depends on what they do to the freedoms of the people involved. Even in terms of being at liberty to live reasonably long lives (free of escapable ailments and other causes of premature mortality), it is remarkable that the extent of deprivation for particular groups in very rich countries can be comparable to that in the so-called 'third world'. As I discuss in the book, in the United States, African Americans (that is, American blacks) as a group have no higher indeed have a lower chance of reaching an advanced age than do people born in the immensely poorer economies of China or Jamaica, or Costa Rica or, for that matter, substantial parts of India. The freedom from premature mortality is, of course, helped by a larger income (that is not in dispute), but it also depends on many other features of social organisation, including public health care and medical security, the nature of schooling and education, the extent of social cohesion, and so on. It is critically important, therefore, to take an adequately broad view of development.

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Have you ever thought why a child behaves in a different way as compared to an adult or why there is a difference in their physical appearance? We are usually not aware of the fact that we are constantly changing. Some noticeable changes take place when an infant slowly grows into a child and then gradually into an adult. But some changes like intensity in the expression of emotions, or the ability to think and reason better, formation of personal values or the capacity to do work independently, although not seen clearly, do bring about a change in the maturity level and competence of a person. This process of bringing about a series of orderly changes, leading towards maturity, is known as development. This lesson will help you to understand and answer many questions related to development.

Nature of Development

In simple words, development is a process by which an individual grows and changes throughout its life span. This change may be defined as: a progressive series of changes which are orderly and coherent and which lead towards the goal of maturity. The term “progressive” signifies that the changes are directional, leading forward, and not backward. The terms “orderly” and “coherent” suggest that there is a definite relationship between different stages in the developmental sequence. Each change is dependent upon what preceded it, and it, in turn, will determine what will come after. Development can therefore be summed up as:

1. Consisting of progressive, coherent and orderly changes;
2. Changes which have a definite direction and leading forward;
3. Changes which are not haphazard but where there exists a definite relationship between what exists and what will come after (next stage).

It should be clear that the development results in new characteristics, and new abilities in an individual. There is a shift from lower stages of functioning to higher levels. All changes which appear as a result of

development, are not of the same kind. For example, changes in size (physical growth), changes in proportion (baby to adult), changes in features (disappearance of baby teeth) and acquiring new features are of different types. Such changes which are clearly definable or which can be identified specifically show growth. It is necessary here to differentiate between the terms growth and 'development'. They are often used interchangeably, however, they are highly interrelated and there is a difference between them too. Growth refers to clearly measurable or specific change which is quantitative in nature such as "growing tall", a girl's hair becoming long and beautiful; and an old man growing a beard etc. Development, on the other hand, refers to qualitative changes unfolding or increase in capacity. It is not as obvious as growth. Examples of development include remarks such as, "she has become a fine young woman", "he has developed his talent in music very well", "My father enjoys doing social work now because he has retired," etc. All these illustrate changes in personality interests and abilities. Development thus is a broader term and includes 'growth' as one of its aspects.

Freedoms are not only the primary ends of development, they are also among its principal means:

Political freedoms, in the form of free speech and elections, help to promote economic security.

Social opportunities, in the form of education and health facilities, facilitate economic participation

Economic facilities, in the form of opportunities for participation in trade and production, can help to generate personal abundance as well as public resources for social facilities

With adequate social opportunities, individuals can effectively shape their own destiny and help each other.

Population matters

"While the eighteenth century French rationalist Condorcet expected that fertility rates would come down with 'the progress of reason', so that

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greater security, more education and more freedom of reflected decisions would restrain population growth, his contemporary Thomas Robert Malthus differed radically with this position. Indeed, Malthus argued that ‘there is no reason whatever to suppose that anything beside the difficulty of procuring in adequate plenty the necessities of life should either indispose this greater number of persons to marry early, or disable them from rearing in healthy the largest families. The comparative merits of the two different positions – relying respectively on reasoned freedom and economic compulsion – will be investigated later on in this study. The balance of evidence, I shall argue, is certainly more on Condorcet’s side”

There is indeed a strong rationale for recognizing the positive role of free and sustainable agency – and even of constructive impatience. In analyzing social justice, there is a strong case for judging individual advantage in terms of the capabilities that a person has – that is, the substantive freedoms he or she enjoys to lead the kind of life he or she has reason to value.

In this perspective, poverty must be seen as the deprivation of basic capabilities rather than merely as lowness of incomes, which is standard criterion of poverty. This view of poverty is more fully developed in AmartyaSen’s book ‘Poverty and Famines’ [Oxford: Clarendon Press, 1981]; also in ‘Resources, Values, and Development’ [Cambridge, Mass.: Harvard University Press, 1984], and also in Jean Dreze and AmartyaSen, ‘Hunger and Public Action [Oxford: Clarendon Press, 1989]; also in SudhirAnand and AmartyaSen, ‘Concepts of Human Development and Poverty: A Multi-dimensional Perspective,’ in Human Development Papers 199 (New York: UNDP, 1997).

Low income is clearly one of the major causes of poverty, since lack of income can be a principal reason for a person’s capability deprivation. Indeed, inadequate income is a strong predisposing condition for an impoverished life. Poverty can be sensibly identified in terms of capability deprivation; the approach concentrates on deprivations that are

intrinsically important unlike low income, which is only instrumentally significant.

There are influences on capability deprivation – and thus on real poverty – other than lowness of income; income is not the only instrument in generating capabilities. The instrumental relation between low income and low capability is variable between different communities and even between different families and different individuals (the impact of income on capabilities is contingent and conditional).

There can be some ‘coupling’ of disadvantages between income deprivation and adversity in converting income into functionings – see for example James Smith ‘Healthy Bodies and Thick Wallets: The Dual Relationship between Health and Socioeconomic Status’ *Journal of Economic Perspectives* 13 (1999). There is also another type of ‘coupling’ between under-nutrition generated by income-poverty and income-poverty resulting from work deprivation due to under-nutrition.

On these issues, ParthaDasgupta and Debraj Ray, ‘Inequality as a Determinant of Malnutrition and Unemployment: Theory’ *Economic Journal* 96 (1986); ‘Inequality as a Determinant of Malnutrition and Unemployment: Policy’ *Economic Journal* 97 (1987); and ‘Adapting to Undernourishment: Biological Evidence and Its Implications’ in *The Political Economy of Hunger*, edited by Jean Dreze and AmartyaSen (Oxford: Clarendon Press, 1990). See also ParthaDasgupta, *An Inquiry into Well Being and Destitution* (Oxford: Clarendon Press, 1993), and Debraj Ray, *Development Economics* (Princeton: Princeton University Press, 1998).

Handicaps, such as age or disability or illness, reduce one’s ability to earn an income. The large contribution of such handicaps to the prevalence of income poverty in Britain was sharply brought out by A. B. Atkinson’s pioneering empirical study; *Poverty in Britain and the Reform of Social Security* (Cambridge: Cambridge University Press,

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1970). In his later works, Atkinson has further pursued the connection between income handicap and deprivations of other kinds.

Poverty in the UK

Handicaps also make it harder to convert income into capability, since an older, or more disabled, or more seriously ill person may need more income (for assistance, for prosthesis, for treatment) to achieve the same functionings even when that achievement is at all possible.

On the nature of these functional handicaps, see Dorothy Wedderburn, *The Aged in the Welfare State* (London: Bell, 1961); Peter Townsend, *Poverty in the United Kingdom: A survey of Household Resources and Standards of Living* (Harmondsworth: Penguin Books, 1979); J. Palmer, T. Smeeding and B. Torrey, *The Vulnerable: America's Young and Old in the Industrial World* (Washington D. C: Urban Institute Press, 1988).

This entails that “real poverty” (in terms of capability deprivation) may be, in a significant sense, more intense than what appears in the income space. This can be a crucial concern in assessing public action to assist the elderly and other groups with ‘conversion’ difficulties in addition to lowness of income.

If the family income is used disproportionately in the interest of some family members and not others, for example, if there is a systematic ‘boy preference’ in the family allocation of resources, then the extent of the deprivation of the neglected members (girls in the example considered) may not be adequately reflected in terms of family income. This is a substantial issue in many contexts; sex bias does appear to be a major factor in the family allocation in many countries in Asia and North Africa.

For references see:

‘Missing Women’ British Medical Journal 304, March 1992;
Pranab Bardhan, ‘On Life and Death Questions’ Economic and Political Weekly 9 (1974);

Lincoln Chen, E. Huq and S. D’Souza, ‘Sex Bias in the Family Allocation of Food and Health Care in Rural Bangladesh’ Population and Development Review 7 (1981);

Jocelyn Kynch and Amartya Sen, ‘Indian Women: Well Being and Survival’ Cambridge Journal of Economics 7 (1983);

Pranab Bardhan, Land, Labour, and Rural Poverty (New York: Columbia University Press, 1984);

Dreze and Sen, Hunger and Public Action (1989); Barbara Harriss, ‘The Intrafamily Distribution of Hunger in South Asia,’ in Dreze and Sen, The Political Economy of Hunger, volume 1 (1990);

Ravi Kanbur and L. Haddad, ‘How Serious Is the Neglect of Intrahousehold Inequality?’ Economic Journal 100 (1990).

This issue is clearly not as central in the context of inequality and poverty in Europe or North America, but the presumption – often implicitly made – that the issue of gender inequality does not apply at the basic level to the ‘Western’ countries can be, to some extent misleading. For example, Italy has one of the highest ratios of ‘unrecognized’ labour by women vis-a-vis recognized labour included in the standard national accounts (see United Nations Development Programme, Human Development Report 1995; New York, Oxford University Press, 1995).

Relative deprivation in terms of incomes can yield absolute deprivation in terms of capabilities. Being relatively poor in a rich country can be a great capability handicap, even when one’s absolute income is high in terms of world standards. In a generally opulent country, more income is needed to buy enough commodities to achieve the same social functioning.

This consideration – pioneeringly outlined by Adam Smith in The Wealth of Nations (1776) – is quite central to sociological

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understandings of poverty, and it has been analyzed by W. G. Runciman, Peter Townsend and others (W. G. Runciman, *Relative Deprivation and Social Justice: A Study of Attitudes to Social Inequality in Twentieth Century England*; London: Routledge, 1966); and Townsend, *Poverty in the United Kingdom* (1979).

For example, the difficulties that some groups of people experience in ‘taking part in the life of the community’ can be crucial for any study of ‘social exclusion’. The need to take part in the life of a community may induce demands for modern equipment (televisions, videocassette recorders, automobiles and so on) in a country where such facilities are more or less universal (unlike what would be needed in less affluent countries), and this imposes a strain on a relatively poor person in a rich country even when that person is at a much higher level of income compared with people in less opulent countries. Indeed, the paradoxical phenomenon of hunger in rich countries – even in the United States – has something to do with the competing demands of these expenses.

The connection is analyzed in AmartyaSen’s *Inequality Re-examined* (Oxford: Clarendon Press; and Cambridge, Mass.: Harvard University Press, 1992), Chapter 7. See AmartyaSen’s ‘Poor, Relatively Speaking’ *Oxford Economic Papers* 35 (1983), reprinted in *Resources, Values and Development* (1984).

What the capability perspective does in poverty analysis is to enhance the understanding of the nature and causes of poverty and deprivation by shifting primary attention away from means (and one particular means that is usually given exclusive attention, viz., income) to ends that people have reason to pursue, and, correspondingly, to the freedoms to be able to satisfy these ends. The deprivations are seen at a more fundamental level – one closer to the informational demands of social justice.

While it is important to distinguish conceptually the notion of poverty as capability inadequacy from that of poverty as lowness of income, the two perspectives cannot be related, since income is such an important means

to capabilities. And since enhance capabilities in leading a life would tend, typically, to expand a person's ability to be more productive and earn a higher income, we would also expect a connection going from capability improvement to greater earning power and not only the other way around.

It is not only the case that, say, better basic education and health care improve the quality of life directly; they also increase a person's ability to earn an income and be free of income-poverty as well. The more inclusive the reach of basic education and health care, the more likely it is that even the potentially poor would have a better chance of overcoming penury.

Jean Dreze and Amartya Sen; *India: Economic Development and Social Opportunity* (Delhi: Oxford University Press, 1995). Collection of papers in Isher Judge Ahluwalia and I.M.D. Little, eds., *India's Economic Reforms and Development: Essays for Manmohan Singh* (Delhi: Oxford University Press, 1998). See also Vijay Joshi and Ian Little, *Indian Economic Reforms, 1991-2001* (Delhi: Oxford University Press, 1996).

And yet the opportunity to make use of the new possibilities is not independent of the social preparation that different sections of the Indian community have. While the reforms were overdue, they could be much more productive if the social facilities were there to support the economic opportunities for all sections of the community. Indeed, many Asian economies – first Japan, and then South Korea, Taiwan, Hong Kong, and Singapore, and later post reform China and Thailand and other countries in East Asia and Southeast Asia – have done remarkably well in spreading the economic opportunities through an adequately supportive social background, including high levels of literacy, numeracy, and basic education; good general health care; completed land reforms; and so on. The lesson of opening of the economy and the importance of trade has been more easily learned in India than the rest of the message from the same direction of the rising sun.

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It can be argued that Kerala has suffered from what were until recently fairly anti market policies, with deep suspicion of market based economic expansion without control. It is however, interesting that despite the rather moderate record in economic growth, Kerala seems to have had a faster rate of reduction in income poverty than any other state in India (See G. Datt, *Poverty in India and Indian States: An Update* (Washington, D.C.: International Food Policy Research Institute, 1997) See also World Bank, *India: Achievements and Challenges in Reducing Poverty*, report no. 16483 IN, May 27, 1997 – see particularly figure 2.3)

The reduction of income poverty alone cannot possibly be the ultimate motivation of antipoverty policy. There is a danger in seeing poverty in the narrow terms of income deprivation, and then justifying investment in education, health care and so forth on the ground that they are good means to the end of reducing income poverty.

The enhancement of human capabilities also tends to go with an expansion of productivities and earning power. That connection establishes an important indirect linkage through which capability improvement helps both directly and indirectly in enriching human lives and in making human deprivations more rare and less acute.

Adam Smith's concern with the interests of the poor, and his outrage at the tendency for those interests to be neglected, related naturally to his use of the imaginative device of what it would look like to an 'impartial spectator' – an inquiry that offers far reaching insights on the requirements of fairness in social judgement (See Adam Smith, *The Theory of Moral Sentiments*, 1759; revised edition, 1970); republished, edited by D. D. Raphael and A. L. Mache; Oxford: Clarendon Press, 1976)

Similarly John Rawls's idea of 'justice as fairness' in terms of what can be expected to be chosen in a hypothetical 'original position' in which people do not yet know who they are going to be provides a rich understanding of the demands of equity, and yields the anti-inequality

features that are characteristic of his ‘principles of justice’ (John Rawls, *A Theory of Justice*; Cambridge, Mass.: Harvard University Press, 1971). See also Stephen Darwall, ed., *Equal Freedom: Selected Tanner Lectures on Human Values* (Ann Arbor: University of Michigan Press, 1995), with contributions by G. A. Cohen, Ronald Dworkin, John Rawls, T. M. Scanlon, Amartya Sen and Quentin Skinner).

Patent inequalities in social arrangements can also be difficult to justify in terms of reasonableness to actual members of the society, for example, the case for these inequalities being one that others ‘cannot reasonably reject’: A criterion that Thomas Scanlon has proposed – and powerfully used – for ethical evaluation (Thomas Scanlon, ‘Contractualism and Utilitarianism’ in *Utilitarianism and Beyond*, edited by Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982). See also his *What we Owe Each Other* (Cambridge Mass., Harvard University Press, 1998).

Certainly, severe inequalities are not socially attractive, and momentous inequalities can be, some would argue, downright barbaric. Furthermore, the sense of inequality may also erode social cohesion, and some types of inequalities can make it difficult to achieve even efficiency.

The work of Amartya Sen and Martha Nussbaum in bringing together the Human Capabilities approach heavily informs the Ragged University project as it aims to open up opportunities for people who do not have them.

6.4 INTERDEPENDENCE OF FREEDOM

The starting point of our analysis is the nature of our ends: the capacious freedoms that we have reason to seek. However, we cannot stop there. Freedom of one kind tends, by and large, to help the advancement of freedoms of other kinds, so that each type of freedom, while an end in itself, is also a means to other freedoms. These connections require empirical investigation and scrutiny, and the bulk of the book, *Development as Freedom*, is concerned precisely with establishing these

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linkages. Freedoms can be of many different kinds. In *Development as Freedom*, I tried to make the tasks more manageable by classifying diverse freedoms into five different categories, namely, economic empowerment, political freedoms, social opportunities, protective security and transparency guarantees. There is nothing particularly sacrosanct about this classification, but it does cover the ground, and since the programme of this seminar includes, I am happy seeing, discussion of each of these aspects of overall freedom, I am greatly looking forward to the results of those deliberations. I now want to comment on the interrelations between these distinct kinds of freedoms how they can assist as well as complement each other. I start specifically with one particular issue that has figured prominently in Indian debates as well as international discussions in recent years. Doubts about the merits of Indian democracy and about democracy in general have been aired with much frequency recently. These doubts can be, I believe, well addressed in the perspective of development as freedom.

This review will briefly examine Sen's ideas around development, freedom and unfreedom, capability deprivation, women's development, population growth, and shared humanity. Sen calls for a broadening of the term 'development' beyond the current narrow focus on economic measures such as per capita GDP and income levels. He argues that there is no direct link between a measure such as a country's GNP growth rate and the real freedoms that its citizens enjoy. For example, countries like South Africa and Brazil have a higher per capita GNP but lower life expectancy when compared to Sri Lanka and China. Though recognizing the importance of economic benchmarks, Sen argues for the need for an expanded definition of development to include real human 'freedoms' such as political freedoms, economic facilities, social opportunities, transparency guarantees and protective security. This human freedom is both the primary end objective and the principle means of development. In tandem, Sen stresses the need to abolish 'unfreedoms' such as poverty, famine, starvation, undernourishment, tyranny, poor economic opportunities, systematic social deprivation, neglect of public facilities, intolerance, and over-activity of repressive states. Poverty is described as

'capability deprivation' that limits an individual's realm of achievable functioning and combinations. Economic poverty and capability poverty are separated but linked, as seen in South Asia and Sub-Saharan Africa where people suffer from both dire economic poverty in the form of below subsistence earnings and capability poverty in the form of high infant mortality rates. Throughout the book, Sen highlights the key role of women in development. Sen cites research indicating that women have 'hardier' bodies and will survive better than men given symmetrical care. For example, the female/male ratio in the developed world is 1.05 as women tend to outlive men. Meanwhile, the developing world ratio is .94 in China and .93 in India. Sen believes that the world is missing as many as 100 million women due to female infanticide, neglect of female children, maternal mortality, and poor female healthcare. As there is a strong link between women's inequality and high mortality rates, development hinges on women's earning power, economic role outside the family, literacy, education and property rights. Women's economic participation leads to enhanced status of women as well as long-term regional political and social change. For example, the successful Grameen banking loan programme for rural Bangladeshi women has a 98% payback rate. This loan programme has greatly enabled regional economic empowerment, increased child survival and reduced fertility rates. In addressing the issue of population, Sen disagrees with Malthus' 1798 essay describing how the number of men would soon exceed the amount of food they require. Sen believes that exponential population growth will be slowed by women's empowerment for reasons described earlier. He opposes China's 'one child family' rule, arguing that such societal coercion is an unfreedom in itself and can result in violence, female infanticide, and unsteady birth rates. Instead, Sen espouses voluntary programmes such as those in place in some parts of India.

6.5 DEMOCRACY AND THE ENDS AND MEANS OF DEVELOPMENT

The first point to note in assessing Indian democracy is that democracy cannot be evaluated in primarily instrumental terms. Political freedom

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and civil rights have importance of their own. Their value to the society does not have to be indirectly established in terms of their contribution to economic growth or other such economic or social[^] achievements. Politically unfree citizens are deficient in freedom even if they happen to enjoy a very high level of income. The second point goes beyond this purely valuation issue. Despite the commonly made generalisation that democracy tends to slow down economic growth, extensive cross-country comparisons- by Robert Barro, Adam Przeworski and others - have not provided any empirical support for this often- repeated belief. More specifically, when comparative statements are made that try to show the failure of Indian democracy, it is typically assumed that had India not been a democracy, it would have had experiences rather similar to South Korea, Singapore, or China, rather than other non-democratic countries such as North Korea, Afghanistan, or Sudan. In fact, the proximate comparison of India with a not-always democratic country must be with Pakistan, and somehow that does not tend to be the focus of the rosy portrayals of the non-democratic alternative that India is supposed to have missed. There is, however, a deeper issue of methodology there. The policies and circumstances that have led to the economic success of Asian economies to the east of India whether South Korea or Singapore or China are by now reasonably well understood. A sequence of empirical studies have identified a general list of 'helpful policies' with much internal diversity, which includes the role of economic competition, use of international markets, a high level of literacy and school education, successful land reforms, easier availability of credit (including micro-credit), good public health care, and appropriate incentives for investment, exporting and industrialisation. There is absolutely nothing to indicate that any of these policies is inconsistent with greater democracy and actually has to be sustained by the elements of authoritarianism that happened to be present in South Korea or Singapore or China. The basic point is that economic growth is helped by the friendliness of the economic climate, rather than by the fierceness of the political regime. If India has failed to do enough to create such a favourable climate and to learn from the positive experiences of China or South Korea, the blame can hardly be put on the

shoulders of political freedoms of citizens. Indeed, more engaging public discussion on what needs to be done can help to change India's deficiencies. This calls for more democracy not less. Further, it is not sufficient to look only at the growth of GNP the lives and capabilities of the citizens. For this it is particularly important to examine the connection between political and civil rights, on the one hand, and the prevention of major disasters (such as famines), on the other. The availability and use of political and civil rights give people the opportunity to draw attention forcefully to general dangers and vulnerabilities, and to demand appropriate remedial action. Governmental response to acute sufferings of people often depends on the political pressure that is put on it, and this is where the exercise of political rights (such as voting, criticizing, protesting) can make a real difference. The role of democracy in preventing famines has received attention precisely in this context, including the fact that India has not had a real famine since independence (despite continued endemic undernourishment and often precarious food situation), whereas China had the largest famine in recorded history during 1958-61, when the ill-calculated public policies that led to the disaster were continued by the government without any substantial emendation for three years, while nearly 30 million people died. The association of famines with authoritarianism can be seen also in the experiences of Cambodia in the 1970s, Ethiopia and Sudan in the 1980s, North Korea in the 1990s and indeed even today. At a less extreme level, the recent experiences of the so-called 'Asian economic crisis' during 1997-99, which affected many of the economies of east and south-east Asia, bring out, among other things, the penalty of undemocratic governance. Once the financial crisis led to a general economic recession, the protective power of democracy not unlike that which prevents famines in democratic countries was badly missed in these countries. The suddenly dispossessed in many of these countries did not have the voice and the hearing that a democratic system would have given them. Nor surprisingly, democracy has become a major issue in many countries in East and South-East Asia Today.

Check Your Progress 1

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Note : a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

1. How do you understand the concept and processes of development?

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2. How do you identify interdependence of freedom?

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3. How do you know the Democracy and the ends and Means of Development?

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6.6 INDIA AND CHINA

Democracy gives an opportunity to the opposition to press for policy change even when the problem is chronic and endemic rather than acute and disastrous (as in a famine). So the limited reach of Indian social policies on education, policies on education, basic nutrition, health care, land reform and gender equity reflects the weakness of democratic practice in India. It is, in fact, as much a failure of the opposition parties as of the governments in office in India's post-independence history, since the opposition need not have allowed those in power to get away

with gross neglect. Comparison of the experiences of China and India brings out some interesting lessons, which can take us well beyond the frequently repeated simple generalisations. The comparative perspectives in life expectancy, which is quite central to the approach of development as freedom, can throw interesting light on a complex reality that requires a more discriminating analysis. In the middle of the twentieth century, post-revolution China and newly independent India had about the same life expectancy at birth, not much higher than 40 years. The Chinese leaders were immediately more successful in rapidly expanding health care and life expectancy than their Indian counterparts were, and in these fields (leaving out the temporary interruptions in famines), China clearly got more from the egalitarian commitment of its authoritarian leadership than India did from its democratic system. When the economic reforms were introduced in China in 1979, China had a lead of 14 years or more over India, with the Chinese life expectancy at 68 years while India's was less than 54 years. The speed and composition of Chinese economic growth were, however, in many ways in great need of improvement in the pre reform period. Radical economic reforms, which were introduced in 1979, ushered in a period of extraordinary growth in China over the last two decades. We run, however, into an odd conundrum as far as life expectancy is concerned. China's life expectancy, which is now just above 70 years, compares with India's figure of 63 years or more, and the life expectancy gap in favour of China, which was 14 years before the Chinese reforms, even more obvious to me than it was earlier.

6.7 FREEDOMS, RIGHTS AND PUBLIC DISCUSSION

It can, in fact, be argued that India can get much more from its own democratic system. If freedoms are important, then their implications in terms of people's rights and the duties of others to help in safeguarding and advancing those rights must call for probing public discussion. Democracy is not merely a system of elections, but also one of public reasoning and very ambitious schemes of food guarantee for the undernourished in India through appropriate variations in public policy. But more modestly, much can be achieved even by such humble

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programmes as the serving of mid-day meals to all Indian school children an arrangement that is already in operation in parts of the country. This would generate, simultaneously, a great many benefits: enhance nutrition, increase school attendance, and raise the proportion of girls who go to school, help to break down caste barriers through communal eating, and reduce the common syndrome of attention deficit that standardly affects a considerable portion of the poorer school children who come to the school underfed. The policy reform that is needed is largely a matter of clarity of economic and social thinking, and here public reasoning can certainly help. The Supreme Court has already identified the entitlement to a cooked mid-day meal as a right of Indian school children, but that right has been very partially implemented across the country. To proceed further, it is extremely important to generate political pressure about remedying the deprived state of Indian children. Public concerns can be made more effective through greater use of the opportunities that democracy offers, including quality newspapers and other media, which we are very fortunate to have. Similar issues of public reasoning arise in a number of other problem areas, including the neglect of school education in general (despite the achievements of specialised technical and higher education in India), the poor state of basic health care (despite the quality of expensive private medicine), the deep insecurities suffered by vulnerable minorities (despite the secular form of the Indian polity), continued neglect of the interests and freedoms of women (despite the prominent role of many women leaders in politics and the professions), and so on. Political freedoms and transparency guarantee (particularly in the form of freedom of information) are direct requirements of democracy, but they, in turn, can be immensely powerful in expanding economic empowerment, social opportunities and protective security.

The point is sometimes made that democracy cannot help those who do not form a majority. This thesis, based on a mechanical identification of democracy with just majority rule, is not only a mischaracterization; it also profoundly underestimates the role of public reasoning in politicising social failures. Democracy is more than majority rule, and

goes also beyond legal guarantees of minority rights (though making these guarantees effective can indeed be extremely important, as we know from recent events). Democracy must, in addition, include the availability and use of the opportunity of open public reasoning based on public knowledge which helps us to understand and value the freedoms of all members of the society without exception. In illustrating the reach of public reasoning, I might consider one of the well recognised successes of the democratic system, namely, the absence of famines in democratic countries. In fact, the proportion of famine victims in the total population is always comparatively small very rarely more than 10 per cent. If elections are hard to win after a famine, and if criticisms from newspapers and the other media, and from the opposition parties, are difficult to brush off, the effectiveness of this mechanism lies in the ability of public discussion to make the predicament of famine victims generally understood by the population at large. Indeed, even the knowledge of a relatively small number of starvation deaths, as in say Kalahandi, can immediately generate massive public concern. It is the reach of public reasoning on which the effectiveness of democracy depends, and it is for us to make the reach as wide and extensive as possible.

6.8 INSTITUTIONS AND INSTITUTIONAL FREEDOM

Four decades ago, the Supreme Court identified the academic freedom of individual faculty in public colleges and universities as an especially important value protected by the First Amendment. Nevertheless, in recent years, some lower federal court decisions have asserted that colleges and universities themselves are somehow entitled to First Amendment academic freedom. One Court of Appeals has held that such institutional academic freedom counterbalances, and thus effectively trumps or nullifies, individual faculty academic claims. Another Circuit has gone so far as to declare, en banc, that only academic institutions have academic freedom rights under the First Amendment, and that individual faculty members neither have, nor ever have had, such rights. Several commentators in recent years have stated that the Supreme Court

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has held that public colleges and universities themselves are entitled to academic freedom or autonomy under the First Amendment. Language in a number of Court opinions can be read to support this view. The Supreme Court, however, has never actually so held. It is, moreover, difficult to imagine how institutional academic freedom could be grounded upon the First Amendment by any kind of straightforward constitutional analysis. Significantly, no federal court has ever shown how that might be done. Yet, the theory persists. Recently certain amicus curiae briefs before the Court in *Grutter v. Bollinger*² urged the Justices to hold that a state university's law school had a First Amendment academic freedom right to establish admission standards. In the course of its opinion deciding *Grutter*, a majority of the Court repeated language from an earlier concurring opinion purportedly identifying such a right. Did the *Grutter* majority thereby intend to give its imprimatur to the theory of institutional academic freedom under the First Amendment? Or did the majority merely refer to this theory in dicta, as part of its discussion of problematic judicial language in the earlier opinion? Language in both earlier Court opinions, and the majority's opinion in *Grutter*, leave it uncertain as to the Court's understanding of certain critical terms and concepts. In some cases, Justices use the terms "academic freedom" and "autonomy" interchangeably. It is occasionally uncertain whether they mean to say that academic freedom attributed to public colleges or universities is a First Amendment interest, or an important social policy value. Judicial opinions referring to academic freedom or autonomy as First Amendment interests or rights sometimes fail to make clear whether such rights or interests inhere in the respective institutions' faculties, whose actions had been challenged, or in the institutions themselves. This article begins with a review of language that eventually gave rise to the concept of institutional academic freedom, and includes a summary of lower court decisions embracing that concept or notion. The second part identifies certain constitutional problems in connection with the idea that institutional academic freedom can somehow be derived from or based upon the First Amendment. The third part describes and analyzes language in the Court's *Grutter* decision, language that may or may not have the effect of validating the concept of

institutional academic freedom under the First Amendment. Various Justices from time to time have characterized institutional academic freedom as a First Amendment value. Such characterization, however, has not been, and probably cannot be, sustained on the basis of constitutional law. The article concludes with another suggestion, that the courts may, and in proper circumstances should, acknowledge the important public policy value of institutional autonomy in matters requiring educational expertise. While such autonomy might well be entitled to judicial deference, especially when plausibly presented as an important state interest, it is not an interest that can be protected by the First Amendment.

Check Your Progress 2

Note : a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

- 1. Discuss about the development of India and China.

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- 2. Discuss Freedoms, Rights and Public Discussion.

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- 3. How do you understand Institutions and Institutional Freedom?

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6.9 LET US SUM UP

Development as Freedom is Amartya Sen's first book after receiving the Nobel and the most widely read of all of his works. Based on the author's World Bank Fellow Lectures in 1996, this descriptive, non-technical overview of welfare economics argues that 'development' should be viewed not in terms of economic measures (e.g. GDP growth, average annual income) but in terms of the real 'freedoms' that people can enjoy such as economic facilities and social opportunities. Sen describes human freedom as both the primary end objective and the principle means of development; economic measures are merely the means to this end.

Development as Freedom is an informal text that brings together multidisciplinary insights from politics, economics, ethics, economics, demography, and sociology. Sen frames development as the realization of freedom and the abolishment of 'unfreedoms' such as poverty, famine, and lack of political rights. Arguments are strongly supported with vivid accounts of real living and working conditions for men and women in developing communities in Asia and Africa. The book is best described as a model for examining issues of development in both economic and political terms, and not as a formula for implementing change. For example, Sen writes of the need to enhance human capabilities by eliminating such unfreedoms as child labour and famine, but does not provide a structured roadmap of preventive measures and the long-term changes required for implementation. As such, Sen's treatise should be judged for how it creates awareness of development issues. Readers will be challenged to think of development in political terms, but those probing the text for rigorous research or linkages to implementation will be disappointed.

6.10 KEY WORDS

Development:Economic development is the process by which the economic well-being and quality of life of a nation, region or local community are improved. The term has been used frequently in the 20th and 21st centuries, but the concept has existed in the West for centuries.

Freedom:the power or right to act, speak, or think as one wants.

Democracy:Democracy is a form of government in which the people have the authority to choose their governing legislation. Who people are and how authority is shared among them are core issues for democratic development and constitution.

6.11 QUESTIONS FOR REVIEW

1. How do you understand the concept and processes of development?
2. How do you identify interdependence of freedom?
3. How do you know the Democracy and the ends and Means of Development?
4. Discuss about the development of India and China.
5. Discuss Freedoms, Rights and Public Discussion.
6. How do you understand Institutions and Institutional Freedom?

6.12 SUGGESTED READINGS AND REFERENCES

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6.13 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

1. See Section 6.3
2. See Section 6.4
3. See Section 6.5

Check Your Progress 2

1. See Section 6.6
2. See Section 6.7
3. See Section 6.8

UNIT 7 : FREEDOM AS SWARAJ (GANDHI)

STRUCTURE

- 7.0 Objectives
- 7.1 Introduction
- 7.2 Swaraj as Self control
- 7.3 Swaraj as Self Rule
- 7.4 Conclusion
- 7.5 Let us sum up
- 7.6 Key Words
- 7.7 Questions for Review
- 7.8 Suggested readings and references
- 7.9 Answers to Check Your Progress

7.0 OBJECTIVES

After reading this Unit, you would be able to understand:

- Gandhi's concept of Swaraj;
- The meaning of swaraj as self-control and self-rule.
- Gandhi's thoughts on the concepts of liberty and equality
- Gandhi's notion of individual freedom and Swaraj
- Gandhi's concept of economic, racial and caste equality

7.1 INTRODUCTION

In the late nineteenth century, the establishment of the Indian National Congress in 1885 and the parallel consolidation of cultural nationalism under the leadership of Swami Dayananda and Swami Vivekananda created a feeling of self-assertion and identity shaking off the sense of inferiority that the educated middle class felt earlier on. It is in this context of the new assertiveness the two important phrases that the nationalist movement imbibed were Swadeshi and Swaraj, each being complementary to the other. Tilak's famous statement that 'Swaraj is my birthright' is an important reflection of the new mood of nationalism that

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consolidated after the Ilbert Bill controversy. The Partition of Bengal of 1905 further enriched this till of thinking with self-assertiveness and also with an attempt to create a new awareness with new Indian idioms. Rabindranath Tagore's essay entitled 'SwadeshiSamaj' depicts this new awareness and an emerging identity of one India where the gulf between the educated and uneducated and between the cities and the villages were to be eradicated not under the patronage of the colonial masters but with our own efforts and sacrifices. In the Hind Swaraj (1909), Gandhi's indictment of the Brown Sahib represents the spirit of this new accommodative nationalism. Gandhi prefers to use Swaraj instead of the English word, independence or freedom. In Gandhi's practice and theorizing, there is an effort of building a theory on the basis of continuity of tradition with essential reforms and integrating with the larger organic concept of the individual that he propagated swaraj. It assumes a different meaning in Gandhi rather than in the simple political sense that was used by his predecessors. Freedom or swaraj, for Gandhi, is an inclusive concept - political, economic, social and moral - emphasising on the utmost necessity of the human being to be as perfect as possible. He asserts in the Hind Swaraj, "real home self is self-control".

Gandhi described himself as a practical idealist, yet there is a larger projection of an ideal world based on human equality and freedom. His philosophy begins with the expression of deep love and respect for the neighbour which is the basis of concealing a universal association of free individuals superseding the artificial barriers of race, creed, wealth, power, class and nation. All these form the basis of his doctrine of universal brotherhood as any of these categories which tries to extract or dominate is a form of gross injustice and such a situation of exploitation can only be maintained by force. In such a situation there is a continuous process of hatred, suspicion and fear of losing on the part of the possessed in the hand of the dispossessed who are the overwhelming majority of the humankind. For Gandhi, a good society could be attained if it could realise liberty, equality and fraternity through non-violent means. This is the lesson, he observed to the Indian princes in 1942 that

Europe has learnt from the French Revolution of 1789. Gandhi distinguishes between the fuller moral connotation of freedom and the narrower conception of individual or national freedom while analysing swaraj or self-rule. Asked to explain the meaning of purna swaraj in 1931, he says: The root meaning of swaraj is self rule. Swaraj may, therefore be rendered as disciplined rule from within and purna means “complete”. “Independence” has no such limitation. Independence may mean licence to do as you like. Swaraj is positive. Independence is negative. Purna Swaraj does not exclude association with any nation, much less with England. But it can only mean association for mutual benefit and at will. Thus there are countries which are said to be independent but which have no Purna Swaraj e.g. Nepal. The word Swaraj is a sacred word, a vedic word, meaning self rule and self restraint, and not freedom from all restraint which “independence” often means. Swaraj or self-rule is the core of freedom and is the crux of real home rule. Just as with Vivekananda and Aurobindo, for Gandhi, right conduct is right form of civilisation.

Freedom is not to be left alone but one that will enable the individual to cultivate love and service. Individual and society are complementary and a society, where citizens are not free cannot be a good society. He does not agree with the liberal conception, according to Terchek, in two ways: how people are treated and how are individual choices and capacity to make choices affected by the institutional practices and asymmetrical distribution of power. The more mature Gandhi, observes Dalton, establishes the link between non-violence and the preservation of liberty seeing the former as the bedrock of freedom. Yet in his commitment to non-violence he does not sacrifice the social and political freedom of the individual: “...to make mistakes as a freeman... is better than being in bondage in order to avoid them (for) the mind of a man who remains good under compulsion cannot improve, in fact it worsens. And when compulsion is removed, all the defects well up to the surface with even greater force” (Harijan 29th September 1946).

7.2 SWARAJ AS SELF CONTROL

Gandhi borrows the term 'swaraj' from the Vedas. One meaning of swaraj is self-rule and self-control and differs from the English usage, which implies freedom without restraints. It also means the "all around awakening-social, educational, moral, economic and political" (Young India, 26 August 1926). True freedom is conformity to moral law, the inner conscience, and the law of one's true being. It induces a person to seek the good and attain it, an end that is worthy. Freedom means self-control, a conquest over self which can be attained only by being fearless. It involves arduous discipline and requires that one follows one's vows of self-purification and self-realisation. It is through active involvement and participation in the day to day affairs of society that the individual attains salvation or moksha. Gandhi insists on the need to rationalise and synthesise desires in an integrated life in order to attain the moral height to distinguish humans from brutes. Another implication of swaraj is moral and spiritual freedom or anāsakti which comes as the consequence of will and reason leading to concentration of energy. This is the cardinal lesson that Gandhi learns from the Bhagavad Gita. Swaraj as self-rule or self-control means three things: first, freedom is primarily an individual, not a collective quality. Second, it includes the conventional civil liberties of the press, speech, association and religion and third, it distinguishes between inner and outer forms of freedom, inner freedom as anchoring and sustaining outer freedom (Dalton, 1982, pp.144-47). For Gandhi, the individual is the pillar of Swaraj but this does not mean unbridled individualism; rather it implies, as in T. H. Green, a balance between individual freedom and social restraint. He insists on individuals cultivating qualities of discipline, voluntary loyalty and solidarity and internal freedom as these would ensure an unimpeachable character and conduct. He constantly emphasises that inert and emasculated people would never be able to attain freedom and individual consciousness alone would lift people out of servility. Gandhi considered weakness, cowardice and fear as sins against human spirit. He taught the Indians the spirit of fearlessness. Self-rule, selfrestraint, self-discipline and voluntary self-sacrifice rooted in the notions of individual autonomy and moral self-determinism forms the basis of swaraj. "When

Gandhi pursued the political goal of swaraj (self-rule) he meant to teach himself and Indians, that only those who could rule themselves in the sense of self-restraint could rule themselves in the sense of controlling their political universe” (Rudolph & Rudolph, 1967, p.249). Gandhi sees an intimate link between swaraj and swadeshi or self-reliance. For Gandhi, freedom is rooted in human nature and is to be claimed as part of self-awareness earned through self-effort and conversely, any external threat to human freedom arises not from circumstances outside one’s control but by recognising our weaknesses in the first place, which is why he considers self-purification as integral to the concept of swaraj, as that gives the individuals the strength and capacity to translate the abstract notion of freedom into a practical reality in society and politics. According to Gandhi, a person truly realises freedom if he listens to his conscience or the inner voice, the only tyrant that one should accept. Fearlessness, self-rule, self-restraint, self-discipline, non-attachment, renunciation and voluntary self-sacrifice would make resistance to evil easy and that forms the core of the philosophy of Satyagraha. Gandhi describes Satyagraha as the act of the brave and the fearless and through it, “Gandhi turned the moral tables on the English definition of courage by suggesting that aggression was the path to mastery of those without self-control, nonviolent resistance the path of those with control” (Rudolph & Rudolph, 1967, p.185).

7.2.1 Individual Freedom and Swaraj

Gandhi rejects the notion of unbridled individualism and stresses on the notion of the individual as a social self. Within this framework he analyses freedom as not being left alone or to abdicate moral obligation towards others who are equally entitled to freedom for themselves. A free person can choose to enter into any association with others but cannot simply cut off from others. This is true of nations also. Gandhi’s equation of freedom with self-rule is to underline the intrinsic link between freedom and obligation to others and to oneself, without abandoning the voluntary basis of freedom. Self-rule means voluntary internalisation of one’s obligations towards others and that a free person

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and a nation cannot be selfish and isolationist. Gandhi emphasises on the voluntary nature of freedom as a human being by nature is an autonomous moral agent having the capacity for choices and freedom to experiment. The individual that Gandhi has in mind is the social self and like Green, he too argues that it is the freedom which the individual enjoys that makes possible for the survival and the continuance of society. Gandhi writes, “Individual freedom alone can make a man voluntarily surrender himself completely to the service of society. If it is wrested from him, he becomes an automaton and society is ruined. No society can possibly be built on a denial of individual freedom. It is contrary to the very nature of man. Just as man will not grow horns or a tail so he will not exist as man if he has no mind of his own. In reality even those who do not believe in the liberty of the individual believe in their own”. For Gandhi, freedom is rooted in human nature and is to be claimed as part of self-awareness earned through self-effort; conversely, any external threat to human freedom arises not from circumstances outside one’s control but by recognising our weaknesses in the first place. Self-purification is therefore integral to the concept of swaraj as that gives us strength and capacity to translate the abstract notion of freedom into a practical reality in society and politics.

Gandhi wrote extensively on national freedom and self-rule but these were applicable to the individual as well. He considers the individual to be the bedrock of swaraj and that “swaraj of a people means the sum total of the swaraj (self-rule) of individuals; government over self is the truest swaraj, it is synonymous with moksha or salvation. He considers individual swaraj as logically and conceptually prior to the notion of collective or national swaraj. He also clarifies that “self-government means continuous effort to be independent of government control whether it is foreign government or whether it is national. Swaraj government will be a sorry affair if people look up to it for regulation of every detail of life”. Gandhi’s conception of swaraj includes four aspects: Truth, Non-violence, political and economic independence. Swaraj would be incomplete without realisation of each, since each, for Gandhi, is interwoven with all. His conception of swaraj makes the same

distinction between 'inner' and 'outer' forms of freedom which Vivekananda and Aurobindo conceive of. Vivekananda's distinction involves a relegation of political freedom and national independence to a subsidiary position. But as the struggle for national independence gathers momentum merely relying on 'inner' freedom does not seem enough. Aurobindo's identification of national with spiritual freedom takes on an extreme form of religious nationalism which threatens individual liberty, which he subsequently abandons. Gandhi never espouses this view of freedom as he consistently emphasises on the supreme importance of a suprapolitical form of freedom which very few Indian leaders concur with. Dalton observes that, Swaraj, for Gandhi, means acquiring inner freedom which means that Indians gain sovereignty over themselves and over their nation. Swaraj would become a reality only if people have the capacity to regulate and control authority. Real swaraj, for Gandhi "will come not by the acquisition of authority by a few but by the acquisition of the capacity by all to resist authority when it is abused.... Swaraj for me means freedom for the meanest of my countrymen. I am not interested in freeing India merely from the English yoke. I am bent upon freeing India from any yoke whatsoever. I have no desire to exchange 'king log' for 'king stork'. Elaborating further he points out "there is no freedom for India so long as one man, no matter how highly placed he may be, holds the hollow of his hands the life, property and honour of millions of human beings. It is an artificial, unnatural and uncivilized institution. The end of it is an essential preliminary to swaraj". Gandhi does not consider good government as better than self-government as there is a connection between individual and national self-rule. The evolution of the nation and its component parts, the individuals are intertwined; one cannot advance without the other. Individual self-rule is included in swaraj. Self awareness, self-discipline and self-respect are key components of swaraj. Fundamental to swaraj is the essence of freedom which is more important than the social, political and economic liberty. Swaraj "is infinitely greater than and includes independence". "Let there be no mistake about my conception of Swaraj. It is complete independence of alien control and complete economic independence. So, at one end you have political independence; at the other, economic. It has

two other ends. One of them is moral and social, the corresponding end is Dharma, i.e. religion is the highest sense of the term. It includes Hinduism, Islam, Christianity etc., but is superior to them all. You may recognize it by the name of Truth, not the honesty of experience, but the living Truth that pervades everything and will survive all destruction and all transformation. Moral and social uplift may be recognized by the term as we are used to, i.e. Non-violence. Let us call this square of Swaraj, which will be out of shape if any of its angles is untrue. We cannot achieve this political and economic freedom without Truth and Non-violence in concrete terms, without a living faith in God and hence moral and social elevation' (Harijan, 2nd January, 1937).

7.2.2 Individual Conscience and Freedom

A person is truly free if he listens to his conscience or the inner voice, the only tyrant that one would accept. He advises every individual to weigh his circumstances in the court of conscience according to the criteria of satya and ahimsa and the obligation of sarvodaya. This would redefine radically both the means and the ends of action providing the basis of fundamental reform of society. He advises political workers to engage wholeheartedly in the Constructive Programme and bread labour and to sacrifice their comforts in the service of the poorest of the poor. Gandhi links his views on conscience with his arguments for satyagraha. "When people cease to think for themselves and have everything regulated for them, it becomes necessary at times to assert the right of individuals to act in defiance of public opinion or law, which is another name for public opinion. When individuals so act, they claim to have acted in obedience to conscience". He expects the satyagrahi to be honest to their deepest convictions and ready to suffer on behalf of their commitments. Gandhi goes on to argue that those who witness the suffering will be prompted by their conscience and be converted. A satyagrahi, when he sacrifices and voluntarily suffers, appeals not only to the reason but also the heart of others and this brings people on the same moral plane. Like Thoreau, Gandhi does not consider the government to be important in the day-to-day activities of the individual. The disinterest and lack of enthusiasm

towards the government that is found in perceptions of both Thoreau and Gandhi is because of their belief that all states, including the democratic ones, are the embodiment of force and physical strength, concerned with functions related to law and order, and protection of property. Laws, policies and associations are essentially coercive, stifling and hindering individuality and spontaneity. Thoreau sees law as a form of control and is not different from any kind of coercion and observes that 'the law will never make men free. It is men who have got to make law free'. Thoreau had insisted that persons with conscience should disassociate from the state as that enabled them to lead lives untainted by the evils which the state sponsors and promotes. The government is incompetent to control the diabolical forces that it releases among individuals. It is for this reason that he suggests withdrawal and reliance on one's inner resources. Thoreau perceives individual conscience as inseparable from common standards and humane sensibilities and since the conscience is above the state, it is the true criterion of what is politically just and right. It is important that individuals perceive themselves first as individuals and only then as citizens or subjects. Conscience, which for him is the inner voice and the 'genius', as an exclusive and purely personal thing, is expressed through acts of civil disobedience. Conscience, for Thoreau is secular, the ability to do what one thinks to be right. However, his notion of morality and politics is subjective and anti-legalistic as he does not acknowledge the existence of general principles or universal standards of right, including the Bible and the constitution.

For Thoreau, conscience has three implications for politics: first it becomes clear as to why does not restrict conscientious action to nonviolence and passive disobedience, as conscience may demand more than non complicity or withdrawal. He does not rule out the use of violence and force if conscience demands. In fact, he views conflict as the gist of life itself and any action that flows from one's convictions is good and it is for this reason, that violence is necessary. Second, intolerance is the crux of a militant conscience. Belief in one's convictions makes tolerance impossible. Third, in light of his anti-institutionalism he contends that solitary action rather than collective

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ones as good (Rosenblum, 1981, pp.101-03). Gandhi differs from Thoreau and is more like Green, when he links individual actions to public interest or sarvodaya though he is certain that the dictates of individual conscience, if genuine, would culminate in conduct that would arouse and appeal to the conscience of others. Moreover, his emphasis on ahimsa as the means to be used in the vindication of satya makes him believe that resistance to injustice, properly conducted, could not lead to general anarchy. He regards satya and ahimsa as universal principles with an inseparable link between them. The omnipresence of truth and non-violence is derived from another basic foundation of his theoretical edifice, that human beings are amenable to moral persuasion. The individual, a moral and a social person, follows the paths of truth and nonviolence since it is the best possible way of leading a good and satisfactory life. It enhances human dignity, relative equality and human perfectibility, as it allows for individual initiative and recognition and provides a mechanism for resolving conflicts in the complex modern world. It is the logical culmination of democratic principles based on active citizen's participation and civility leading to self-realisation, self-awareness and responsibility. The individual, for Gandhi, is the bearer of moral authority and has therefore, the right and the duty to judge the state and its laws by the standards of dharma which in turn is based on satya and ahimsa. The individual can challenge and even disobey the state, as all states violate satya and ahimsa. Gandhi, like Raz, places considerable emphasis on autonomy as he pays attention to the role of institutions or the way resources affect choices that are available to the individual. But he differs from conventional theories of autonomy as he emphasises on duties along with rights and considers duty to act morally regardless of the consequences as the highest. Another difference is the stress on individuals as equal members of a harmonious and interdependent cosmos rather than as abstracted selves. Persons achieve good and become complete only in association with others based on mutual respect and cooperation. Such a community ought to be open and pluralistic. It would have to be tolerant of diverse conceptions of good and ensure that its institutional practices do not become obstacles to the ordinary persons' pursuit of their good. The gist of tolerance is the belief that

differences can be resolved through reason and not by force and this belief is based on the faith that ultimately truth prevails. Tolerance allows for coexistence of competing forms of partisanship while civility enables the transcendence of partisanship for the pursuit of common good. As Iyer says, “Tolerance and civility both point out to the limitations of human powers, the folly of dogmatism and the futility of violence, the common search for truth by equal citizens in the service of common good. They provide the basis of respect for the inalienable freedom and the fundamental equality of all citizens united in their concern for truth and peace”.

7.3 SWARAJ AS SELF RULE

Swaraj for Gandhi also means positive freedom, to participate in the process of politics in every possible way. It implies participatory democracy as there exists an intimate relationship between the citizen and the state. By swaraj I mean the government of India by the consent of the people as ascertained by the largest number of adult population, male or female, native born or domiciled, who have contributed by manual labour to the services of the state and who have taken the trouble of having registered their names as voters.... Real swaraj will come not by the acquisition of authority by a few but by the acquisition of the capacity by all to resist authority when it is abused. In other words, swaraj is to be obtained by educating the masses to a sense of their capacity to regulate and control authority (Gandhi 1947, 14). To underline the meaning of swaraj, Gandhi in the *Hind Swaraj* (1909), through the Italian example, points out that for Victor Emanuel, Cavour and Garibaldi, ‘Italy meant the king of Italy and his henchmen’ whereas for Mazzini, it meant the whole of the Italian people, that is, its agriculturalists. Mazzini’s ideal remained unrealized and that Italy still remained in a ‘state of slavery’. Merely replacing the British rulers with their Indian counterparts is Englishstan and not Hindustan, an “English rule without the Englishman, the tiger’s nature, but not the tiger” (1997, ch. IV). The quintessence of swaraj is service for the betterment of the ordinary people, an idea that Gandhi derived from Vivekananda, Tolstoy, Sermon on the Mount and numerous texts and saints of the Indian

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tradition. Gandhi's concern for majority alleviation led him to advance the notion of Gram Swaraj with its focus on the village, at the centre of his social, political and economic philosophy. As majority of Indians lived in the villages, he was moved by the appalling conditions – lack of sanitation, health care, hygiene and education, under which they lived. The enormous gap that exists between the villages and cities with regard to employment opportunities, educational avenues, health care, recreational facilities coupled with the onslaught of modern machinery and industrialisation, villagers migrated from villages to cities, only to live in shanties with its squalor and a sense of rootless existence. While village is natural, a city is artificial facilitating the exploitation and plunder by the imperialist powers. Though he considers the growth of cities as an evil thing, as it houses 'brokers and commission agents for the big houses of Europe, America and Japan', he is not seeking its elimination. Gandhi castigates the Indian princes for the condition of the poor in their states. He severely criticised the British occupation of India, as it led to extreme oppression of the poor pointing out to the earlier periods of self-sufficiency in food and clothing. The English East India Company was responsible for ruining the village industries, and it is for this reason that he places centrality to the renewal of villages through the Constructive Programme. Gandhi, with the help of his close associate, Kumarappa, prepares the blueprint to change India's rural life. 'Villagism', a term which Kumarappa coins, is accepted by Gandhi to bring about a complete revival of villages and realize swaraj. The aim of gram swaraj is self-sufficiency in material conditions necessary for fulfilling the needs of the ordinary person. The India of my dreams, observes Gandhi, is the swaraj of the poor person (Ibid, 17). A truly non-violent state would be composed of self-governing and self-sufficient small cohesive village communities in which the majority would rule with due consideration to the rights of the minorities.

Indian independence must begin at the bottom. Thus every village will be a republic or panchayat, having full powers. It follows, therefore, that every village has to be self sustained and capable of managing its affairs, even to the extent of defending itself against the whole world. It will be

trained and prepared to perish in the attempt to defend itself against any onslaught from without. Thus ultimately, it is the individual who is the unit. But this does not exclude dependence on the willing help from neighbors or from the world. It will be free and voluntary play of mutual forces.... In this structure composed of innumerable villages, there will be ever widening, never ascending circles. Life will not be a pyramid with the apex sustained by the bottom. But will be an oceanic circle, whose center will be the individual always ready to perish for the village, the latter ready to perish for the circle of villages, till at last the whole becomes one life composed of individuals, never aggressive in their arrogance, but ever number, sharing the majesty of the oceanic circle of which they are integral units. Gandhi makes welfare of the masses, with fulfilment of their basic needs as the basis of economic freedom, thus reflecting the inspiration that he derives from Ruskin. Gandhi points out that political independence, without economic freedom, without an improvement and elevation in the lives of the ordinary people, the toiling masses, would be meaningless. He wants the complete destruction of modern civilisation and the creation of a new society without governments, parliaments, railways and other fast modes of transport, machinery, doctors, lawyers and armed forces and, in which, people totally renounce violence and resist authority through satyagraha. Like Thoreau, he does not consider the government to be important in the day to day activities of the individual, as both believed that all states, including the democratic ones, are the embodiment of force and physical strength, concerned with functions related to law and order, and protection of property. Laws, policies and associations are essentially coercive, stifling and hindering individuality and spontaneity. Gandhi insists on the need to look at political work within the framework of social and moral progress, as power resides in the people and not in legislative assemblies. He dismisses disparagingly power politics, and like Huxley, desires politics that would enable people to improve their lot. Echoing Aristotle's sentiments, Gandhi considers public life as the arena for bringing out the highest spiritual qualities of an individual. Politics is not the art of capturing, holding and managing governmental power but of transforming social relations in terms of justice. "Swaraj for

me means freedom for the meanest of my countrymen. I am not interested in freeing India merely from the English yoke. I am bent upon freeing India from any yoke whatsoever. I have no desire to exchange 'king log' for king stork'... there is no freedom for India so long as one man, no matter how highly placed he may be, holds in the hollow of his hands the life, property and honour of millions of human beings. It is an artificial, unnatural and uncivilized institution. The end of it is an essential preliminary of swaraj". Gandhi clarifies equal distribution as his ideal and till that is realised he would like to settle for equitable distribution, as that would not only ensure elimination of gross disparities in income but also allow every member of the society to receive enough goods and services to meet his basic requirements and enjoy a certain minimum standard of living. He considers accumulation of wealth as immoral which is why he proposes trusteeship. To achieve equitable distribution he proposes four specific measures:

(a) Bread Labour as that would remove exploitation and obliterate the distinctions of rank. It would reduce not only economic inequality but also social inequality and in the Indian context it would undermine caste-based inequalities.

(b) Voluntary renunciation, a value that Gandhi reiterates from the Isopanishad and that means not coveting the possessions of others and not accumulating beyond one's basic needs. Personal wants ought to be kept to the barest minimum keeping in mind the poverty of one's fellow human beings and try for a new mode of life.

(c) Satyagraha to resolve industrial and agricultural disputes as legitimate and the proposal of trusteeship to resolve the conflict between labour and capital with the core idea of non-appropriation by owners. The Ahmedabad Mills strike of 1918 was an example of Gandhi led Satyagraha movement in industrial conflict⁴ just as the Champaran Satyagraha of 1916 undermined the notion of submissive labour force and initiated the first village improvement scheme.

(d) The need for governmental action to ensure that every work receives a minimum or living wage. Gandhi insists that his ideal would have to be realised through moral process of transformation of individuals by non-violent measures.

According to Gandhi, the cause of poverty is the covetousness of the rich and the exploitation of the needy by the greedy. Incomes would have to be redistributed for raising the output and fulfilment of the basic needs of the masses would depend on limiting the wants of the rich.

To get rid of poverty there is a need for drastic changes in prevailing attitudes to consumption and to wealth in affluent as well as in the poorer societies. Gandhi desires economic equality but without wanting to abolish private property. He accepts the fact that the capacities of human beings differs and in any society only a few can accumulate wealth by industriousness but that does not mean they have a right to go for conspicuous consumption. He expects the rich to act as trustees of the entire society. Since they would act neither for private gain nor for profit, there would be differences in the amount of wealth, but there would be no differences in services and lifestyles. Private ownership would continue, except in large-scale industries which would be dictated by concerns of public welfare. He admits that state ownership is preferable to private ownership but in general, he considers the violence of private ownership as less injurious than the violence of the state. According to Gandhi, if there is no law of inheritance⁵ then it would not lead to the growth of a privileged class or allow for personal inequalities of wealth. The development of social spirit and humanist consciousness are the two cardinal principles of Gandhi's concept of trusteeship. The deeper meaning of his concept of trusteeship is akin to the Weberian notion of puritan ethics, which does not decry the increase in production but prohibits conspicuous consumption. It has a Calvinistic overtone and is beneficial to societies like India where wide disparities are an eyesore and exist without any effective social sanction and control. Gandhi advances two propositions on the state that establishes his close affinity to classical anarchism, namely

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(1) the state represents an authority that poses a threat to individual liberty and

(2) that it represents violence in an organised form.

He shuns Austin's notion of absolute state sovereignty and advocates limited state sovereignty. Accepting the distinction between state and society he looks upon with suspicion any increase in state power.

A state has no right to dehumanize or suppress the individual. It exists to fulfil the needs of the individual and failure to do so entitles the individual the duty to disobey and to resist. The state represents violence in a concentrated and organized form. The individual has a soul, but as the state is a soulless machine, the state can never be weaned from violence to which it owes its very existence.... I look upon an increase of the power of the state with the greatest fear, because although while apparently doing good by minimizing exploitation, it does the greatest harm to mankind by destroying individuality, which lies at the root of all progress...what I disapprove of, is an organization based on force, which a state is (Gandhi, cited in Tendulkar, 1960, Vol. IV, pp.11-13). Power, according to Gandhi, lies in being an actively engaged citizen with a capacity of public involvement and political participation rather than being a passive acquiescent subject. If individuals recognise the power in their hands and use it constructively to bring out sarvodaya through non-violent means against injustice and repression of the state, then the monopolistic and coercive nature of state power could be reduced, thus ensuring purification of politics.

A truly non-violent state would be composed of self-governing and self-sufficient small cohesive village communities in which the majority would rule with due consideration to the rights of the minorities. He desires the revival of the panchayat (council of five) system but not in its traditional form which was organised around the group and was strictly patriarchal. For Gandhi, the individual and not the group is the unit of the modernised panchayat elected annually by all adult villagers- men and women alike. Individual freedom would be the basis of his village

democracy with consensus⁶ as the basis of decision-making process. Gandhi's swaraj recognises no race or religions; nor does it distinguish between lettered persons or the moneyed. It is also inclusive with due respect to the toiling masses. It is secular and egalitarian. It is complete independence from foreign rule and complete economic independence. He constantly reminds his readers that political independence involves transfer of power from one set of rulers to another; true freedom is freedom from exploitation, suffering, poverty, deprivation and destitution. Freedom for Gandhi is freedom from political subjugation, economic exploitation and social tyranny. True Swaraj would be realised with mass awakening which is possible only through non-violent noncooperation. Rule of people, for Gandhi, means transcendence of particular interests. As a philosophical anarchist Gandhi desires a society without the state but as a practical idealist he settles for a minimal state. In a state of enlightened anarchy everyone is his own ruler, ruling in a manner without obstructing others. There would be no political power as there would be no state. In the absence of this ideal, Thoreau's maxim of a "government is best which governs the least" is the next possible option.

According to Gandhi, human beings have the capacity for developing their moral capacities to such an extent that exploitation could be reduced to the minimum which is why he states that he "looks upon an increase in the power of the State with the greatest fear, because, although while apparently doing good by minimizing exploitation, it does the greatest harm to mankind by destroying individuality, which lies at the root of all progress". The citizens' obligation to accept the authority of the state would depend on its just laws and non-repressive policies. A government is an instrument of service if it is based on the will and consent of the people. It is citizens' obligation that distinguishes a democratic from an authoritarian state though Gandhi views all states as soulless machines. A citizen's responsibility is greater under a democratic regime as citizens would have to safeguard against authority becoming corrupt and farcical. In every state there is a possibility of abuse of power and it is the citizens

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vested with superior moral authority who should not lose their conscience or lose their distrust of state authority.

Gandhi makes it the responsibility of every citizen for every act of the government. It is the citizen who ought to decide whether to show active loyalty or total opposition to the state, to resist none or few of its laws as the citizen is endowed with satya and ahimsa. The citizen cannot relinquish a portion of this responsibility in the name of a social contract or legal sovereignty or tacit consent or the rule of law or similar notions that are implicit in democratic constitutionalism. According to Gandhi, for the sake of peace there can be no unconditional consent, even if secured under majority rule nor can the limits of state action be established in advance in a manner that will automatically secure the citizens his natural rights. Gandhi distrusts institutional safeguards in societies with many factions and class conflict, as the majority could be wrong. The individual alone is a moral person which no state or institution could ever become. A citizen could appeal to eternal unwritten laws against the laws of human beings and of states and the commandments of religion, but like Socrates accept the consequences for challenging the laws of the states. Not only are states undesirable but even parliaments are as these are ineffectual and can do only when there is outside pressure. Gandhi is critical of the parliamentary system of government in the *Hind Swaraj* (1909), as the members of parliament 'are hypocritical and selfish'; indifferent to matters of serious concern and engage in endless talk. "Members vote for their party without a thought. Their so-called discipline binds them to it. If any member, by way of exception gives an independent vote, he is considered a renegade.

The Prime Minister is more concerned about his power than about the welfare of the Parliament. His energy is concentrated upon securing the success of his party. His care is not always that Parliament shall do right. Prime Ministers are known to have made Parliament do things merely for party advantage.... If they are to be considered honest because they do not take what are generally known as bribes, let them be so considered, but they are open to subtler influence. In order to gain their ends, they

certainly bribe people with honour. I do not hesitate to say that they have neither real honesty nor a living conscience”. Through his criticisms of the British parliament, Gandhi tries to show, according to Bandyopadhyaya (1969) that even the best of the parliaments are not the ideal substitute for anarchy.

Later Gandhi diluted his rigorous opposition to parliaments. In 1937, he points out that today’s legislatures, unlike that of the past, are composed of representatives of people and that people must be taught how to stand up effectively against the government. Members of the legislature ought to render service to the people, undertake constructive social work and ensure the passage of right legislations. He clarifies that he does not want to destroy the legislatures but “destroy the system which they are created to work”. In the late 1930s, Gandhi also moved away from minimal role of the state in the economy to state ownership of key industries as it would provide employment to large number of people. The state would look after secular welfare, health, communications, foreign relations, currency and own land as cooperative farming by the peasants subject to state ownership of land is something that he toyed with but never really developed in full details. Gandhi also insists that the state must eschew physical violence. He supports the idea of a decentralised, non-industrial, non-violent, self-sufficient and self-reliant free society; village swaraj would advance the cause of individual freedom.

7.3.1 Gandhi’s Concept

1. Gandhi realizes the need to confront the fundamental fear of Indians as propagated by some British that Indians lack courage, are weak and morally unworthy.
2. The Constructive Programme conceive of reorganization of society for the attainment of poornaswaraj (complete independence) through the following: (1) communal harmony, (2) removal of untouchability, (3) prohibition, (4) Khadi, (5) cottage industries, (6) village sanitation, (7) new or basic education – naitalim, (8) adult education,

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(9) upliftment of women, (10) education in health and hygiene and (11) propagation of national language, Hindustani. “The idea behind the Constructive Programme is to create the model of production even in the face of the opposition of those who try to preserve the status quo by means of political power. Its aim is to convert all men into toilers, and distribute the wealth of mankind equitably, if not equally....The idea behind Non-violent Non-cooperation is not to oust the present rulers anyhow from power, but to convert them by determined, yet civilized refusal to subscribe to prove wrongs. The aim of conversion is to secure their cooperation in helping their erstwhile victims in building up a new social and economic order based on justice, equality and freedom” (Bose 1972, 10).

3. 3 Gandhi understands Bread Labour to mean performance of body labour by everyone that would entitle them to daily bread. Symbolically it assumed the “form of Khaddar (handspun) economics with its tool and symbol the charka (spinning wheel) (Bondurant 1967, 156).
4. 4 Four injunctions were given during the strike: no violence, no molestation of blacklegs, no dependence upon alms, but self-support through other labour, and no surrender, however long the strike were laid down before the striking workers. He considers the workers and the capitalists as ‘fundamentally equal’ with the former striving for conversion of the latter as “destruction of capitalists must mean the destruction of the worker” (Young India March, 1931). The outcome of the strike was the formation of the Ahmedabad Textile Labour Association, which exists till date, actualizing Gandhi’s concept of the relationship between the employer and the employee. It is more than a trade union. It has its own library, hospital, school, recreation centre, bank and newspaper.
5. 5 Gandhi represents the spirit of the modern era when he voices his discomfort against inheritance tax. Tom Paine is the earliest to articulate his critique of hereditary power and extends his critique of

inherited political power to that of inherited economic power. In his two works, *The Rights of Man* (1791) and *Agrarian Justice* (1797) he argues for the adoption of inheritance tax in England to offset the unfair distribution of landed property. Reiterating Locke, Paine points out that it is common sense that God gave “the Earth as an inheritance” to all of God’s children. He proposes the creation of a national fund out of the inheritance tax to give (1) a sum of 15 pounds sterling to everyone on turning 21 years old as a compensation for the loss of their ‘natural inheritance’ and (2) a sum of 10 pounds a year to every person over the age of 50, an early version of social security.

6. The idea of Panchayat is consensus and shunning of adversary process; of allowing all those who should be heard and decisions reached not through show of hands but by judging the sense of moral fitness of the participants. Discussion continues till a satisfactory consensus could be arrived at; and in case of a standoff it becomes clear that no agreement is possible (Rudolph & Rudolph 1967, 187-88).

7.4 CONCLUSION

This elaboration of the implicit meaning of swaraj in the formulation of the three pillars of swaraj sums up the entire political philosophy and action of the Mahatma. Emphasizing the utmost necessity to have unity in a situation of larger plurality and also with the larger awareness of two India’s, one of the city and another of the village with abject poverty allows him to portray a more realistic depiction of the Indian reality, much better than attempted by the socialists and the Marxists. To give life and meaning to the concept of swaraj, Gandhi’s formulation of the constructive programme is of supreme importance. It portrays the essential reformative nature of his theorizing ensuring the minimum resources and environment essential for self-development of every single Indian and as a means of reaching the goal of swaraj.

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Note : a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

1) Explain Gandhi's concept of Swaraj.

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2) What does Gandhi mean by Swaraj as self-control?

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3) How does Gandhi equate Swaraj with self-rule?

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7.5 LET US SUM UP

Gandhi prefers to use Swaraj instead of the English word, independence or freedom. It assumes a different meaning in Gandhi rather than in the simple political sense that was used by his predecessors. Freedom or swaraj, for Gandhi, is an inclusive concept - political, economic, social and moral - emphasising on the utmost necessity of the human being to be as perfect as possible. Gandhi borrows the term 'swaraj' from the Vedas. One meaning of swaraj is self-rule and self-control and differs from the English usage, which implies freedom without restraints. Swaraj for Gandhi also means positive freedom, to participate in the process of politics in every possible way. It implies participatory

democracy as there exists an intimate relationship between the citizen and the state. Gandhi's concern for majority alleviation led him to advance the notion of Gram Swaraj with its focus on the village, at the centre of his social, political and economic philosophy.

Gandhi rejects the notion of unbridled individualism and stresses on the notion of the individual as a social self. Within this framework he analyses freedom as not being left alone or to abdicate moral obligation towards others who are equally entitled to freedom for themselves. A free person can choose to enter into any association with others but cannot simply cut off from others. This is true of nations also. Gandhi's equation of freedom with self-rule is to underline the intrinsic link between freedom and obligation to others and to oneself, without abandoning the voluntary basis of freedom. Self-rule means voluntary internalisation of one's obligations towards others and that a free person and a nation cannot be selfish and isolationist. He considers the individual to be the bedrock of swaraj. The individual, for Gandhi, is the bearer of moral authority and has therefore, the right and the duty to judge the state and its laws by the standards of dharma which in turn is based on satya and ahimsa. The individual can challenge and even disobey the state, as all states violate satya and ahimsa.

7.6 KEY WORDS

Swaraj: Swarāj can mean generally self-governance or "self-rule", and was used synonymously with "home-rule" by Maharishi Dayanand Saraswati and later on by Mohandas Gandhi, but the word usually refers to Gandhi's concept for Indian independence from foreign domination.

Self-Rule: the act of a country, a part of a country, or a nation choosing its own government and controlling its own activities.

7.7 QUESTIONS FOR REVIEW

- 1) Explain Gandhi's concept of Swaraj.
- 2) What does Gandhi mean by Swaraj as self-control?

- 3) How does Gandhi equate Swaraj with self-rule?
- 4) What are the economic bases of Swaraj?
- 5) According to Gandhi, true swaraj is both political and economic independence.
Explain.

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7.9 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

1. See Sub Section 7.3.1
2. See Section 7.2
3. See Section 7.3