UNIT 6 JUSTICE

Structure

6.1 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 moral-political values of liberty, equality and fraternity.

Rawls's book inaugurated what has been rightly called "a golden age in theorising about justice." Consequently, justice, 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 liberal-utilitarian, 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.

6.2 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 *suum cuique tribuere* (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.

6.2.1   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.

6.2.2   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 God-given, 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.

6.3   RAWLS'S LIBERAL-EGALITARIAN PRINCIPLES OF SOCIAL JUSTICE

6.3.1   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.

6.3.2 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 indefeasible 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 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.

6.3.3   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 liberal-democratic-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." 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.

6.3.4   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.

6. 4 SOME CRITICISMS OF THE RAWLSIAN CONCEPTION OF JUSTICE

6.4.1   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 end-stage 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.

6.4.2   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.

6.4.3   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.

6.5 SUMMARY

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 pathbreaking works in the domain of justice has been done by Jawn Rawls. It's 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.

6.6 EXERCISES

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. Ciriically examine the Marxist views on justice.

5. Write a note on the communitarian critique of the Rawlsian notion of justice.

UNIT 7 IDEA OF DUTY

Structure

7.1   INTRODUCTION

Rights discourse has been one of the most prominent features of contemporary political philosophy and political agendas. It argues that persons, mainly as individuals, are the bearers of a body of claims, liberties and powers which the rest of the society has to acknowledge and public life should be based on such acknowledgement and support. Such an exaltation of rights has led to a deep unease regarding duties and obligations that are called for the maintenance and reproduction of a just and sane social order or for fostering and promoting an ideal society. The criticisms regarding privileging of rights in the constitution of a good society has brought to the fore the role of duties, denoting a shift in perspective, which, while seeing duties as complementary to rights, also construes duties as marking a space of their own. Such an endeavour has led to spelling out the role of duties much more clearly in recent literature.

7.2   SIGNIFICANCE OF DUTY

It has been argued by several scholars that the rights discourse focuses much more and often exclusively, on individuals without drawing attention to cultures and communities which enable people to be claimants and bearers of such rights. This stream of thought stresses on duties and obligations to sustain culture and communities without which it would be impossible for people to make claims on and sustain a regime of rights.

Sometimes, denial of certain rights may make people rise in revolt against a system which is by and large fair. Discourse on duty has drawn attention to the need to preserve a system which is overall fair and one cannot rebel against such an order.

While rights discourse has seen itself as universally holding good, there have been currents of thought upholding the significance of reasonable, yet diverse, ways of life and ideals which qualify such a universal claim to different degrees. They have sought from their followers commitment and duties to uphold ways of life and ideals distinctive to themselves. Given the deep pluralism in which societies are being caught today, we cannot ignore such duty based evocations present in our public life.

Thinkers, like Mahatma Gandhi, have felt that the rights discourse has been fed into the service of an unending chain of satisfactions and gratifications and this discourse has not been sensitive to authentically human pursuits, i.e., pursuits characteristic of human beings qua human. It has led to wanton exploitation of earth's resources, breeding conflicts and violence closely bound up with such an endeavour. They have drawn attention to the need to foreground a conception of the human person and moral duties if we have to sustain civilised ways of life.

At the same time, we cannot ignore that fascist and authoritarian orders have stressed on the duty to contend against liberal stress on rights and the Marxist pursuit of a non-exploitative and just social order. By stressing on duty they have attempted to instal their interpretation on several cherished values and strivings, such as self-respect and culture.

Given such a deployment of the understanding of duty, it necessarily makes this idea a deeply contested one susceptible to different pulls and pressures. It is also deeply caught in the contexts of analysis and frameworks and deployed to subserve different ends and purposes. It is, therefore, important to understand concepts and values that foreground duty. The concept of duty has to be understood in relation to other values and strivings. This is particularly important for us in India as duty is often associated with *dharma* and the latter is related to duties associated with *varna* and caste orders. Foregrounding duty without being sensitive to its associations may lead us to endorse uncritically social grading and ranking and the deep inequalities and subordination they endorse.

7.3 MEANING

A duty generally prescribes what we ought to do and what we ought not do. It is a reason for action. Duty specifies the terms that are binding on individuals and groups in their social practices. It has been suggested that our conscious practices can be seen as motivated by right-based, duty-based or goal-based perspectives (Dworkin, 1978 and Weldron, 1984). While our practices might be governed by all these perspectives, one of them might be fundamental. A duty-based perspective appeals to duty and the reasons embedded therein to uphold and justify our practices. Duty-based propositions need not deny rights or satisfactions that the other two perspectives suggest, but they necessarily assert the priority of the former over the latter as in an argument of the kind below: "A citizen should vote and participate in shaping and forming public life. His civic and political rights must depend upon the extent to which he participates in public life. He cannot demand rewards and benefits from public life unless he has extended such support and participation".

7.4 DUTIES AND RIGHTS

Duties are closely associated with rights in liberal thought. The nature and degree of this association, however, has greatly differed. In pre-liberal societies where persons were caught in social roles, and people were not free to pursue their choices, duties ordered their lives.

Liberal transportation led to stress on rights and duties were seen as correlated to rights. If a person possessed rights, then others – be it individuals, groups or the state as the case may be, were invested with a determinate set of duties to protect and promote those rights. If I have a right to physical security, others have a duty not to violate or assault such security and if it was violated or assaulted, the state is duty bound to come to my protection. This correspondence between rights and duties which led to the effective collapsing of duties within rights has been challenged from within liberal thought as well as from outside its framework.

7.4.1   Distinct Spaces of Duties and Rights within Liberal Thought

Within the liberal tradition, broadly defined as invoking centrality of rights, we can identify five distinct positions with respect to the relation of duties and rights.

i)   Interest Theory

This theory was initially stated by Jeremy Bentham who saw rights not as natural or moral, but as products of law. He argued that the law by creating duties stipulates rights. He said, "It makes me liable to punishment in case of my doing any of those acts which would have the effects of disturbing you in the exercise of that right (Hart, 1978)." There is no right if there is no corresponding duty sanctioned by law. This understanding of the relation is sometimes called as 'sanction theory'. It makes possession of a right as another's legal duty and it becomes a legal duty only if it is liable for punishment. This way of constructing duties need not preclude social sanctions of a kind. Individuals as members of non-state organisations may be subject to rules and to the imposition of sanctions, if they break those rules. Being subject to sanctions means having duties and those who benefit from those duties can be said to have rights.

However, legal provisions on one hand and social disapproval on the other, may beget an impasse in the framework of interest theory unless there is a natural or moral grounding to this relation. But interest theory does not subscribe to the priority rights as natural or moral principles. A case in point is when the law states that its citizens have the right to preach and practice its religious beliefs and whenever it does so, it is restrained by threats and actual use of force by a well organised gang and society does not establish conditions where such practices are met with approval. In such a case we can scarcely say that the minority has a legal right to practice its religion. A duty which has to be constantly shored up by force and coercion has little reason in built into it why an action ought to be performed or to be avoided. Therefore, J.S. Mill was to say, "To have a right is to have something which society ought to defend one in the possession of. (Mill, 1910)" Even if we conceive duty as corresponding to rights, it cannot be borne on the back of force and sanctions.

ii) Choice Theory

The choice or will theory counter poses itself against the interest theory stipulating the relation between rights and duties. One of the important proponents of this theory is H.L.A. Hart. He suggested that a right is a form of choice. The essential feature of a right is that the person to whom the duty is owed is able to control the performance of that duty. The duty-right relation is a chain which binds one individual, the bearer of the duty, and whose other end is in the hands of another individual, the bearer of the right to use it according to his will. It could beget the following relations:

   (a) The right holder may waive or extinguish the duty or leave it in existence.

(b) After a breach or threatened breach of a duty, the right holder may leave the duty unforced or may reinforce it by suing for compensation.

(c) The right holder may waive or extinguish the obligation to pay compensation resulting from the breach of duty.

The choice theory invokes duties primarily with reference to rights. But the space of duty need not be marked by reference to rights only. Duty-acts need not always correlate to right-acts. Further several rights may not have corresponding duties.

iii) **Autonomy**

Autonomy is the capacity for reflection and to formulate and revise our preferences, desires, values and ideas. The philosopher Immanuel Kant advanced a theoretical formulation of this notion and put forward a specific conception of duty in relation to this capacity. He suggested that the behaviour of the non-human world is governed by nature. Non-human beings did not will to act, but acted subject to natural forces and instinct. To the extent human beings acted on the basis of their appetites and emotions, they too acted heteronomously, i.e. according to laws and dictates given externally and not by themselves. The characteristic mark of human beings is their reason, which enabled them to deliberate the way they should act and will to act accordingly. In following this reason, they acted autonomously; they acted in accordance with their duty. The morality prescribed by reason was a matter of 'practical necessity'. Moral agents understood this necessity and acted accordingly. Through his capacity for autonomy, an individual acted according to a law that he had prescribed for himself rather than on external dictates.

For Kant, human beings have a duty to cultivate this autonomy and to act towards others as beings possessing this capacity. The rights that people possess are expressions of this autonomy as well as means to nourish the same. Persons possess intrinsic value and should not be used as the instruments of others' purposes. He defends right on the grounds of duty which comes not from nature, but "is apriori, regardless of all empirical ends."

His famous formulation in this regard was "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end."

The Kantian notion of autonomy can be seen as cherishing a valued end and constructing a preference scheme of values based on it for duties to be pursued. Mainstream contemporary liberalism, however, does not propose any such valued ends and purposes and remains neutral to them. The ends and purposes are the products of choices rather than given. It is stated in a principle, interestingly, drawn from Kant himself: Right is before Good.

One of the recent scholars who upholds the valued end of autonomy on liberal grounds is Joseph Raz. According to him, not merely the abilities of autonomous conduct needs be considered, but also the desirability of the autonomous life they beget. Personal autonomy consists in appropriate mental abilities, availability of adequate range of options to choose from and freedom from coercion and manipulation. Personal autonomy makes people to control, to some degree, their own destiny expressed through successive decisions throughout their lives. But the good of autonomy lies not in these abilities and conditions as such, but in the autonomous life they promote. It does not lie merely in the act of choosing. Autonomy is valuable only if exercised in the pursuit of good. He thinks that there are multiplicity of good forms of life and it is choice

among those many good forms that makes autonomy both meaningful and valuable. Freedom understood both as the absence of coercion and manipulation and as the presence of worthwhile options has value because it promotes autonomous lives. Rights to freedom are justified to the extent they contribute to such an ideal.

Raz sketches the following relation between rights and duties:

(i) An individual X has a right if and only if X can have rights and other things being equal, an aspect of X's well-being is a sufficient reason for holding some other person to be under a duty.

(ii) Rights do not entail duties which merely correlate with or correspond to those rights. Rights are grounds of duties. Rights are the reasons for the duties to which they give rise. This does not mean that only rights give rise to duties. Duties might be invoked by other considerations as well.

(iii) One has a right not merely if one is an intended beneficiary, but only if one's interest is a sufficient reason for holding another to be under a duty.

In this consideration, the value of autonomy is qualified by rights and rights invoke a specific set of duties although there are types of duties other than invoked in terms of rights.

Raz insists upon the importance of the general structure and culture of a society for the possibility and viability of personal autonomy. According to him, an autonomous life can be lived only in the context of shared institutions, values and opportunities.

It requires such things as a culture of tolerance and a range of career options. He insists upon duties to cherish such a cultural ambience. Raz also argues that the state should be committed to promote the good of autonomous life and its constitution and laws and policies should seek to promote that good. In promoting such a good, the state may avow many individual rights, although many of the goods that the state promotes may be collective goods bound up with the performance of specific duties.

iv) **Justice**

John Rawls proposes a set of principles to inform a just society which, he argues, all reasonable people will concur. These principles establish a fair and equal basis for collective life expressed in terms of rights. These principles of justice lead to two sorts of principles: Principles for institutions which apply to the basic structure of society, and principles for individuals which set the duties and obligations of persons with respect to institutions and one another. Citizens are duty-bound to support just institutions as they themselves concur to them.

For Rawls, persons are bound to abide by social practices upholding a just society on the basis of natural duty or obligation. He, therefore, makes the distinction between duty and obligations. Persons may be bound by natural duty or obligation. Natural duties are those moral claims that apply to persons irrespective of their consent such as to help others in distress, not to be cruel etc. Such duties are not tied to particular institutions or social arrangements, but are owed to persons as persons. They are prior to social agreement or choice. Obligations, unlike duties, describe those moral ties we voluntarily incur whether by contract, promise or other expressions of consent. The latter by themselves are not enough to create obligations. They should be just too.

The liberal tradition on the relation between rights and duties remains profoundly complex. A great part of this complexity has to do with the kind of values prioritised under different tradition of liberalism. Those perspectives which give priority to rights tend to make duties supportive to rights. Those traditions which insist on certain perfectionist values that a society should promote tend to be more emphatic on duties.

This emphasis on duties becomes significant when we move out of liberal tradition and begin to focus on other traditions of thought. Three of them will be considered here on account of their emphasis on duty.

7.4.2   Duties and Rights in the Conservative Perspective

Conservatives stress on duties and the grounds they adduce for the same vary markedly. Their mainstream arguments, however, are clear. Social institutions and mores are formed through the efforts of several preceding generations. The thoughts and efforts of generations have gone into the making of these institutions and mores. Such endeavours have often resulted in separating the chaff from the grain retaining only those elements which can be retained. Weight of generations lie behind efforts which have furthered certain institutions and led to the decay of others.

It is important that every generation be inserted into the culture, mores and institutions of society rather than every individual think that he has the right to choose culture, mores and institutions of his choice. Traditions and legacies assign to people definite tasks and responsibilities to be fulfilled. By performing such tasks and responsibilities, one furthers the purposes of institutions enabling new generations to be inserted into the collective life of societies. It is by performing such duties that everyone comes to fulfil himself or herself. Such a fulfilment contributes to further the purposes of society and reinforce its mores and institutions. On the other hand, insistence on rights undermines age-old and cherished institutions and hallowed ways of life. It breeds deep insecurity and uncertainty in life prompting and promoting widespread dissatisfactions.

Conservatives argue that the arrogance of the rights-bearing individual suggests that he has access to all the knowledge that has gone into the making of social life and that he has access to absolutely certain knowledge to change and transform such social life. They believe that both these claims are unfounded and hold the prospects of a far worse kind of life than the one embodied in the ways of life they strove to alter.

Conservative perspectives often urge members of society to look at its institutions and ways of life with awe and respect rather than through critical scrutiny. The performance of one's duty acquires greater purposefulness and satisfaction, if such a perspective is internalised by the concerned social agent.

Conservatives link duty with a set of values such as trust, loyalty, dedication, cooperation, obedience and satisfaction with one's station in life. They stress the limitedness of human understanding and the reach of human reason and scrutiny. Maintenance of the existing social order and its preservation often remains their battle cry. They may not be against certain reforms, but such reforms need to be firmly based upon existing order and its continuation.

Conservatives, by focussing on centrality of duty, have decried the stress on rights in liberal and radical thought-currents.

7.4.3   Duties and Rights in the Communitarian Perspective

While the idea of autonomy is deeply influenced by Kant, communitarians are influenced by certain ideas underscored by Aristotle and Hegel. Communitarians argue that right-based theories ignored the fact that our capacity to conceive and exercise rights and pursue autonomy can only develop in society, in and through relations and interactions with others. They argue that prioritisation of rights neglects the social conditions that enable us to exercise choices. They accuse those who accord priority to rights as subscribing to atomism, wherein individuals are seen as self-sufficient agents outside the society.

The communitarians, therefore, reject the notion of primacy of rights, i.e., the moral stand that individual rights have primacy over duties, virtue or collective good. They stress on duties and duty to sustain institutions which can promote virtue and collective good.

Communitarians reject the notion of neutral political concern, central to right-based perspectives wherein the state remains neutral to different conceptions of good life that may prevail in a society whether such conceptions are held by the majority or by a minority. Communitarians feel that neutral political concern vetoes collective pursuit of aims shared by the majority. They argue that the promotion of a society sharing common values must be prior to the rights of individuals within that society. Promotion of culture and shared values necessarily insists upon duties to be performed rather than rights to be enjoyed. Scholars like Charles Taylor have argued that given our dependence on the culture of freedom for our individual liberty, we must have 'not only negative duties of non-interference', but also 'positive duties to sustain such a culture'.

Such a culture of freedom requires public support which can come forth only from public institutions, which are stable and effective. This requires that such institutions enjoy legitimacy in the eyes of its citizens. Such legitimacy can come forth only if society is organised around shared concerns.

Communitarians argue that even if rights are upheld, they will not enjoy respect if people are not bound together by shared conceptions and ways of life sustained by duty. It is through duties that we not merely reach out to others, but also sustain an appropriate milieu for the exercise of rights.

There are different types of communitarians. All of them do not necessarily reject the significance of rights. However, they all argue that duties are significant not merely in relation to rights, but in protecting and promoting common good.

7.4.4   Duties and Rights in the Gandian Perspective

M.K. Gandhi is well known for his stress on duties and his identification of dharma as the path of duty. He also upheld the values of 'swaraj', i.e. self-rule. Such a fusion of dharma and swaraj, or duty and freedom, is a characteristic mark of Gandhian thought.

Gandhi argues that all men and women are equal. The doctrine of ***advaita*** upholds it. "If I am That and besides That there is none else", being characteristic of advaita, every being has to be regarded as supreme. The same principle dwells in each and every one of us. By realising this principle in us, we will be able to wholly determine our lives. This belief in equality, he says has led him to fight "against the Brahmins themselves whenever they have claimed any superiority to themselves either by reason of birth or by reason of their subsequently acquired knowledge." (Iyer, 1979)

Swaraj for Gandhi is a pursuit within the reach of everyone. It involves the duty of self-discipline and a transformation on that basis. It is the rule of the mind over passions. Self-rule enables one to pursue *Artha* and *Kama* within the bounds of *dharma*.

The notion of self-rule for Gandhi implied the voluntary internalisation of our obligation to others which will be obstructed by our placing ourselves at the mercy of our selfish desires. Our civil duties flow from such self-cultivation. For Gandhi, real rights were the results of the performance of duty.

At the same time, Gandhi opposed domination. He held that freedom is necessary for moral growth. He said, "no society can possibly be built on the denial of individual freedom; it is contrary to the very nature of men."

For Gandhi, equality is one of the greatest good to be cherished. Other goods like dignity and integrity were closely interwoven with it. Gandhi rejected considerations such as gender, birth, class, caste, education and nationality as justifying unequal treatment.

At the same time, Gandhi upheld the path of *dharma* and he considered the *Varnashrama* dharma as the appropriate path of duty. But unlike the prevailing belief, he argued that the *varna* system upholds, "absolute equality; although the way it is presently expressed it is a monstrous parody of the original." For him *varna* is not the ranking of status based on inherited division of labour, nor is it the division of labour in accordance with innate abilities. For him, "*Varna* is nothing more than an indication of a duty that has been handed down to each one of us by our forefathers." He argued that the law of *varna* meant that everyone followed as a matter of *dharma*, duty, the hereditary callings of his forefathers in so far as it was not inconsistent with fundamental ethics. The authentic culture for man was to free himself to spiritual pursuits. *Varna* helped one to conserve one's energy by making him expand little in the cultivation and pursuit of his occupation of his livelihood as it is passed on from generation to generation, thereby freeing men for higher pursuits.

He argued that *varna* set human-beings free for extending the field of spiritual research and spiritual evolution. It also curbed material ambitions.

Gandhi argued that *varna* is binding as far as the mode of acquiring one's livelihood is concerned. It does not prevent any one from acquiring knowledge and skills one might wish to pursue. Therefore, he said, "A *Sudhra* has as much right to knowledge as a Brahman, but he falls from his estate if he tries to earn his livelihood through teaching."

Gandhi related the concept of *Swaraj* and *dharma* to his other concepts such as non-attachment and non-violence. One sets oneself free towards self-realisation and self-rule through non-attachment to material possessions and belongings and by being free from the entanglements of desires and passions. Non-violence rests upon extending the principle of respect and equality towards others. The autonomy that Gandhi envisaged was not on the basis of the availability of abundant material resources, but on the basis of conscious control, regulation and denial of such resources. The latter set people free to make truly authentic choices while entanglement in material possessions vitiates such choices.

7.5 TYPES OF DUTIES

Often a distinction is made between negative duties and positive duties. While the former requires other people to merely refrain from acting in certain ways, to do nothing that violates

the related rights, the second requires that people act positively to do something. The first calls for refraining from action or non-interference, while the latter calls for action or intervention. However, such a distinction is far too naïve. Often the so-called negative duties call for extensive positive action. For instance the right to security does not merely call for abstinence from injury or assault, but involves contributions in terms of taxes and public supports to maintain an extensive system of public security. Sometimes, the so-called positive duties might be embroiled in a complex set of abstentions and interventions. Subsistence rights, for instance, involve the duty to support the deprived as well as extending the enabling support to the deprived to be self-supporting on the basis of their own work. The latter may call forth a series of interventions and non-interventions.

We have to distinguish between the duty not to violate a right and the duty to prevent violation of rights. For instance, duty not to assault others is not the same as the duty to prevent a third person from assaulting someone when one could protect the victim from such an attack. The first is of greater import than the second.

There is no one to one pairing between kinds of duties and kinds of rights. The fulfilment of rights may call for multiple kinds of duties. For every basic right, three types of duties are suggested:

i)   Duties to avoid depriving

ii)   Duties to protect from deprivation

iii) Duties to aid the deprived.

For example, with regard to personal security everyone has the duty:

i)   Not to endanger a person's security

ii)   To protect people against deprivation of their security by other people

iii) To provide for the security of those unable to provide for their own.

It is impossible for any right to be fully guaranteed unless all three types of duties are fulfilled, although different types of duties have differential binding force. Duties to avoid depriving demand that one refrains from making an unnecessary gain for oneself by means detrimental to the claims of others. Such duties bind us not to undertake a course of action that deprives others of a means which, without such action, would have provided a satisfaction. Further, such an action was not called for to meet one's basic rights as the only realistic option in the context.

The duty to protect arises when the duty to avoid is not fulfilled. It is a secondary duty enforcing the primary duty of avoiding deprivation to others. It calls upon, sometimes individuals and at other times groups or institutions, to enforce this duty. In many societies, the governments acting on behalf of common interest enforce such duty.

There are three sub-categories of duties to aid which beget transfer of resources to those who cannot provide for their own survival:

i)   There are duties to aid attached to certain roles or relationships. Such duties are the concern of only those who are in a particular relationship and are directed towards specific persons.

Duties of parents towards their young children and duties of grown up children towards their aged parents come under this category.

ii) Suppose some people have acted in such a way as to eliminate the last available means of subsistence and the responsible government has failed to protect the victims, the duty to aid the latter falls on those responsible for the deprivation. In such cases, there is failure to perform duties and the victims were harmed by both actions and omission of actions by other people.

iii) A third kind of deprivation is not on account of failure in duty but is, in a sense, natural such as in situations of hurricane or earthquake. The victims in this instance are helpless in the face of truly great obstacles to their existence. They are, however, able to maintain themselves if they are provided with protection and if they are left alone, they will die due to lack of the means of subsistence.

One of the major expressions of duty to aid is the duty to design social institutions that do not exceed the capacity of individuals and groups. If duties to avoid and to protect are fulfilled, duties to assist may not be urgently called for, but in the event of failure to avoid deprivation and to extend protection, duty to aid could assume a great deal of importance.

The above explanation goes to suggest that the scope of duty is significantly different from that of right, although one cannot speak of duties without eventually relating them to rights.

As the scope of duty gets markedly varied as we move beyond their immediate correspondence to rights, there are rights which are not immediately tied up with duties:

There are four kinds of rights that are generally spoken of:

I. **Claim Rights:** They are the demands that one party has upon another. In such instances, while 'A' has a right, 'B' has a reciprocal duty. Those who argue for the mutualities of rights and duties often restrict rights to claim rights. For example, workers have claim rights on their wages; their employers have a duty to pay them wages mutually agreed upon.

II. **Liberty Rights:** Often they are simply called as liberties. They do not immediately suggest duties, for e.g., my right to wear a dress does not invoke a corresponding duty from others in an immediate sense.

III. **Powers:** Laws and customs invest certain distinct capacities on people which might be possessed by all, such as the right to vote, or confined to a select few, such as the power to adjudicate invested in the judges. Such powers do not necessarily have corresponding duties.

IV. **Immunities:** Immunities are counter-posed to powers and, therefore, are protections against the reach of powers. For instance, the power of conscription may be vested in some authorities in a state, but immunity provides safety valves against such powers. Again, they are not correlated with a set of duties.

Liberties, powers and immunities do not have correlated duties marking an enlarged space for rights.

7.6 SUMMARY

Although rights and duties are often correlated, different theories and perspectives may apportion

different weights to rights and duties. Duties are prioritised in perspectives which valorise substantive conception of what is good and what is bad. Within liberal tradition itself, there might be distinct perspectives on rights and duties. While dictatorships, authoritarian regimes and fascist leaders have underscored duties and decried rights, there are other perspectives which have argued that rights can be honoured only if an ambience for the same is sustained through duties. Mahatma Gandhi prioritised duties and argued that only those have claims on rights who have performed their duties. Even if there is a correlation between duties and rights, they cannot be paired with each other one to one. Although rights and duties often invoke each other, their ambits markedly vary. There are rights which have no immediate correlated duties. There are duties which, as they distance themselves from their immediate correlation with rights, lead to sustenance of common good.

7.7 EXERCISES

1. Highlight the reasons for the growth in concerns associated with duty.

2. Formulate an argument or present a narrative that reflects a duty based perspective.

3. Distinguish between understanding of duty in interest and choice theory.

4. Give two reasons why Conservatives stress on duties over rights.

5. Relate the notion of Swaraj to the notion of Dharma.

6. Outline different types of duties and suggest their implications.

UNIT 8 CITIZENSHIP

Structure

8.1 INTRODUCTION

A distinctive relation that people share in common among relative equals in public life and the rights and privileges it confers and the duties and obligations that arise therefrom, has been noted and given expression to in several societies in the past. Citizenship denotes membership of a political community expressing such a relation. Such a relation often deeply marks other social relations in general and public life in particular. Some societies such as the Greeks, the Romans and the city-states of Medieval Europe gave definitive legal and political expression to this relation. With the rise of modern liberal states citizenship which was confined to a small fraction of the permanent residents of a polity came to be demanded and progressively extended to larger and larger segments of the population within such states. The demand for equality came to be mainly expressed as equal citizenship. Further citizenship became the normative tool for socio-political inclusion of groups struggling against prevalent forms of inequality, discrimination and exclusion.

Today, everyone is the citizen of one or another state and even where citizenship is in dispute, several international and domestic provisions ensure a modicum of basic rights and obligations. While citizenship entitlement has become universal, there are unresolved contestations regarding the criteria that should inform inclusion and exclusion of claimants to citizenship; the rights and resources that should accompany it and duties and obligations expected of the citizen; the relation of the citizen to the state on one hand and to the community on the other; the relationship of citizenship to other cherished values such as freedom and equality and the civic and civilisational values and practices that should inform citizenship. Further, an activated citizenship is seen by many as offering solution to several ailments of the polity in our times. Given these complex

demands, pulls and pressures the understanding of this notion remains deeply contested in the prevailing literature on the subject.

8.2 SIGNIFICANCE

The growing significance of citizenship has not put to rest the theoretical ambiguity associated with this notion. The importance of the concept of citizenship to engage with a series of political processes and values and therefore, as a major normative and explanatory variable has undergone significant changes over time. T.H. Marshal employed it initially to explain the striving for legal, political and social rights among the excluded social groups with particular reference to the working class. He traced the development of citizen rights and connected this development to the situation of the bourgeois on one hand, and the working classes on the other. Citizenship concerns, however, are much larger and ethnic groups and minorities of all sorts have resorted to it as a sheet-anchor. Bryan Turner explores the link between social movements and conflicts and citizenship identity. There are some writers who argue that citizenship rights in their origin are closely linked to elite structures. Antony Giddens and Ramesh Misra draw our attention to the deep ambiguity surrounding citizenship rights. Janoski regrets the missing link between citizenship rights and obligations and the absence of micro studies relating the two. In recent years, there have been major attempts to link citizenship with group identity and to defend a group differentiated conception of citizenship against a conception of citizenship based on individual rights. Sociologically, there are few studies to demonstrate how marginalised people are brought within the vortex of citizenship rights and how nations integrate strangers from other countries and cultures. Further, we know little about the causes that drive people towards the ideals of citizenship. There are wide differences in this regard from Marshall's attribution of the same to *class* to Maslow's *hierarchy of needs*. Further ideological predilections deeply qualify understanding and significance of citizenship. These are just a few highlights and concerns of the growing literature on citizenship in our times.

There was no significant discussion on citizenship in social science literature in the recent past. However, in the last decade and a half, citizenship has suddenly emerged as a central theme in social science literature, both as a normative consideration and social phenomenon.

Certain recent trends in the world and in India have increasingly suggested citizenship as a nodal concern. Increasing voter apathy and long-term welfare dependency in the Western World; the nationalist and mass movements which brought down bureaucratic socialist regions in Eastern Europe and the Soviet Union; the backlash against welfare regimes in the West and centralized, often, one-party regimes in the Third World and the demographic shift in the Western World towards multicultural and multiracial social composition have increasingly drawn attention to the significance of citizenship. While the decline of authoritarian regimes which curbed citizen-agency greatly highlighted the importance of the latter, governmental attack on welfare state brought to the fore threats to social rights so central to the inclusionary practices of citizenship. Critics of the welfare, socialist and authoritarian regimes have brought to the fore the importance of the non-state arena constituted of citizenship-agency. Philosophically the decline of positivism, which provided little scope for the free-play of citizenship-agency, has greatly heightened the significance of the choices that citizens make discretely and collectively. In India, an active citizenship is suggested as the need of the hour for the prevalent authoritarianism, lack of accountability of public offices, widespread corruption, intolerance of dissent, violation of fundamental rights, lack of citizens' grievance ventilation and redressal, lack of public spiritedness and work culture, transparency in administration and intolerance towards other citizens.

Overall, there is greater appreciation today of the qualities and attitudes of citizens for the health and stability of modern democracy. Their sense of identity and their relationship to regional, ethnic, religious and national identities is very important to ensure political stability in complex and plural democracies. Certain qualities like the ability to tolerate and work together with others who are different are important ingredients of successful democracy. Galston suggests that together with these qualities, the desire of the citizens to participate in the political process in order to promote the public good and hold political authorities accountable; their willingness to show self restraint and exercise personal responsibility in their economic demands and in personal choices which affect their health and their environment and their sense of justice and commitment to a fair distribution of resources are called for in any healthy democracy. He says that in their absence "the ability of liberal societies to function successfully progressively diminishes".

Today, there is a greater consensus than ever before that mere institutional and procedural devices such as separation of powers, a bicameral legislature and federalism will not ensure the health and probity of a polity. Civic virtue and public spiritedness which are integral to citizenship are required for the purpose.

8.3 NATURE OF CITIZENSHIP

Definitions of citizenship are galore. It has also been approached from different perspectives. Tentatively, we can consider citizenship as membership of a political community with certain rights and obligations broadly acknowledged and shared in common. The membership that citizens enjoy is both passive and active. Considered passively, citizens are entitled to certain rights and obligations without their conscious involvement in shaping them. But citizenship also involves active engagement in the civic and political life of communities and this is reflected in the rights and obligations related to it.

While increasingly certain rights are conceded to all human beings in normal times by states, citizens have certain specific rights which non-citizens do not possess. Most states do not grant the right to vote and to stand for public office to aliens. The same can be said about obligations too. What we regard as rights of citizens today were initially a preserve of the elite. However, eventually the great democratising processes led the large masses of residents – the marginalised, the ethnic groups, minorities, women and the disabled persons to the benefits and burdens of citizenship.

Just the fact that one is a citizen gives access to many rights which aliens do not enjoy. Aliens become naturalised as citizens with attendant rights and obligations. Passive membership often is associated with limited legal rights and extensive social rights expressing redistributive arrangements. The state plays a major role in devising and sustaining them. Active membership highlights citizen-agency and is closely linked with democracy and citizen participation. Most political communities of which citizens are members today are nation-states. Therefore, when we talk about membership of political communities, we primarily refer to membership of nation states.

Citizenship rights are universal in the sense that they pertain to all citizens and in all relevant respects. They are sought to be implemented accordingly. Universality of rights need not preclude enjoyment of group-related rights and to the extent that citizens belong to relevant groups, they are increasingly conceded such rights. Minorities and disadvantaged groups in many societies do enjoy certain special rights. However, often equal rights of citizens are seen as running into conflict with group-rights and cultural belonging of subgroups.

Citizenship invokes a specific equality. It may admit a wide range of quantitative or economic inequalities and cultural differences, but does not admit qualitative inequality wherein one man or woman is marked off from another with respect to their basic claims and obligations. If they are marked off for special consideration, it is on account of the disadvantages they suffer relative to others or due to their distinct collective identity. Citizenship invites persons to a share in the social heritage, which in turn means a claim to be accepted as full members of the society in which they have a claim. Therefore, it provides for equal access to and participation in the public fora and institutions which arbitrate on social heritage. Citizenship is supposed to be insulated from class and status considerations. However, to the extent that citizens have equal access and participation in public life, they collectively decide to a great extent the framework and criteria that determines public life. Therefore, undoubtedly it has a levelling impact. In this context, one of the most important questions that comes to the fore is whether basic equality can be created and preserved without invading the freedom of the competitive market. However, in spite of the role of the market there has been an undeniable sociological tendency wherein citizenship in recent years has been inevitably striving towards social equality and it has been a significant social tendency for over 300 years now.

There is a profound subjective dimension to citizenship. It involves a conscious agency, reflective and deliberative, qualifying his or her pursuits with public interests. It is a way of life growing within a person and not something given from outside. Legal perspectives on citizenship, therefore, have their necessary limitations.

Citizenship involves duties as well as rights. Over the years, an array of rights have been associated with it. The same cannot be said about the duties associated with citizenship. It has had long term consequences in terms of increasing the role of the state and shrinking citizen-initiative.

Citizenship can be divided into three dimensions:

(i) Civil

(ii) Political and

(iii) Social

i) The civil dimension is composed of the rights necessary for individual freedom such as liberty of the person, freedom of speech, thought and faith, the right to own personal property and to conclude valid contracts and the right to strive for a just order. The last are the rights to defend and assert all one's claims in terms of equality with others under rule of law. Courts of justice are primarily associated with civil rights. In the economic field, the basic civil right is the right to work i.e., the right to follow the occupation of one's choice and in the place of one's choice subject to limits posed by other rights.

ii) The political dimension consists of the rights to participate in the exercise of political power as a member of the body that embodies political authority; to vote; to seek and support political leadership; to marshal support to political authority upholding justice and equality and to struggle against an unfair political authority.

iii) The social dimension consists of a whole range of claims involving a degree of economic welfare and security; the right to share in full the social heritage and to live the life due to one as per the standards prevailing in one's society. The social dimension also involves the right to culture which entitles one to pursue a way of life distinctive to oneself.

In feudal society that prevailed in large parts of the world prior to the onset of modernity, status was the mark of class and was embedded in inequality. There were no uniform standards of rights and duties with which men and women were endowed by virtue of their membership of society. Equality of citizens did not qualify inequality of classes. The caste system in India too ranked castes unequally in terms of rights and obligations, although the nature of inequality prevalent here differed in significant respects from that of the feudal society. These ineqalitarian orders were progressively displaced by a system based on the civil rights of the individual, not on the basis of local custom, but the common law of the land. The evolution of different institutions representing and embodying different dimensions of rights was uneven. In Europe, the trajectory of the evolution of these rights can be marked as civil rights in the eighteenth century, political rights in the 19th century and social rights in the 20th century. However, in the colonies, particularly in India, we find the national movement and the independent regime that followed it invoked all these threefold dimensions together.

8.4 LIBERAL DEMOCRACY, CITIZENSHIP AND CIVIC CULTURE

In liberal democracy, public authority is exercised in the name of free and equal citizens. The free and equal citizens who are ruled are ruled in their own name, or in other words, they rule themselves. At the same time, the state is expected to play some role in the making of free and equal citizens in whose name it rules. Public education and other fora of culture supported by the state help form and sustain such an identity.

The mode of education and other cultural institutions of liberal democratic society define its citizens as free and equal individuals who are incidentally members of particular ethnic, class and religious communities. Ethnic class and religious relations often beget hierarchical relations. Liberal democracy suggests that the hierarchies generated by such communities are irrelevant to the state in its treatment of citizens. Marxists and in recent years, the communitarians have found that such an understanding of citizenship is idealistic and narrow and does not take seriously the embedded nature of citizens.

However, public education in a liberal democracy till recently had the effect of relativising the hierarchies and ranking systems generated by particularistic cultural communities. It suggested that the identities of citizens should not be wholly or exclusively governed by the principles and values underlying those hierarchies. Civic education which was integral to the building up of citizenship attempted to inculcate certain normative standards such as the ideal attitudes, dispositions and values proper to citizens. Such a civic culture was seen as supportive of citizenship. However, it has to be noted that public education, in turn, created hierarchies distinctive of its own where institutions and disciplines came to be ranked according to the valorisation they enjoyed in the market. Therefore, the civic culture that liberal democracy threw up was profoundly ambivalent.

Civic culture as a specific form of culture pertaining to public life proposes world-views, ways of life, ideas of nature and standards of excellence that shape human behaviour and self-understanding. It is created, transformed and reproduced by processes of persuasion. The norms proper to civic life are expected to be internalised by citizens in their interface with civic culture. However, while offering a normative order, ranking and directing citizen activity, a civic culture permits significant spaces for contestation and to propose alternative ways of life. It may, therefore, beget a widely plural understanding of citizenship. Therefore, civic culture itself needs to be wetted by the rule of law.

However, civic culture has with it certain resources by which the pluralism that it begets remains, normally, within certain limits. Civic culture lays down a civic moral ideal before its members based on the stand point of free and equal individuality. Further, given the fact that the self-understanding of members of a society are shaped by the moral standards of the particularistic cultural communities to which they belong, civic culture has a strong 'contravailing edge'. The impact of the former begins to tell strongly from birth itself, through the rituals and practices of the community while civic educational processes have their impact relatively late.

8.5 MARXISM AND CITIZENSHIP

The Marxist tradition has not engaged with the citizenship issue consistently but to the extent it does there is a deep ambivalence about it. Marxism feels that the ideology of the capitalist state, by and large, recasts social relations as relations between citizens, putting a gloss on them as class relations. At the same time the human agency that citizenship furthers is appreciated as it sharpens the contradictions within capitalism itself. Marxism has not adequately reflected on how an older notion such as citizenship has been deployed under capitalism and made to play a role which is central in capitalist ideology. Such a perspective, therefore, makes certain notions closely bound with citizenship such as rights, justice and freedom ambivalent.

For Marxism the basic social relations in all class divided societies are class relations. It is the relation between the peasantry and landlords under feudalism and between the working class and the bourgeoisie that decisively shape the social relations under feudalism and capitalism respectively. If class relations project themselves as basic, then social relations would be mired in class-struggle endangering social unity that is worth relying on, and bringing to the fore, the coercive character of the state to the full to hold classes and class-struggle at bay.

The ideology of the state plays a major role in containing class-struggle and in reconstituting social relations on a basis other than class relations. Under capitalism, Marxists argue, social relations are formulated by this ideology as relations between citizens. The citizens are declared as free and equal and sometimes, as rooted in a cultural ethos and civilisational bond. The freedom and equality of citizens has its counterpart in the exchange relations of the market where from a one-sided view, equals gets exchanged for equals and the agents of such a system of exchange are free to exchange the products they have. However, such an ideology formulated by the state can be seen as superficial and partial when understanding and analysis is not confined to the surface. In such an exercise, social relations are marked as class-relations that are caught in an irreversible struggle between basic classes.

For Marxists, however, state ideology has a real basis in all societies including capitalism, although that real basis lies in an exclusive and one sided projection of social reality. It is not mere chimera. Social agents irrespective of the classes they belong to come to locate their role and place in society in and through this ideology. In capitalist society, the force of this ideology remains persuasive and pervasive due to the massive institutional and ideological complexes of the state through which it is disseminated such as public education, the media, civic associations, political parties, trade unions, legal and juridical organisations and sometimes, religious organisations as well. The French philosopher, Louis Althusser, called them the ideological apparatuses of the state. The consciousness of social agents, routinely and prominently, under conditions of this ideology remains consciousness of citizens, unless and as long as it is not challenged by the contradictions of capitalism and class struggle to overcome them.

Marxism, therefore, calls for a double critique of the notion of free and equal citizenship avowed

by liberal democracy without denying the worth of the notion itself. First, it expresses only the superficial face of the market related freedoms of the bourgeois society and hides the profound contradictions in which social relations under capitalism are caught. An entire array of public institutions rest on this notion and in their turn reinforce it. Secondly, rights and duties associated with citizenship are important and necessary to lay bare the contradictions of capitalist relations and mount struggles to overcome them. Social classes cannot organise themselves, if the basic freedoms associated with citizenship are denied to social agents.

8.6 PERSONS AND CITIZENS

Philosophically, human beings are conferred attributes and prerogatives that mark them off from other beings, but communities and states have given them little positive consideration unless they are insiders or they are brought within the larger civilisational matrix of which states and communities are parts. In modern times, however, there have been certain attempts to confer a set of rights on all human beings qua human beings. The universal declaration of rights is an apt example of the same. Citizens, however, have always been endowed with special rights be it with the Greeks, the Romans or members of city-states. In modern times, however, large social movements have striven towards an inclusionary understanding of citizenship. These movements have also striven to bring about a social order where everyone enjoys equal rights. According to Turner, citizenship rights are "the outcome of social movements that either aim to expand or defend the definition of social membership." These movements, he feels, have been able to expand and universalise citizenship rights for an ever widening number of persons. At the same time, citizenship is an act of closure about a group of people it calls citizens. Consequently, states are very particular about whom they call citizens.

Hoffman and Janoski suggest that (i) there are four categories of citizens who have been either excluded from citizenship or had to put up a relentless struggle to be accepted as citizens:

i) **Stigmatised Humans:** They are supposed to be those who suffer from a social defilement or infirmity. They include the class based poor, gender disqualified women, racial or ethnic groups who are attributed low status, gender despised homosexual groups etc. They are also the most common category of candidates for citizenship. These groups are seen as unable to perform the duties and accept the rights of citizenship due to their narrow interests which are unlikely to benefit the community. They are often charged by their social superiors as selling their votes, being in the control of their husbands or caretakers and not having enough education or mental capacity to make a decision. Cultural and value dissensions have sometimes brought religious minorities and gay groups too within this category. These groups had to put up relentless struggles for equal citizenship and the battles are still on.

ii) **Impaired Humans:** They may hail from established citizen groups but their competence to fulfil rights and obligations may be questioned due to physical or mental disabilities that preclude action or good judgement and make them dependent upon others. The inclusion movement in many countries, however, has brought about significant changes in the condition of the mentally and physically challenged.

iii) **Potential Humans:** They include the foetus in the womb, accident victims in a permanent coma, unconscious patients or aged citizens who have lost all thought and activity processes other than involuntary life sustenance. They, of course, have their rights but we can speak little of their obligations.

iv) **Human-like Non-Humans or Quasi Humans:** Nations, ethnic and even religious groups could be included in this category. They are endowed with certain group rights which we will discuss shortly. There are a second type of social actors who fall in this category such as corporations and offices whose claim for being treated as corporist units are significantly different from nations, ethnic groups and religious communities. Corporate rights lead to systematic class and size bias and place them in contention with the notion of free and equal citizenship.

8.7 GROUP-DIFFERENTIATED CITIZENSHIP

Till recently, for many liberals citizenship is by definition a matter of treating people as individuals with equal rights under the law. This they felt distinguished democratic citizenship from feudal and other pre-modern views that determined peoples' political status by their religious, ethnic or class membership. However, it is increasingly admitted today that mere avowal of equal rights may not ensure equal access and opportunities to certain groups who are culturally different. In fact, equal rights without certain safeguards to cultural minorities may tend to reinforce majoritarian domination over minorities. Group differentiated citizenship qualifies citizenship by *cultural belonging*. It sees citizenship as constituted of both equal rights and differences. A society avowing group differentiated citizenship appreciates the cultural differences in which equal and free citizens are anchored.

While understanding of cultures are widely varied, Will Kymlicka has suggested that the pertinent notion of culture in terms of group-differentiated rights is societal culture; that is, "a culture which provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres". It is not merely shared memories or values, but also common institutions and values. Societal culture, according to him, is expressed in everyday vocabulary of social life and embodied in practices covering most areas of human activity such as in schools, media, economy, government etc. He argues that culture has the capacity to survive in modern times only by becoming a societal culture. Citizenship is deeply bound with such societal culture, and citizens through their activity shape and reshape this culture. Societal cultures play a major role in enabling and promoting contexts of freedoms. Kymlicka has suggested that "freedom involves making choices amongst various options and our societal culture not only provides these options, but also makes them meaningful to us". It is with reference to culture that the value of practices comes to be underscored. It is in the background of cultural narratives that certain authoritative lines of appropriate conduct is marked for us, conduct which, of course, can be subsequently revised by the exercise of our freedoms. This requires according to the famous philosopher of law, Ronald Dworkin, protection of our culture from "structural debasement or decay". The availability of meaningful options to people largely depends upon access to societal culture.

Cultures are modes of life which are much more enduring. While there are instances of people making a successful transition from one culture to another, this is not a reasonable option for a vast number of people. Of course, cultures are not sterile waters. They do undergo significant changes over time, but across these changes they remain the self-same cultures. With liberalisation and globalisation, there has been a greater interface between cultures, but it cannot be said that the coming together of cultures have made people less aware of their own. If anything, it has been just the contrary.

Margalit and Raz have advanced two major reasons for the endurance of cultures. The first,

cultural membership provides meaningful options. According to them, familiarity with a culture determines the boundaries of the imaginable and if a culture decays, the options and opportunities open to its members will shrink, become less attractive and their pursuit less likely to be successful. The second reason is that self-identity and recognition by others at a fundamental level depend on "criteria of belonging" and not as much on personal 'accomplishment'. Social identification and belonging that arises from it is important to people. Dignity and self-respect are deeply bound up with it.

Cultural membership too makes one's accomplishments not as isolated instances, but bonded with and reproducing an entire tradition. When institutions are leavened by culture, the participation of people in them becomes spontaneous and lively too. It begets relationships of solidarity and trust.

However, people employing their freedoms do revise their attachments and belonging and for a vast majority of people, the matrix of such a zone of belonging and exercise of their freedoms remains the nation-state informed by societal culture.

A societal culture is not uniform. It is constituted of diverse streams and autonomous cultures. Often people access societal cultures through such streams and autonomous cultures. The distinct identities embedded in these streams are shaped by such a culture as they in turn shape it as a whole.

Two types of relationships are suggested between citizenship and its cultural embeddment.

i)   Citizenship as an attribute independent of cultural identity.

ii)   Citizenship as a group-differentiated identity.

8.7.1   Citizenship As An Attribute Independent of Cultural Identity

Cultural identities constituted as communities uphold moral ideals that are supposed to hold good to all its members. Often they propose a comprehensive way of life which is supposed to be the embodiment of what good life should be for one and all. It revolves around certain definitive conceptions of what is important and what is not important in life with regard to such fundamental issues such as sex, friendship, work, suffering, sin, death and salvation. It provides definitive order and meaning to such issues. It ranks human qualities and orders aspirations in terms of a hierarchy of ends.

Communities assign stable and well known duties and responsibilities.There are unambiguous standards to evaluate conduct. Communities orient human desire to definitive channels. Communication in such communities acquires clarity and effectiveness due to sharing in common a range of background assumptions. Communities do not entertain questions on meaning, purpose, value and responsibility on a whole range of activities they are constituted of.

Inspite of such community anchoring, this conception of citizenship is defined independent of community. Citizenship is limited to membership and participation in political community and it does not aspire to uphold any comprehensive conception of good life or subscribe to any particular comprehensive conception of the good upheld by any specific community. It may encompass a multiplicity of diverse cultural communities holding ideals of good life distinctive to themselves. In such a situation, citizenship proposes the ideal of working with others to design public life without taking into account the separate ideals and values cherished by the respective

communities, but at the same time acknowledging the need to work with their members. In such a conception, while a citizen is committed to his communitarian identity and moral ideal, she at the same, respects and acts in consent with fellow citizens whose communitarian identities and ideals greatly differ from her.

To move from the stand point of a member of community to a conception of a citizenship of this kind, a person needs to acquire the capacity for freedom, the capacity to define him or her independently of the specific community of anchor. However, citizenship itself may not provide cultural resources rich enough for a comprehensive life ideal. To affirm equality, a citizen is required to employ a double framework, one appropriate to the community and as a citizen extending equal consideration to all citizens. For the later purpose, there need to be a space, independent of social hierarchies, where citizens treat each others as equals. It involves forging civic friendship to ensure reproduction of this space and institutions characteristic of it. It is not enough that citizens merely cultivate an attitude of live and let live, a posture of benign mutual indifference.

Such a double framework can be difficult for many who have strong commitments to their community ideals. Beliefs and practices alien to us can be deeply threatening. Such a threat to deeply held beliefs and hallowed practices in interface with such an understanding of citizenship may give rise to parochial, sectarian, exclusivist, authoritarian and fundamentalist tendencies.

8.7.2 Citizenship as a Group-Differentiated Identity

This perspective on citizenship lays greater stress on group differentiated identities whose internal resources are called upon to constitute an overlapping consensus expressed in a political community. The different cultural communities included within such a political community identify and cultivate within their own traditions resources supportive of citizenship, i.e., civic freedom and equality. Such a normative standpoint is addressed to citizens who have been shaped in their understanding and desires by the standards of the particularistic cultural communities to which they belong. The later process virtually begins at birth. Grooming into citizenship is experienced relatively late. The language associated with civic moral ideals is not designed to replace community moral ideals. Citizenship pursuits do not involve a process of conversion from a comprehensive ideal and way of life to another, but a reordering of community identity itself, given the fact of the existence of plurality of such community identities.

In this conception, citizenship means very different things to different communities. The rights that different communities enjoy and the obligations they are expected to shoulder differ, although the principles on which they are grounded are the same. These principles are the significance of community for the constitution of the self and the need to ensure political stability under conditions of freedom and equality.

Three types of rights are suggested under a differentiated understanding of citizenship, although it is possible to suggest a much more complex typology in this regard, considering the kind of deep diversity that prevails in countries like India, Russia, Indonesia and China.

i) **Citizenship based on Polyethnic Rights:** A large number of states are polyethnic in their composition today, although non-western societies have a much longer experience of such a composition. Western Societies have experienced major shifts in their ethnic composition following their colonial expansion and in the post-colonial period. Such ethnic groups have challenged the demand that they should abandon significant aspects of their ethnic heritage

and assimilate themselves to the mainstream culture. Initially, they demanded the right to freely express themselves without discrimination in the larger society of which they were a part. It resulted in changes in educational curriculum and opened to them the arena of music and arts distinctive to them. Such a demand however did not make significant difference to such visible ethnic minorities, such as the Blacks in the U.S., except a small stratum within them. In recent years, these ethnic groups have demanded funding of ethnic associations, magazines and festivals as integral part of the funding of arts and museums. They have sought exemption from Sunday closing or animal slaughter legislation, motor-cycle helmet laws and official dress-codes, ban on wearing headscarf (turban) and so on. These are stronger ethnic claims.

ii) **Special Representation Rights:** Special representation rights are demanded by certain groups because the prevailing political process may subject them to some systematic disadvantage whereby they are not able to effectively represent their views and interests. In India, Dalits have demanded special representation rights on this ground, while the Adivasis have demanded them along with ethnic rights.

iii) **Self-Government Rights:** Self-Government rights are a case of an extreme demand for the group-differentiated right. They tend to divide people into separate political spaces with their distinct history, territory and powers attributing to themselves the status of a separate political community. They may arrogate to themselves the loyalty of the members and make wider citizenship claims secondary.

Liberals have strongly expressed their apprehension about group-differentiated citizenship. In the American context, Nathan Glazier has argued that if groups are encouraged by taking into account their difference as constitutive of citizenship, then "the hope of a larger fraternity of all Americans will have to be abandoned". It has been argued that cultural or group rights are dangerous as they violate the primacy of individual rights. Some people have argued that group differentiated citizenship ceases to be "a device to cultivate a sense of community and a common sense of purpose". Such a notion of citizenship is inherently particularistic and may become discriminatory. It is felt that if citizenship is differentiated, it no longer provides a shared experience or common status. Group differentiated citizenship requires representation of the group and group leaders rather than citizens themselves being invested with such rights. The privileging of ethnic groups under group-differentiated citizenship may lead to seeking self-determination and liberation through secession. Thereby, such a notion of citizenship is a clear threat to the state and the larger society advocating universal citizenship. It may foment civil wars and irreconcilable conflicts. Infact, liberals have argued that participatory structures, allowing for greater democratic control over local and regional resource distribution is a better way of handling empowerment of excluded groups than through differentiated citizenship. Some people fear that group-based claims are likely to erode public spiritedness further. They are likely to impede the integration of minorities and immigrants keeping them in "their different origins rather than their shared symbols, society and future".

Most of these criticisms apply to extreme cases and on a doctrinaire understanding of citizenship rights and obligations. The primary issue that group-differentiated claims raise is whether a group is included within a political community as an equal or not. If they are excluded or partially excluded, members of such groups cannot lay much claim to equal rights. Often exclusion and discrimination precipitate self-government claims among people inhabiting a common territory and shared culture. Self-government and self-determination demands are largely confined today to cultural groups claiming a distinct nationhood. Sometimes, however, the border line between excluded groups occupying a distinct territory making demands for self-government and national self-determination remains very thin.

8.8 SUMMARY

Citizenship is a highly valorised theme in recent political writings and concerns. A number of political developments of our times have contributed to this heightened interest in citizenship. While the notion of citizenship may go along with a great deal of economic and social inequalities, the level playing field it suggests on the basis of equal rights may make such inequalities an issue of target of concerned citizens. Many social movements of modern times have striven not merely for the inclusion of excluded social groups into the body of citizens, but also for extending and expanding the zone of equal rights. Inspite of such strivings, the notion of citizenship remains deeply ambivalent. Liberals tend to stress on the equality and freedom of citizens. Marxists, however, are not very enthusiastic regarding citizenship as they feel that it is a device employed by the capitalist state to restate social relations of classes as relations of citizens.They, however, feel that citizenship as a political device can be of immense use in activating social agents to subject public institutions to a critique and search for alternatives. Inspite of the ambiguities in which this concept is caught, there is a widespread agreement that the zone of citizenship be enlarged. This concern for the expansion of the zone of rights has brought within its fold, cultural communities and political minorities who have sought a range of rights, specific to their predicament. They have argued that along with equal rights, their specific differences be taken into account in ordering political communities and their institutions.

Citizen -concerns are closely related to some of the most important issues under public debate today such as civil society, participatory democracy and civic responsibility. The altered role of the state under conditions of globalisation and liberalisation invokes citizenship for the health of polity. Further, the horizon of citizenship is no longer limited to membership of nation-states any longer. Cultural and doctrinal attachments are increasingly brought in to mark a level playing field to citizens otherwise deeply divided in terms of their cultural attachments.

8.9 EXERCISES

1. Explain the natural significance of citizenship in democratic societies.

2. Discuss liberal democracy and its relation with citizenship.

3. Discuss the Marxist conception of citizenship.

4. Explain the distinction between persons and citizens.

5. Discuss the relationship between citizenship and cultural identity.

6. Explain the various perspectives of citizenship in contemporary societies.

UNIT 9 SOVEREIGNTY

Structure

9.1 INTRODUCTION

Generally, we say that the state is our state and it is for our benefit. All of us have rights given by the constitution and the state has to respect them. We also know that the government is responsible for the maintenance of peace and security. For this purpose, the government makes laws and it has a right to punish those who disobey them. But the question is why do we obey the law and what is state authority? We experience state authority everywhere in our routine life; for example, when we demand some favour from the authorities and the authorities refuse to grant us the same, we protest. We do it because we feel that we have a right to get what we think, we deserve and the government is duty bound to work for us. If all this is well known, then why, you might say, we have to study what we already know. But are we sure that we know it properly or our knowledge is just scanty? The fact is that we only have a dim view of the state power or sovereignty. It seems to be very simple, but the fact remains that it is one of the most complicated notions in Political Science and a rudimentary understanding has no meaning because state power is not something which is theoretical and confined to books. We have to face it especially, when our friends and we find the government unresponsive or

even insensitive. Therefore, while studying political theory, we need to go into details to study the concept of sovereignty very clearly and precisely; for after all it is with this and other basic concepts and definitions that we would later try to understand the great complexities of the societies we live in.

9.2 WHAT IS SOVEREIGNTY?

Sovereignty is a key concept in traditional political theory. It constitutes one of the four elements of the state without which statehood remains incomplete. Derived from the Latin term *Superanus*, which means supreme, sovereignty denotes the supreme power of the state to extract obedience from the people who inhabit it. It means that the power of the state is unquestionable and the state has a right to demand allegiance from its citizens. It also means that the violation of the command of the state would invite penalties or other punishment. This is also called 'internal sovereignty'. Internally, the state is supreme to any individual or organisation, living or functioning, within its boundaries, and they have to function under the laws and command of the state. None can claim superiority over or immunity to the state. The power of the state over them is original, total, unlimited and all comprehensive. Sovereignty also has an external connotation, which means that in the comity of states, every state is supreme and is free to cast its destiny. No other state or any international organisation can claim superiority to a state. The state may be subjected to certain treaties or other obligations, but they are self-imposed obligations on the part of the state. None can compel or enforce any obligation on the state, which it is not willing to accept. Thus, the state is equipped with internal and external sovereignty that gives it over-riding powers over individuals, groups and organisations and makes it absolute.

9.2.1   Some Definitions of Sovereignty

Sovereignty is "the supreme power over citizens and subjects unrestrained by law".

– Bodin

Sovereignty is "the supreme political power vested in him whose acts are not subject to any other and whose will cannot be overridden"   – Grotius

Sovereignty is "the supreme irresistible absolute, uncontrolled authority in which the supreme legal power reside".   – Blackstone

Sovereignty is "the commanding power of the state: it is the will of the nation organised in the state: it is the right to give unconditional orders to all individuals in the territory of the state".

– Duguit

Sovereignty is "the supreme will of the state."

– Willoughly

Sovereignty is "the exercise of final legal coercive power by the state".   – Soltaire

Sovereignty is "the concept which maintains no more-if no less-than that there must be an ultimate authority within the political society if the society is to exist at all".   – Hinsley

Sovereignty means "the political authority within a community which has the undisputed right to determine the framework of rules, regulations and policies within a given territory and to govern accordingly".   – David Held

46

9.2.2 Meaning Of Sovereignty

The above mentioned definitions of sovereignty project the traditional view of sovereignty, which emphasised the following points:

i)   Sovereignty is an attribute of the state.

ii)   It is the supreme will of the state.

iii) It is a legal coercive power of the state.

iv)   The sovereign makes the laws and extracts obedience from the people.

v)   Sovereignty lies in a person or a body of persons.

vi)   The power of the sovereign is absolute and unlimited.

9.3   DEVELOPMENT OF THE CONCEPT OF SOVEREIGNTY

Sovereignty as the supreme power of the state is a modern concept. It came into existence with the rise of the nation-state in Europe when the powerful monarchs asserted their authority. But as such, the idea of sovereignty is very old and can be traced to the ancient Greek city-states. Aristotle, the father of Political Science, defined it as the supreme power of the state. But Aristotle did not discuss the nature of sovereignty. He concentrated on the location of sovereignty. Here, Aristotle had two views. According to him, the deliberative organ of the state should be sovereign and secondly, he held that the law should be sovereign. He preferred sovereignty to be vested in law. The Romans considered sovereignty as the fullness of the power of the state. It was generally accepted that the state should be the final authority in solving the disputes among its citizens and the law of the state was binding upon them. Romans are also credited with the idea of uniformity of law, centralised administration and common citizenship.

But in the medieval ages, feudalism prevailed where there was no unified authority and it seemed that all the achievements of the Roman Empire had gone to waste. In the feudal state, the king's authority was highly restricted. It was limited by the church which claimed immunity in both civil and criminal cases. Infact, the church was the organised group during the medieval times and the head of church-the Pope-claimed superiority over the king. Besides, the feudal overlords and the local communities or commons in the town also challenged the authority of the king. Thus, the king was not sovereign. His competitors came to be known as 'Estates' and feudalism was a state of these estates. Barker calls it as "a paradise of estates" rather than a pattern of a state where the authority of the state was sidelined. Thus, there could not be the modern concept of sovereignty. Further, the law of God was supposed to be superior to human laws, which also restricted the development of sovereignty as an absolute and indivisible concept.

Jean Bodin is the first political philosopher who propounded the modern concept of sovereignty. He defined sovereignty as the supreme power over citizens unrestrained by law. He also defined citizenship as subjection to a sovereign. To Bodin, the power of sovereignty cannot be delegated; sovereignty is also perpetual and unlimited. Sovereign is the source of law and has the unconditional right to make, interpret and execute law. Bodin also discussed the location of sovereignty which, he argued, depended upon the form of government. Thus, it is located in the

king in a monarchy, while in a democracy it resides in popular bodies. But customary and constitutional law and the institution of private property limited Bodin's sovereign. Hobbes further developed on Bodin and attempted to make the theory of sovereignty perfect. To Hobbes, sovereignty is the creation of a social contract and the sovereign is that individual or assembly who is authorised to will for the general purpose of a peaceful life. Hobbes gave vast powers to his sovereign. His command is law and all laws are subject to his interpretation. His authority is absolute and unlimited and the individual cannot disobey him. Sovereignty is inalienable and indivisible. Hobbes pointed out that limited sovereignty is a contradiction in terms. But Hobbes very clearly put one limitation on sovereignty. The sovereign cannot command any individual to kill, wound or maim himself. He also made it clear that sovereignty is also limited by the purpose for which it was created. Hobbes also conceded the right to resist the sovereign in case the life of an individual is endangered. Infact, his theory of unlimited sovereignty is a necessary compliment to his individualism.

Another social contractualist, Rousseau located sovereignty in the people expressed as 'General Will'. To Rousseau, general will and sovereignty are inter-changeable concepts. Sovereignty is unlimited, supreme and absolute. It is also inalienable and indivisible. But unlike Hobbes, Rousseau's sovereignty is based upon the consent of the people. It is a free acceptance by every individual of the exercise of force by the whole group of which every individual is a part. Therefore, nobody can refuse to render obedience to the sovereign and anyone who does so may be constrained by the whole body of citizens. This means that the individual may be forced to be free. Unlike Hobbes who gave all powers of sovereignty to a monarch, Rousseau vested the power not in one individual but in the community. But both of them are one, so far as the characteristics of sovereignty are concerned. Both of them laid down the foundations of a totalitarian state. In between the two, John Locke stood for a limited government. Locke justified the results of the Glorious Revolution of 1688 which devoided the monarchy of its absolute powers in England and advocated the doctrines of popular sovereignty, supremacy of parliament, constitutional government, limited monarchy and the rule of law. Unlike Hobbes and Rousseau, Locke stood for a limited sovereignty. His government was a government based on the division of power and subjected to many limitations. He did not accept the view that the sovereign power was indivisible. He felt that different organs of the government should exercise the legislative, executive and federative powers of the state independently of one another. His state is subservient to the society and governance cannot be done arbitrarily. But Locke is not consistent in his views on sovereignty. At times, he suggests that sovereignty is located in the people and at times, it is the legislature that is supreme. He also seems to suggest that when there is a fusion of legislative and executive powers in one person, he may be called the sovereign. The weakness in Locke's argument is that he recognised the force of political sovereignty, but failed to fully comprehend legal sovereignty.

The French Revolution is another milestone in the development of the modern concept of sovereignty. The French Revolution stood for absolute and unlimited sovereignty on the ground that people being sovereign, there is no need to restrict the supreme power. The newly emerged nation-states also claimed total sovereignty, both internally as well as externally. They also asserted their right to expand at the expense of others. The Industrial Revolution expanded the activities of the state enormously and the importance of the state as a lawmaker was asserted. These developments led to the concept of absolute sovereignty. In England, the parliament became supreme and its supremacy was unlimited.

These ideas were reflected in Hegel who stood for constitutional monarchy, but his king had the power to veto over legislation. According to Hegel, "The State is a perfected rationality, the eternal and necessary essence of spirit, the rational in itself and for itself, an absolute fixed end in itself." Hegel combined mysticism with his state. To him, the state is the march of God on earth. He completely subordinated the individual to the state. The state has the highest right over the individual and his freedom is the gift of the state. The state not only allows, but also enlarges the freedom of the individual. But the state acts through laws that must be rational. They must be applied equally. A constitutional government provides order and security in society. The exercise of authority is according to rules that limit the discretionary powers of officials. But the state is internally and externally supreme. Hegel also glorified war and his state had the right to wage war because the state of war reflects the omnipotence of the state and the victorious state can claim to be the agent of world spirit. Thus, Hegel's sovereignty is absolute and beyond any control. Morality and international law also do not constitute any limitation on sovereignty. Hegel was followed by Austin who nevertheless freed the state and sovereignty from all the mysticism projected by Hegel. He advocated a legal view of sovereignty in which sovereignty was absolute, unlimited, inalienable and indivisible. The pluralists later on challenged Austin's views. We will discuss both the legal and pluralist perspectives in details. But first let us understand the meaning of sovereignty.

9.4 KINDS OF SOVEREIGNTY

The term sovereignty has been used in many ways in Political Science that makes its comprehension very difficult. Therefore, it is necessary to understand its varied uses.

9.4.1 Real and Titular Sovereignty

A distinction is often made between real and titular sovereignty. Infact, this distinction came about due to a unique development in English Constitutional system. Initially, the king was all-powerful and actually exercised his powers. But with the development of democracy, the king was devoid of his powers and the parliament became supreme. However, the English people loved monarchy and did not abolish it. Instead, the powers of the king were transferred to an institution called the Crown. The monarchy in England still exists and all the powers are exercised in the name of the king or the queen but the real sovereign is the Crown. This distinction also exists in countries where the parliamentary form of government is prevalent. Like in India, where the president is the titular head while the real sovereign is the prime minister and his cabinet. In a country like the United States of America, no such distinction exists as the president is said to be both real as well as the titular sovereign. But this distinction makes sovereignty more an attribute of the government rather than that of the state.

9.4.2 Legal and Political Sovereignty

Another distinction is made between legal and political sovereignty. The legal sovereign is a constitutional concept, which means the identification of the holder or holders of power in the legal sense. There cannot be any confusion regarding the person or persons who exercise the power of sovereignty in the eyes of law. The legal sovereign commands and makes the law and such commands and laws are to be obeyed by the people. In case of violation, it is equipped with the necessary powers to punish the offender. Legal sovereign is determinate, all comprehensive and possesses coercive powers to implement its law and command. Thus, the authority of the legal sovereign is characterised by legal sanctity in which no individual or association can claim immunity. The best example of legal sovereignty is the British King-in-Parliament which, as one

political scientist puts it, 'may remodel the British Constitution, may prolong its life, may legalise illegalities… may give dictatorial powers to the government… may introduce communism, or fascism entirely without legal restriction'. This position of the British Parliament is also summed up in the saying that it can do everything except making a man a woman and vice versa, though it may do even that legally. Thus, the power of the legal sovereign is absolute, without any restriction.

In contrast, the concept of political sovereignty is very vague and confusing. It is pointed out that behind the legal sovereign lies the political sovereign to which the legal sovereign has to bow. Political sovereignty is not recognised by the law. It is not determinate also in the sense that its identification is a very difficult task. Yet its existence cannot be ignored. It influences and controls the legal sovereign. One writer has identified the political sovereign as the sum total of all influences, which lie behind the law. In a system of direct democracy where the people participate in law making and decision-making, the distinction between the legal and the political sovereign is blurred. But in a representative democracy, this distinction becomes obvious where people participate in law making and decision-making indirectly through their representatives. In such cases, political sovereignty lies with the electorate, which has the power to make or unmake a government at regular intervals when the elections are conducted. Infact, the elections are the best forum in which the will of the political sovereign is expressed.

9.4.3   Dejure and Defacto Sovereignty

Often the dejure sovereign and the defacto sovereign are the same because the person or persons holding power are also recognised by the law. The distinction between the two becomes real in some situations of crisis which may be the result of a coup or any other kind of violent overthrow of the government. For example in Russia, the communists overthrew the Tsarist Government. While the law recognised the latter as the holder of power, in reality the former was in command and using the authority. Similarly, during the First and the Second World Wars, many countries were defeated by Germany and the German rulers became defacto rulers, but the laws in the respective countries still recognised the overthrown government as the ruler. In 1971, as a result of liberation from Pakistan, Bangladesh became a new country but as per the law, the Pakistani President was the dejure sovereign. In such a situation, the rule of a defacto ruler is based upon force or on the fact that the situation is under his control. In contrast, the de jure sovereign has the legal sanctity to rule. However, this distinction between the two remains for sometime, and ultimately they become one. The defacto ruler makes the necessary changes in the law of the land and thus, becomes the dejure ruler also.

9.4.4   Concept of Popular Sovereignty

Modern democracy is based on the concept of popular sovereignty which means that the source of all authority is the people. J.J. Rousseau is credited with espousing it in modern times. But earlier also, the concept of popular sovereignty was not unknown. In medieval times, Cicero pointed out that the state was 'people's affairs'. He held that the state was a moral community, a group of persons and the authority arose from the collective power of the people. Later on, Althusius also said that the people as a corporate body held sovereignty and this power could not be transferred to any other person or organisation. Althusius forcefully argued that the people as a corporate body gave power of administration to the administrators, through a contract for specific purposes and the power would go back to the people, in case they forfeit it due to any reason. Althusius also gave the people the right to resist tyranny. Similarly, John Locke also based his civil society on the basis of consent of the people. According to him, the

government existed for the welfare of the people and there could not be any arbitrary rule. To Locke, Government was a trustee constituted through a social contract for the protection of life, liberty and property of the people. If the government failed in its duty of protecting the life, liberty and property of the people, they had a right to rebel against it and overthrow it.

But Rousseau is considered the father of the concept of popular sovereignty. According to Rousseau, men by their very nature are free and equal and the system of government has to be based upon the free will of men. This, in turn, can be achieved when the individual enters into a contract with each other, as a result of which they become an indivisible part of a body of sovereign people which has the supreme power of lawmaking. Rousseau also made a clear distinction between the state and the government. To him, the government is merely an agent of the state having a limited authority. Infact, it is the people who have delegated the power to rule to the government and this power can be withdrawn by their will. This will of the people becomes sovereign in Rousseau's state to which Rousseau gave the name of the General Will. In Rousseau's scheme, the sovereign can only act for the welfare of the people. He writes, "It is impossible for the sovereign body to hurt its members. The sovereign for its part cannot impose upon members any fetters that are useless to the community".

According to Asirvatham, the concept of popular sovereignty contains the following valuable ideas:

i) Government does not exist for its own good. It exists for the good of the people.

ii) If people's wishes are deliberately violated, there is a possibility of revolution.

iii) Easy means should be provided for a legal way of expressing public opinion.

iv) Government should be held directly responsible to the people through such means as frequent elections, local self-government, referendum, initiative and recall.

v) Government should exercise its authority, directly in accordance with the laws of the land and not act arbitrarily.

The concept of popular sovereignty was accepted as the basic principle of governance in the American and French revolutions. The American Declaration of Independence expressly declared,"We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the Pursuit of happiness— that to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed...." The Declaration clearly recognised the people's right to alter or abolish any government, which was destructive of the inalienable rights of life, liberty and pursuit of happiness. The Declaration also noted the fact that the British King had become a tyrant by his acts and therefore, unfit to be the ruler of a free people. The French Revolution declared, "Men are born and remain free and equal in rights". It also pointed out that "right to liberty, property, security and resistance to oppression are the aim of any political association and the law is the expression of general will" and all citizens have the right to take part personally or through their representatives in its formation" and that "all officials of the state are responsible to the people."

The concept of popular sovereignty is very attractive. But it is shrouded with vagueness. It is very difficult to explain it in practical terms. It is good to say that people are the basis of any political system and their will must be reflected in the governance. But the question is what does

the term people mean? How do we identify them? Obviously the entire mass living in a state cannot be identified as people because there are infants, invalids, criminals, insolvent, aliens and others who cannot have any participation in the political system. If they constitute people then the concept, as such, does not make any sense at all. Even the electorate cannot be called as people because they do not constitute a political entity. Further, all people do not participate in the election. Then the elections are won on the basis of majority. So does it mean that we should equate people with the majority of the electorate? In any case, the number of electorate in any country is very small in comparison to the total population and they cannot be regarded as legally sovereign. Infact, the more we go into the details, it is only confusion and nothing else. If we study the dynamics of modern democracy, we find that a voter is subjected to many influences and manipulations. People's choices are manufactured in the modern age of science and technology and democracy has become infected with mobocracy. Popular sovereignty may be successful in a small state with a system of direct democracy where the people directly participate in law making. It may also reflect in devices such as the referendum. But the modern state is a big state with a huge population. It is also a fact that the business of modern state has become too complex and it cannot run on the basis of referendum. The concept of popular sovereignty creates another problem. In the present system of democracy, the ruling elite as well as the opposition claim to be reflecting the will of the people and in such cases, it becomes increasingly difficult to discover the truth and if the concept of popular sovereignty is implemented legally, then it may lead to instability in the government. Yet all said and done, the concept of popular sovereignty has made a permanent contribution in Political Science because besides advocating the idea of popular control over the government, it is a strong repudiation of dictatorship and totalitarianism.

9.5 AUSTIN'S CONCEPT OF SOVEREIGNTY

The legal view, also called the monistic view or traditional view of sovereignty, was propounded by John Austin (1779-1859), a great jurist, in his book, *Lectures on Jurisprudence* (1832). According to Austin, "If a determinate human superior, not in the habit of obedience to a like superior, receives habitual obedience from the bulk of a given society, that determinate superior is sovereign in that society; and the society (including the superior) is a society, political and independent". According to Austin, following are the characteristics of sovereignty:

i)   Sovereignty is necessary for the state. Sovereignty is one of the four elements of the state. There cannot be a state without sovereignty. If state is the body, sovereignty is its spirit. The state cannot alienate itself from the power of sovereignty. The end of sovereignty means the end of state.

ii) Sovereignty has to be determinate .It resides in a person or a body of persons. To Austin, State is a legal order in which the sovereignty can be located very clearly. It cannot be the people or the electorate or the General Will since all of these are vague expressions. It is not vested in God also. Sovereign must be a human being or a body of human beings who can be identified.

iii) Sovereign is the supreme power in the state. He is the source of all authority in the state. His authority is unlimited and absolute. He does not take commands from any one as nobody has a right to command him. But he commands every one within the state. His authority is universal and all comprehensive. Sovereignty is independent from any internal or external control.

iv) The Sovereign receives habitual obedience from the people. Thus, the authority of the sovereign is not casual. It is continuous, regular, undisturbed and uninterrupted. If a significant part of the population refuses to accept him and renders disobedience, then he is no longer a sovereign.

Similarly, a short term obedience is not an attribute of sovereignty. The power of the sovereign has to be permanent in society.

v) Law is the will and the command of the sovereign. He is the source of law. Law is a command given by a superior to the inferiors who are in a state of subjection or dependence. Sovereign is above the customs and traditions of society. They exist with his permission. Whatever the sovereign permits, that alone can exist. The rights and liberties of the individual also emanate from the sovereign and do restrict the operation of the individuals' sovereignty.

vi) Sovereignty has the legitimate physical force to exert command and obedience and enforce its laws.

vii) The power of sovereignty is exclusive and indivisible. It is a unit in itself that cannot be divided between two or more persons. Division of sovereignty means its destruction.

Thus according to Austin, sovereignty is the supreme power of the state that is absolute, permanent, universal, inalienable, exclusive and indivisible. However, these characteristics are not acceptable to the pluralists who reject the entire thesis of Austin in toto.

9.6 PLURALISTIC ATTACK ON AUSTIN'S CONCEPT OF SOVEREIGNTY

The prominent pluralist writers are Dr.J.Neville Figgis, Paul Boncour, Durkheim, MacIver, Laski, Barker, Duguit, Krabbe, G.D.H.Cole and Miss Follet. Here we will study the pluralist attack on Austin's concept of sovereignty with special reference to Laski and MacIver.

The pluralists do not believe that the sovereign is determinate. According to them, the determination was possible in old days when the king ruled with absolute powers. But in modern times the political system is based upon the concept of popular sovereignty in which the government is responsible to the people who can make or unmake the government. The constitutions clearly proclaim the sovereignty of the people, but Austin will not accept people as sovereign. Similarly, the electorate cannot be termed as sovereign because both the terms- "people" and "electorate" are vague and do not constitute determinate human being in the Austinian sense. The task of locating sovereignty becomes more difficult in case of a federation in which the powers are divided between the centre and the units and both are supposed to be sovereign in their respective fields. In such a system, the constitution is supposed to be supreme but it is not a human being and hence, cannot be sovereign. Even in Britain where the supremacy of the parliament is the basic law of the land, the parliament cannot be termed as totally sovereign as it also works under limitations. Laski rightly points out that the real rulers of a society are not discoverable.

The pluralists believe that Austin's concept of sovereignty cannot be verified from history. According to Laski, historically, sovereignty has always been subjected to limitations except for a very small period when we really had a sovereign in Austin's sense. This was the period when the nation-state arose and the kings asserted their authority. This nation-state was the result of the religious struggle of the 16th century and the emergence of the sovereign state was a vindication of the primacy of the secular order over religion. Thus, there were certain historical factors which were responsible for the creation of absolute sovereignty of the state. And if we leave this brief period, we do not find any example of absolute sovereignty. In modern times, sovereignty is limited. The only exception could be the British King-in-Parliament but as Laski argues, 'everybody knows that to regard the King-in-Parliament as sovereign body in the

Austinian sense is an absurd'. No parliament can defranchise the Roman Catholic church or prohibit the existence of trade unions. Therefore, Laski says, "No sovereign has anywhere possessed unlimited power; and the attempt to exert it has always resulted in the safeguards." Infact, every sovereign has to work within the society and the society works through customs and traditions, which are the result of a long historical process and no ruler, no matter how ruthless he is, can violate them. It has been pointed out that internally the rights of the individual limit the sovereignty and externally, the international law restricts the operation of sovereign power. Besides the concept of popular sovereignty gives ultimate powers to the people and accordingly, the legal sovereign has to bow before them.

It will not be wrong to suggest that the pluralists have a great distrust of power and those who exercise it. That is the reason why Laski objected to the absolute powers of the sovereign. To him it is ethnically indefensible. It is ethically wrong as it retards the development of the individual and his moral stature. Austin makes the individual completely servile to the state and such an absolute sovereign would never grant any liberty to the individual. Laski stood for decentralisation and argued that the state should be responsible for its actions. The state should also protect and respect certain rights of the individual without which the individual cannot develop his personality. Laski reminded that the state is not an end in itself; rather it is merely a means to an end, the end being the enrichment of human lives and the position of the state will always depend upon its capability in achieving this end.

The Pluralists also reject the notion of law as advocated by Austin. According to Austin, law is the command of the superior and this command is from higher to inferior. Laski termed this as ridiculous. He pointed out that to call law, as a command from the higher to the inferior, is to strain its definition to the verge of indecency. Laws are universal in character and are applied on both the lawmaker as well as the subjects. But in the case of a command, the commanding authority is over and above its command and is not bound by it. Similarly, MacIver critcised Austin's concept of law as misleading as it denies two of the basic attributes which every law exhibits- its universality and formality. These attributes, MacIver argues, are necessary consequences of the structure and operation of every political system. Besides, the command belongs to the sphere of administration, as it is a means of execution. Command does not belong to legislation, as it is not a form of enactment. Infact, law is both permanent and fundamental than command. MacIver also pointed out that there are many kinds of law. For example, there are social laws, which are based on the customs and traditions of society, and some of them also become state laws. But, MacIver says, in the great book of the law, the state merely writes new sentences here and there and scratches out an old one. Much of the book was never written by the state at all, and by all of it, the state is itself bound, save as it modifies the code from generation to generation."Therefore to MacIver, the state is both the child as well as the parent of law and the authority of law is greater than the authority of state. The state is merely an official guardian of law rather than its maker. It has to uphold the rule of law. Laski stressed the fact that law is an instrument of satisfying social needs and the laws are followed not because of any coercion, but because they satisfy the requirements of the people. Duguit rightly says that, "Law is the product of our social life. We obey law because they are for social interest and that it is impossible to maintain social order without them". The absence of law would mean anarchy where no human existence would be possible.

The Pluralists also point out that there are customs and traditions in society, which were neither created by the state, nor the state has any control over them. Even the most dictatorial ruler had to bow before them. Laski gives the example of the Sultan of Turkey, who, even at the height of his power, was bound by a code of observance and it was compulsory for him to obey

them. Similarly, Sir Henry Maine gave the example of King Ranjit Singh who enjoyed absolute powers over his subjects and even the slightest violation could invite severe punishment, but even he did not violate the conventions of society. However in defense of Austin one may point out that Austin does not deny the existence of customs and traditions by saying that whatever the sovereign permits, he commands. But Pluralists do not accept this argument. Laski points out that the Sultan of Turkey had the power to change the social laws in theory only, in practice he survived by willing not to will those changes which might have proved him the sovereign of Austinian jurisprudence. MacIver forcefully asserted that the state cannot destroy the customs, because customs, when attacked by law, retaliate in return and in their retaliation, they attack not only the particular law but also the spirit of law-abidingness which is the basis of state.

The Pluralists view the state as an association. Here, firstly, they distinguish between state and society. According to MacIver, to identify the social with the political is to be guilty of the grossest of all confusion, which completely bars any understanding of society. The state exists within the society but it is not even the form of society. Infact, the society is composed of different associations and the state is one of them. There are many associations like the family and the church, which are as natural as the state and the state had no role in their formation. Legally, the state may be unlimited because it is the source of legal enactment but then the same is true of the Church because it happens to be the source of ecclesiastical law. The objective of an association is to develop human personality in the specific area for which it is formed. Thus, every association serves certain interests in society. Similarly, the state also looks after certain interests and all these associations including the state have their own distinctive identity and personality. Therefore, there cannot be one supreme power or as MacIver prefers to call, a single all comprehensive authority in society. Laski asserts that we are not a universe, but multiverse and the associations are as real as the state. The associations have their interests to promote and functions to serve and they are not dependent on the state; rather, they grow in the whole environment as a natural response to factors in that environment. They have an inner life that is as autonomous as the state itself. According to MacIver, "The difference between other associations and the state lies just in this: that the other associations are limited primarily by their objective, which is particular, whereas the state is limited primarily by its instrument, which is particular, while its objective is general, within the limits so imposed." State laws are universal and they have coercive sanctions and therefore, the state should concern itself with those interests that are universal. Pluralists do not deny the essential differences between the state and associations. The state has a power to inflict corporal punishment over its citizens while the associations lack this power. Membership of a state is compulsory while in case of an association it is voluntary. The state is also territorial in nature while the association may cross the boundaries of different states. Similarly, unlike the associations, the state is permanent. MacIver says, "if a state dissolves, it is like convulsion of nature. If it breaks into two, it is with violence and fierce repulsion. This is not true in case of other associations".

But nevertheless the state is an association and the above mentioned differences cannot give the state a special status. At the most, state can be, as Asirvatham suggests, first among equals and nothing more. It is only a particular group. Laski writes, "We then give to this particular group (i.e. the state) no peculiar merit. We refuse it the title of creator of all else. We make it justify by its consequences. We stimulate its activities by making it compete with the work of other groups co-extensive with or complementary to itself." As an association, the state protects the interests of men as citizens. The state regulates the common needs in society. But it cannot control the internal affairs of other associations. It can neither determine their purposes nor (for the most part) their methods. As the human life and culture is diversified therefore, the doctrine of absolute sovereignty if actually practiced would be, in the words of

MacIver, fatal to the harmony of social life. Laski says that the structure of society is federal and therefore the authority must also be federal. It will be wrong to give all the sovereign powers to the state. Laski also felt that the allegiance to various associations depended upon their performance. Men belong to many groups at a time and a competition for allegiance is continuously possible and no group, including the state, can claim total loyalty from the individual. He wrote," The only state to which I owe allegiance is the state in which I discover moral adequacy, and if a given state fails to satisfy that condition I must, to be consistent with my moral nature attempt experiment…Our first duty is to be true to our conscience". The state, as an association, cannot regulate the total life of man. Its functions are merely to coordinate the activities of different associations in the society.

Austin's concept of absolute sovereignty has also been criticised by the pluralists on the basis of dangers that it poses to the maintenance of international peace and tranquility. The Pluralists point out that the doctrine of absolute sovereignty is incompatible with the interests of humanity as it leads to destructive wars. They believe that it is due to the notion of external sovereignty that the world had to face the two world wars that brought so much of suffering and destruction. With the stockpiling of nuclear weapons which can destroy the world many times and which can only lead to mutually assured destruction (MAD), there is an urgent need to restrict state sovereignty. Laski writes," Internationally it is not difficult to conceive the organisation of an allegiance which reaches beyond the limits of the state. To leave with a handful of men, for instance, the power to make war may well seem anachronistic to those who envisage the consequences of war. When state sovereignty in international affairs was recognised, there was no authority existent to which that type of control might be entrusted. It is atleast arguable now that an authority predominant over states may be conceived which is entrusted the regulation of those affairs or more than national interests. It involves at any rate, on the international side, abolition of state sovereignty." To Laski, international government is "axiomatic in any plan for international well-being. But international government implies the organised subordination of states to an authority in which each may have a voice, but in which also, that voice is never the self-determined source of decision". Laski firmly believed that the concept of the sovereignty of state would pass away, just as the divine rights of king had. Infact, the pluralists regard state sovereignty as an obstacle towards the establishment of international order, as such a concept has no concern for world peace and security.

Maxey sums up the major postulates of pluralism as follows:

i) "That the state is but one of the numerous social, economic, political and other grouping through which men in society must seek to satisfy their interests and promote their welfare;

ii) That these different groupings are not creatures of the state but arise independently and acquire power and authority not given by the state;

iii) That the functions of such voluntary associations as churches, labour unions, trade organisations, professional societies and the like are as necessary as those of the state;

iv) That the monistic state is not only incapable of wielding absolute authority over such bodies, but is incapable of regulating their affairs intelligently or administering them efficiently;

v) That the monistic concept of sovereignty is a mere legal fiction which not only misses the truth but does incalculable harm in obstructing the evolution of society along more natural beneficial lines".

9.6.1 Pluralistic View of Sovereignty-A Critique

The pluralist assumptions and their critique of the legal view of sovereignty have been criticised on many grounds. Firstly, the pluralists suffer from an inner contradiction. On the one hand, they stand for decentralisation of power and autonomy of groups or associations, on the other hand, they also want the state to play a regulating role by coordinating the activities of the various associations. But the question is as to how the state will perform this function without overriding powers. Infact, by assigning the job of coordination, the pluralists give back the power of sovereignty with all its characteristics in Austin's sense to the state. Secondly, it is pointed out that modern society is highly complicated and the state must have power as the final judge in reconciliation of the interests of divergent groups. The concept of welfare state and planning has increased the activities of the state and it is dominating the entire life of an individual. No doubt, the individual is organised in groups and the groups play a commendable role in the enrichment of human personality but, that in any case, does not affect the primacy of state. Besides, various groups also perform functions that are over-lapping and the pluralists seem to have ignored this fact. These groups do not run on parallel lines and this is likely to clash and create disorder and chaos in society and the state will have to intervene to restore order. Finally, Austin himself will not object to what the pluralists stand for. He has only given a legal interpretation of sovereignty, which is the true statement of facts. International law is still in the developing stage and cannot be regarded as a limitation on sovereignty and legally speaking, customs and traditions are also no restraint on sovereignty. The inadequacy of the pluralist argument can be well understood when we find that even a strong advocate like Laski, later on, criticised the pluralist view of sovereignty. He pointed out that the pluralists failed in understanding the state as an expression of class relations. Laski accepted Austin's monistic doctrine when he said, "Legally no one can deny that there exists in every state, an organ whose authority is unlimited."

The significance of pluralism lies in its assertion of the importance of group life. As against the absolute authority of the state, the pluralists argued for democracy and decentralisation. Though it is difficult to accept the pluralistic abolition of state sovereignty, their contribution in explaining and emphasising the importance of groups or associations in the context of modern complex life can never be underestimated. As for state sovereignty, we are inclined to agree with Sabine that, "For my own part, then, I, must reserve the right to be a monist when I can and a pluralist when I must".

9.7 SOVEREIGNTY AND GLOBALISATION—NEW CHALLENGES

The modern world is often called the global village. Globalisation means the increasing interaction of the inhabitants of the world that has been hither to unknown in the history of mankind. It is also seen as the process of integrating the national economy, culture, technology and even governance into a global system. The global interconnectedness, which is both reality as well as a necessity, has thrown many challenges to state sovereignty. State sovereignty today does not mean state autonomy or in other words, the right to do anything it likes. We know that the sovereignty of the state has never been in doubt, but it has always been under strains. It has never been absolute, except legally. The limitations on state sovereignty were recognised by Bodin, Hobbes, Hegel and Austin during the days when globalisation was not on the agenda of internationalism.

Today, globalisation has become a fact of our times, a fact that has raised many questions regarding the state and its sovereignty. The following aspects pointed out by David Held need our attention:

i) With the increase in global connectedness, the number of political instruments available to governments and the effectiveness of particular instruments has shown a marked decline; border controls have lessened; and flow of goods and services, ideas and cultures has increased. The result is a decrease in policy instruments, which enable the state to control activities within and beyond its borders.

ii) States can experience a further diminution in options because of the expansion in transnational forces and interactions, which reduce and restrict the influence particular governments can exercise over the activities of their citizens. The impact, for example, of the flow of capital across borders can threaten anti-inflation measures,exchange rates and other government policies.

iii) In the context of a highly interconnected global order, many of the traditional domains of state activity such as defence, communication and the like cannot be fulfilled without resorting to international forms of collaboration. As the demands on the state have increased in the post-war years, the cooperation of other states has become necessary.

iv) Accordingly, states have had to increase the level of their political integration with other states so as to control the destabilising effects that accompany global interconnectedness. They have to strengthen, for example, organisations like the International Monetary Fund (IMF) and the World Trade Organisation (WTO).

v) With the growth of a vast number of institutions and organisations, a basis for global governance has already been laid. The new global politics involving among other things, multibureaucratic decision-making within and between governmental and international bureaucracies, and the like has created a framework in and through which the rights and obligations, powers and capacities of states have been redefined.

The sovereignty of the state continues, but the sovereign structure of the state is heavily influenced by global tendencies, besides those found within the boundaries of the state itself.

9.7.1   Sovereignty and Power-Blocs

The development of global system of states as it appears in the form of numerous power-blocs has immensely influenced state's authority and integrity. This is clear from the following:

i) After the Second World War, the world was divided between the two blocs led by the U.S.A. and the USSR. Both of them exerted a great influence on their bloc-members in the operation of their domestic and foreign policy. This was the reason why India and many other non-aligned countries refused to join any of the two blocs, because in plain terms it meant putting restriction on th country's sovereignty and accepting the dictates of the bloc leader. After the disintegration of the USSR, we have a unipolar or multipolar world, in which the states are dependent on each other. The U.S.A. exerts a large measure of influence on the domestic and external policy of many states, especially the small and the weaker states.

ii) The dominance of the U.S.A. and the USSR in their power alliances constrained numerous states from making decisions themselves or independent of their bloc leader. The NATO (North

Atlantic Treaty Organisation), the SEATO (the South East Asian Treaty Organisation), the CENTO (the Central Treaty Organisation), the OAS (the Organisation of American States), all under the American influence and the Warsaw Pact under the Soviet leadership gave meagre international choice to their respective member-states. Held says, "A state's capacity to initiate particular foreign policies, pursue certain strategic concerns, choose between alternative military technologies and control weapon systems located on its own territory are restricted by its place in the international system of power relations."

iii) Each of these military alliances has its own structure, its own procedure and method of functioning and its own policy as developed by the member-states. But the influence of the leader goes unquestioned and the other member-states have limited options to operate on. Giving the NATO example, Held says, "Its (NATO's) concern with collective security has trodden a fine line between, on the one hand, maintaining an organisation of sovereign states, and, on the other, developing an international organisation which operates defacto, if not dejure, according to its own logic and decision-making procedures." The NATO is an example of a supranational organisation in which the USA commands while the other member states merely submit.

iv) But even without a commitment to a NATO armed conflict, Held says, "state autonomy as well as sovereignty can be limited and checked". This is because, he continues "the routine conduct of NATO affairs involves the integration of national defence bureaucracies into international defence organisations." Such organisations create transgovernmental decision making systems which escape the control or even consultation of any single-member state. They lead to establish informal and yet powerful, transgovernmental personnel networks or coalitions outside the control of and accountability to any national mechanism.

v) The membership of NATO or any other power-bloc does not abolish state sovereignty but it certainly compels the member-states to compromise on many issues.

9.7.2 Sovereignty and Global Economy

In economic field, no country can claim self-sufficiency. One sees the rise of the global economy in which national economies have no option but to readjust and redefine their priorities and goals. Here, following points need careful attention :

i) The internalisation of production has been made possible through the organisation of multinational corporations. These corporations work across the borders and function outside the domain of national sovereignties. The Multinational Corporations (MNCs), says Held, "plan and execute their production, marketing and distribution, with the world economy firmly in mind." Though these MNCs have a national base, the nation from where they originate, their interest is always global, as is their strategy. The states do little in controlling these corporations, while these corporations have much to do in guiding the policies of the states where they operate.

ii) The financial organisations such as banks are becoming global progressively, no matter from where they function- London, New York or Tokyo. A greater role is being played by the new information technology in so far as it helps in the mobilisation of economic units-currencies, stocks, shares and the like-for financial and commercial organisations of all kinds.

iii) With the technological advancement in communication and transportation, the separate market-boundaries, necessary for independent national economic policies are losing importance. Inspite of the fact that the distinctive identities are kept preserved, markets and societies are becoming

more sensitive to one another. To a great extent, the possibility of a national economic policy has, accordingly, reduced so as to suit itself to the claims of international financial and fiscal system. Likewise, as Held says, "the levels of employment, investment and revenue within a country are often subordinated to the decisions of MNCs…"

iv) As no country is self sufficient, especially in economic matters, the states have to organise themselves regionally and globally. There are such groups, though loose, as West-West, North –South, South-South, East-West, the developed and the developing. These groups do affect the economy of each individual state.

Thus we see that the internationalisation of production, finance, management and distribution is unquestionably eroding the capacity of each individual sovereign state to do what it wants to do. No country, howsoever strong it may be, has control over its future economic policies, for it has to affect and get affected by the economic policies as they are pursued globally. There is a definite diminution of state autonomy in the face of world economy.

9.7.3   Sovereignty and International Organisations

Modern times have witnessed the growth and development of a large number of international organisations, which limit state sovereignty. The following points need attention in this context:

i)   The international organisations are making global decisions and the states have to respect them. In today's world, no state can take the United Nations for granted and each state has to function within the framework of the UN Charter. The international organisations are setting up international standards to be followed by the individual states. For example, the preamble of the UN Charter asserts its determination to affirm faith in fundamental human rights, in the equal rights of men and women and the nations, large and small. The Universal Declaration of Human Rights contains those rights which are universal and transcend national boundaries. They are very comprehensive and include all kinds of rights like civil, political, economic, social, cultural and collective rights like the rights of minorities, indigenous people and the right to development. It is becoming increasingly difficult to the states to violate these human rights. The states have to observe these rights in their dealings with the secessionist and ethnic groups also. Infact, there are many international organisations and numerous pressure groups that influence the activities and policies of the national states.

ii)   Then there are international organisations which work in technical areas and are non-controversial like the Universal Postal Union (UPU), the International Telecommunication Union (ITU), the World Meteorological Organisation (WMO). These organisations supplement the services offered by the individual states to their citizens. These non-political and technical organisations do influence some notable aspects of the foreign policies of individual states and as such do not allow them to act arbitrarily.

iii)   But then there are many controversial organisations like the International Monetary Fund (IMF), the World Bank, the United Nations Conference on Trade and Development (UNCTAD) and the World Trade Organisation (WTO) which are non-state actors and have usurped the functions of state. They even take up a supranational role in certain areas.

iv)   The operations of the IMF go a step further and almost grab the sovereign rights of a nation. While giving loan to a particular state, the IMF may insist on certain conditions such as a cut on public expenditure, devaluation of currency, a cut on welfare programmes, liberalisation and

privatisation of economy and all this diminish the sovereignty of the concerned state. The developing countries have to tolerate the intervention of the IMF, even if it leads to many internal troubles like food riots, or the fall of a government or even imposition of martial law.

v) Another important international organisation that has become highly controversial is the World Trade Organisation (WTO). The World Trade Organisation is a permanent legislative body and acts as a watchdog in the spheres of trade in goods, services, foreign investment, intellectual property rights and in all these spheres, state sovereignty has been curtailed. The constitution of the WTO makes the provision for the further expansion of the jurisdiction of WTO activities. It has been pointed out that the WTO has emerged as a virtual parliament in economic matters and possesses power to make laws on the subjects which hitherto have been the domain of state legislation. No state can go against the decisions of WTO even if it harms their interests.

vi) The European Union (EU) provides a bigger threat to the sovereignty of the states. Members of the EU have delegated their sovereignty in certain matters to the Union. It has an executive body in the form of the President and members of the European Commission, legislative body in the form of the European Parliament and the European Council (the Council is the main decision making body and also the union legislative body which exercises legislative power in co-decision with the European Parliament), a Court of Justice and a Court of Auditors. There is also a European Bank with the responsibility of framing and implementing monetary policies. The EU can make laws that are, or can be, imposed on the member-states. The EU has become, more or less, a supranational agency, for within it, the Council has the power to make or enact policies. It also coordinates international agreements, on behalf of the EU with one or more states or international organisations. Accordingly, the member-states of the EU are no longer the sole centres of power within their own borders. Within the Union, sovereignty is clearly divided; any conception of sovereignty, which assumes that it is indivisible, unlimited, exclusive and a perpetual form of public power-embodied within an individual state is defunct.

9.7.4   Sovereignty and International Law

International law has also affected the sovereignty of the state. This is clear from the following:

i) By state sovereignty, we mean the right of the state to act independently and under no explicit influence of any other foreign government. It implies, among other thing, two points; (a) that a state is powerful enough to protect its own autonomy in all matters of foreign policy, and (b) to prevent domestic courts from ruling on the behaviour of foreign states. Such aspects of state sovereignty are under strain. The EU laws, for example, hardly ensure national sovereignty to any of its members.

ii) The UN Declaration of Human Rights and other conventions, which are the part of international law and are increasing by becoming binding on the states, are not the results of the states acting individually. They may not take away the sovereignty of a state, but certainly fashion it.

iii) The European Convention for the Protection of Human Rights and Fundamental Rights is a typical case, which does not fit in the framework of sovereignty. Any citizen belonging to the European Union can demand the introduction of any right included in the Convention, but not incorporated in the constitution of the concerned state. Obviously, the European Union does not leave an individual state free to treat its own citizens, as it thinks fit.

iv) Though the international law is a law applicable for states, the individual is also becoming the

subject of international law. The International tribunal at Nuremberg stated that "crimes against international law are committed by men, not abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced". The tribunal also made clear that when international rules concerning humanitarian values come into clash with state laws, individual laws must transgress the state laws.

v) Infact the international law is no longer a law between the states only and exclusively. It is changing and gaining ground for itself increasingly on the norms of co-existence and cooperation. Unlike the traditional international law which assumed the separateness of the individual states, the new international law is binding itself on the concept of togetherness and closeness of the numerous states.

9.8 SUMMARY

Sovereignty is the supreme power of the state by which the state exerts its authority. Legally speaking, there cannot be any restriction to its power of exerting obedience. It also monopolises the power of using legitimate physical force. This view is best represented in Austin's concept of sovereignty in which sovereignty has been depicted as permanent, absolute, universal, inalienable, exclusive and indivisible. The state essentially functions on the basis of this doctrine only. But it is also a fact that state sovereignty has always been subjected to limitations and in practical terms, the power of sovereignty has never been supreme. The pluralists have remarkably projected this view where they conceived state as an association. They argued for a limited state and division of sovereign powers between the state and other associations. Though legally the pluralistic views cannot be acceptable, politically and socially they are very attractive since they depict modern democratic ideals. It is also a fact that time is changing very rapidly and theoretically the concept of state sovereignty still exists but very important in-roads have been made especially since globalisation has curtailed the effectiveness of the state supreme power.

9.9 EXERCISES

1. Explain the development of the concept of sovereignty.

2. Define sovereignty. What do you understand by internal and external sovereignty?

3. Differentiate between (a) real and titular sovereignty and (b) legal and political sovereignty.

4. What do you understand by dejure and defacto sovereignty? Explain the concept of popular sovereignty.

5. Discuss the characteristics of sovereignty as advocated by Austin.

6. Discuss the pluralist critique of Austin's concept of sovereignty.

7. To what extent do you think the pluralists' criticism of Austin's concept of sovereignty is justified? Do power alliances limit the sovereignty of a state?

8. Do you think that world economy, international organisations and international law have really affected state sovereignty?

UNIT 10 STATE AND CIVIL SOCIETY

Structure

10.1 INTRODUCTION

The concept of state occupies a central place in Political Science. No discussion on political theory is complete without reference to the word 'state'. The state, indeed, touches every aspect of human life, and this is why it has, very rightly, captured the attention of all political philosophers since the days of Plato. To understand the state as an administrative machinery ordering public life is to know its one aspect. Important though this aspect is, it is not the only aspect which explains as to what it is. The state is where it operates on. Its real meaning together with its other related implications emerges more clearly when it is understood in relation to the domain of its area of operation, which is what society is.

What is state? What is society or civil society? What is the relationship between the two or how do the two stand in relation to each other? What is so particular about civil society that gives the state a different connotation? These questions have been, and actually are, central to the themes of political theory and to these questions, answers have been addressed by numerous political theorists.

A discussion on issues relating to these two terms, the state and civil society, would help us to know their meanings, implications and the relative perspectives in which these two concepts stand to each other.

10.2 STATE AND CIVIL SOCIETY: MEANING AND CHARACTERISTICS

It is very common to address society as civil society, civil society as political society, political society as state. To understand each as one or the other is to know none of them. While the concept 'society' is a generic term, the term civil society denotes a type of society particular to a time and set in a particular situation. 'Society' refers, in general terms, to the totality of 'social relationships', conscious or unconscious, deliberate or otherwise. 'Civil Society', on the other hand, concerns itself to matters relating to 'public'. This brings the term 'civil society' close to the concept of 'political society'. Indeed, the two terms presuppose a society where civility is their characteristic feature, but 'civil society' extends to areas *far away* from the reach of 'political society'. The institution of family, for example, is an area covered by 'civil society', but it is a domain where 'political society' does better to stay away from. 'Political society' covers a whole range of activities related to 'political' directly or indirectly, but it remains *wider* than the term 'state' when the latter is treated merely as a matter of governance.

It is indeed, important to know the meanings of these terms clearly if one seeks to understand the relationship between them, especially between the state and civil society.

10.2.1 Meaning of State

The state, as a word *stato*, appeared in Italy in the early part of the sixteenth century in the writings of Machiavelli (1469-1527). The meaning of the state in the sense of a body politic became common in England and France in the later part of the sixteenth century. The word *staatskunst* became the German equivalent of *ragione di stato* during the seventeenth century and a little later, the word *staatrecht* got the meaning of *jus publican* (see Sabine, "State", *The Encyclopaedia of the Social Sciences* Vol. XIV). Thus, came the use of the term 'State'.

The state has included, from the beginning, a reference to a land and a people, but this alone would not constitute a state. It refers also to a unity, a unity of legal and political authority, regulating the outstanding external relationships of man in society, existing within society. It is what it does, i.e., creates a system of order and control, and for this, is vested with the legal power of using compulsion and coercion.

A state, thus, is found in its elaborate system. It is found in its institutions which create laws and which enforce them, i.e., in institutions such as the legislature, the executive and the judiciary. It is found in the bureaucratic institutions which are attached to every executive branch of the government. It is found in the institutions which are called into operation when its will is challenged, i.e., the military and the police. The state is the sum – total of these institutions. Ralph Miliband *(The State in Capitalist Society)* writes, "These are the institutions – the government, the administration, the military and the police, the judicial branch, sub-central government and parliamentary assemblies – which make up the state…". In these institutions lies the state power; through these institutions come the laws of the state, and from them spring the legal right of using physical force.

The state as governance is a system related to what may be called the political system or the political society. It includes, on the one hand, institutions such as the political parties, pressure groups, the opposition, etc., and on the other, large-scale industrial houses, religious and caste institutions, trade unions, etc. These institutions, existing outside of the state system, attempt to

influence the functioning of the state, somewhere even dominating it, and somewhere in collaboration with it. Skocpol (*States and Social Revolution: A Comparative Analysis of France, Russia and China*) sums up what Neera Chandhoke (*State and Civil Society*) calls the statist perspective of the state, "the state properly conceived …. is rather a set of administrative, policing and military organizations headed, and more or less well coordinated by, an executive authority. Any state first and fundamentally extracts resources from society and deploys these to create and support coercive and administrative organizations…. Moreover, coercive and administrative organizations are only parts of overall political systems. These systems also may contain institutions through which social interests are represented in state policy-making as well as institutions through which non-state actors are mobilised to participate in policy implementation. Nevertheless, the administrative and coercive organisations are the basis of state power."

The other strand giving the state a meaning comes from Michael Foucault ('Truth and Power' in P. Rabinow, ed., *The Foucalt Reader*, 1987) who regards the state as built on power relations already existing in society. Chandhoke writes about Foucault, "The state, he (Foucault) concluded, can only operate on the basis of existing relations of domination and oppression in society."

Rejecting both the perspectives of the state, Chandhoke says, "The statists (Skocpol and others) concentrate on the state at the expense of society, and the theorists in the Foucauldian mode concentrate on social interaction at the expense of the state." She concludes that the state, with a view to understanding it in relation to society, and vice-versa, "is a social relation because it is the codified power of the social formation."

10.2.2 Meaning of Civil Society

The concept of civil society, to give it a meaning, embraces an entire range of assumptions, values and institutions, such as political, social and civil rights, the rule of law, representative institutions, a public sphere, and above all a plurality of associations. Commenting on it, David Held (*Models of Democracy*) stated that it retains "a distinctive character to the extent that it is made up of areas of social life …. the domestic world, the economic sphere, cultural activities and political interaction … which are organised by private or voluntary arrangements between individuals, and groups outside the direct control of the state." Adding to political interaction, civil society constitutes what Jurgen Habermas called 'the public sphere'. Enlarging the view of civil society, one may include in it the structure of modern national state, economic modernization, great interconnectedness with other societies, free enterprise and what John Dunn (*Western Political Theory*) refers to as "the modern representative democratic republic."

Chandhoke sums up the meaning of civil society "as the public sphere where individuals come together for various purposes both for their self-interest and for the reproduction of an entity called society." "It is a", she continues, "sphere which is public because it is formally accessible to all, and in principle all are allowed entry into this sphere as the bearers of rights."

The concept of civil society came up as and when a social community sought to organise itself independently of the specific direction of state power. Historically, the concept, Chandhoke says, "came into existence when the classical political economists sought to control the power of the Mercantilist State". With the passage of time, the concept of civil society moved on progressively: becoming a central plank of democratic movements in eighteenth century.

10.2.3 Characteristics of State and Civil Society

State exists within the society. This makes the state and society analytically distinct. The two are not the same. Society is a web of social relationships and as such, includes the totality of social practices, which are essentially plural, but at the same time, are relational. The hierarchically organised and maintained social practices of a given community establish, in their turn, all kinds of power equations and relations among its members. The state comes in to give these power relations a fixity, and thereby to society its stability. The state gives legitimacy to social relationships as expressed in social practices because it recognises them and codifies them through legal acts. It is in this sense that the state can be described as the codified power of the social formation of a given time.

The state, so considered, is itself a distinct and discrete organisation of power in so far as it possesses the capacity to select, categorise, crystallise and arrange power in formal codes and institutions. And this capacity gives to the state its status – power, power to take decisions, power to enforce decisions, and also power to coerce those who defy them. But the state so considered derives its power from society. It is, in this sense, a codified power, but within the framework of the society in which it operates.

The state, as a social relation and also as a codified power in a given society, would have certain characteristics of its own. These characteristics can be stated as:

a) The state is a power, organised in itself. It has the power to legitimise social relations and gives them recognition through formal codes and institutions. This gives the state a distinct and irreducible status in society while making it autonomous from classes and contending factions existing in it.

b) The state emerges as a set of specifically political practices which defines binding decisions and enforces them, to the extent of intervening in every aspect of social life.

c) The state monopolises all means of coercion. No other organisation in the society has this power.

d) The state gives fixity to social relations, and social stability to society. The social order, according to Chandhoke, "is constituted through the state and exists within the parameters laid down by the state."

e) The state exists within the framework of a given society. As society responds to the changing conditions compelled by numerous social forces, the state responds to the changing society. The state always reflects the changing relations of society. As society constantly re-enacts itself, so does the state.

The liberal and the marxist perspectives of civil society differ drastically. For the liberals, civil society presupposes democratic states together with the accountability of the states, the limits on state power, the responsiveness to the spontaneous life and the interactions of civil society. For the marxists, civil society is the arena of class conflicts, selfish competition and exploitation, the state acting to protect the interests of the owning classes. A definition of civil society comprising the insights of both the liberals and the marxists must take into account the following:

a) The state power must be controlled and it has to become responsive through democratic practices of an independent civil society

b) Political accountability has to reside not only in constitutions, laws, and regulations, but also in the social fabric or what Habermas calls the competence of the 'political public' which, in turn, has the following implications: (i) it implies that the people come together in an arena of common concerns, in debates and discussion and discourse free from state interference (ii) it implies that the discourse is accessible to all (iii) it implies a space where public discussion and debate can take place.

c) Democratic norms and processes have to be imbibed in the social order.

d) Civil society is the public sphere of society. It is the location of these processes by which the experiences of individuals and communities, and the expression of experiences in debates and discussions, affirmation and constitution are mediated. It is also a theatre where "the dialectic between the private and the public are negotiated. It is the process by which society seeks to "breach" and counteract the simultaneous "totalisation" unleashed by the state" (Bayart, "Civil Society in Africa", in Chabal, P., ed., *Political Domination in Africa: Reflections on the Limits of Power*). It is a site where the state is forbidden to shape public opinion and perceptions.

10.3 CONCEPT OF THE STATE: AN OVERVIEW

The state, being at the very core of political theory, has been defined differently by different political philosophers since the time of the ancient Greek. For some, it is an institution of coercion, while for others, it is the custodian of the rights of the people. While some, like the anarchists, would like to abolish the state straight away, others like the socialists of the non-marxian shade would want it to stay to establish socialism.

Despite the fact that the state has meant different things to different people, one cannot ignore the central place the state has in political theory. One would do better, if one attempts to discuss the meaning of the state vis-à-vis society which has come to us by a host of eastern political philosophers.

10.3.1 The Pre-modern Tradition

In all his works in political theory, there is a strong case which Plato (428/7- 348/7 BC) builds in favour of an omnipotent rule. The problem to which Plato addressed himself was not as to how best a government could be created, but as to how the best government could be installed. It is the job of the government, Plato affirmed more than once, to help people live a complete life. It is, thus, with Plato a matter of just not a government, but a just government, just not a government any how, but a perfect government, the government that was able to deliver happiness for all who lived therein. For Plato, a state is a system of relationships in which everyone does his own business and where the job of the state is to maintain, and promote such relationships.

Following his teacher Plato, Aristotle (384-322 BC) defined the state as *polis* (the ancient Greeks used polis for the state) as a community, which exists for the supreme good. He says that the state is "an association of households and villages sharing in a life of virtue, and aiming at an end which exists in perfect and self-complete existence."

Both Plato and Aristotle, and for that matter all Greeks, thought of polis as more than a state. It was an arrangement of administrative machinery, a government or a constitution, but was also a school, a church laying the guidelines for a way of life, which for them, was nothing but

leading a full life. For Plato and Aristotle, there was no distinction between the state and society: the state was an organ and a part of the society; it was submerged in the society itself. In addition, the Greeks thought of the polis as an ethical entity and that was why they assigned, ethical functions to be performed by the rulers of the state, i.e., good, happy and complete life. Barker writes, "It (the polis) is more than a legal structure: it is also a moral spirit". An ancient Greek would never imagine himself without the polis, he was only a part of the polis, a part of the whole. Barker says, "Here (in ancient Greece) were individuals, distinct from the state, yet in their communion forming the state." Wayper also says "For life to be worth living must have a meaning, and only in the polis they (the Greeks) were sure, did it acquire meaning. There was no distinction between political, social and ethical life in ancient Greece. The society was the state as the state was with Plato and Aristotle, a government: the freeman, the master was a citizen, a legislator and a member of the society; he as the ruler ruled the individual as a member of the society, all the individuals, the whole society. The slave-owing society of ancient Greek times could hardly be expected to give a theory of state, nay a theory of society, more than that of the government, precisely, the rulers".

To Cicero's writings would go the credit of giving a notion of the state which is not a polis, but a commonwealth. Like the ancient Greeks, Cicero also regards the state submerged in the society, a part, i.e., an integral part of the society. Cicero says, "The Commonwealth, then, is the people's affairs, and the people is not every group of man, associated in any manner, but is the coming together of a considerable number of men who are united by a common agreement about law and rights, and by the desire to participate in mutual advantages." From this, Cicero's theory of state can be summed up as: (i) the state is differentiated from people's gatherings, i.e., society (ii) the people enter the state after they agree on certain rules, giving people a 'legal' status, which lead them to form 'legal community (iii) the state exists when people agree to participate in its affairs. In Cicero's theory, there is a theory of state different from the theory of society; he makes a distinction between the state and the society; his theory of state is the theory of government as well as a theory of political community.

The medieval political theory in the West was mainly concerned with Christianity where social life was more a religious life regulated by the dictates of the Roman Catholic Church headed by the Pope. Christendom ruled the universe and politics was controlled by the Church. The temporal power was regarded inferior to that of the ecclesiastical, the state acting as a footnote to the wider world. The state, in the medieval European world, was thought of as a means for reaching the *City of God* (St. Augustine), and the human law was to work under the divine law, natural law and ultimately, under the eternal law (St. Thomas). It was not the society that controlled the state, but those who controlled the society– the Pope, the Church priests, the monarchs and the feudal lords– who controlled the state i.e., the state machinery.

10.3.2 The Liberal-Individualist Tradition

With the modern age ushering in the Western World during the fifteenth-sixteenth centuries, there appeared a definite theory of state. The liberal-individualist philosophers, with Hobbes (1588-1679) onward, came to make a clear distinction between the state and society by making the state a matter of mere governance. All liberals, basing their political theory on individuals, came to build political power, the state, as an instrument, some like Hobbes giving all powers to the state while others like Bentham (1748-1832) making it a non-interventionist one. All liberals argue for an autonomous individual, the degree for individual autonomy differing from philosopher to philosopher. The liberals' laurels included "individual liberties, rights as sacred as natural, property ethos, rule of law, free, competitive and market economy … all to remain free

from the interference of the state. The early modern political theory could not make distinction between state, and government, … All regarded state power as political power, and political power as the power of the government".

The Machiavellian state (credit goes to Machiavelli for introducing the word 'state' in Political Science), whether princedom or republic, is a power state, meaning thereby that it exists for power and exists because of the power whose main interest is to maintain, enhance and enlarge its own authority. For Bodin (1530-1596), the state is "a lawful government, with sovereign powers, of different households, and their common affairs", considering the state affairs as concerning the 'public'. "The final cause, end, or design of men", Hobbes says, "is the foresight of their own preservation, and of a more contented life".

With Locke (1632-1704), the liberal theory gets impetus and the state comes to protect property, and promote a better economic life, for liberalism comes to stay as the political philosophy of the capitalist class, the democratic flavour joining it at a later stage of development. The early liberal-democratic theory restricted the role of the state to the minimal, protecting life, liberty and property of its citizens from external aggression and internal chaos on the one hand, and providing a system of justice and public works, and amenities on the other hand, with no role for the welfare of the people.

It was John Stuart Mill (1806-1873) first, and T.H. Green (1836-1882) later who expanded the positive role of the state in preparing a conducive atmosphere where the individual could enjoy a better way of life. Mill and Green introduced democratic elements in the organisation and functioning of the state, though both could hardly leave their capitalistic shackles.

To sum up, one may, therefore, conclude that the early modern political theorists such as Machiavelli and Bodin could hardly see beyond the omnipotent state. The contractualists, especially Hobbes, had thought that in order for society to come into existence, a strong state is required. The early liberals such as Locke, Smith, Bentham held the view that as the society has the capacity to reproduce and regenerate itself, the state and its power should be minimal. But the later liberals, J.S. Mill, T.H. Green, De Tocqueville felt that numerous social associations, while enhancing social ability, could become instruments through which individuals could fashion a political discourse which could limit the nature of state power. The liberal pluralistic, in the third and fourth decades of the twentieth century were able to build a strong case for the numerous associations, existing in society, to control the omnipotence of the state while balancing the latter against the claims of the society.

10.3.3   The Marxian Tradition

The Marxian theory of the state emerged, as a reaction against liberalism. For the Marxists, state and society are two distinct entities, though the state is not independent of society. The society type explains the type of state, society providing the base on which stood the superstructure. The Marxists, regarding the state as a product of a class society, believe the state to be a class institution, protecting and promoting the possessing class, and oppressing and coercing the non-possessing class. For them, the state is an engine of class rule. But it is also an instrument of social and political change, its negative function is to destroy the remains of the earlier society, while it, through its constructive functions, builds the structure and culture of the class it is manned with.

Chandhoke discerns three theoretical moments of the Marxist theory of state. The first such moment has been when Marx and Engels, in the *Manifesto of the Communist Party* (1848)

regard "the executive of the modern state " as "a committee for managing the common affairs of the whole bourgeoisie". Marx also writes in the preface to *Towards a Critique of Political Economy* (1859), "the totality of these relations of production constitutes the economic structure of society, the real foundation, on which arises a legal and political superstructure and to which correspond definite forms of social consciousness." This base-superstructure model of the state was a reaction to the liberal concept of the disembodied state standing apart from society as also a reaction against the Hegelian model of the all-powerful state while subordinating civil society to it. The second moment, appearing around the 1960s and with Ralph Miliband and Hanza Alvi, questions the nature of the state and its relationship with society. In it, the state emerges as a distinct theoretical object in its own right and state-centric theory emerged as the dominant stream of political theory. The third theoretical moment was made possible through the contributions of Nicos Poulantzas and Claus Off. This moment saw political theorists preoccupied with concepts and theories. Following Gramsci, who had conceptualised the state as the political consideration of civil society, the Marxist political theorists of the third theoretical moment began a spiralling interest in civil society as the sphere where meaningful practices, both hegemonic and subversive, are generalised.

10.4   CONCEPT OF CIVIL SOCIETY: AN OVERVIEW

The concept of civil society is associated with the Western intellectual tradition. With the epoichal changes in the West, the idea of civil society has grown progressively. Many factors have gone into developing the concept of the state as it has come to stay with us. These factors, to mention a few, include the emergence of secular authority, the development of the institution of property, the decline of the absolutist state, the growth of urban culture, the rise of nationalist and democratic movements, until the end of the nineteenth century and the rule of law. As the capitalist economy with its democratising features has developed, so has the concept of civil society.

10.4.1   The Pre-Modern Tradition

If the idea of civil society contains in it the idea of what relates to public, the pre-modern times may well be regarded as opposed to the concept of civil society. The Platonic rulers alone were the administrators and a large number of those who constituted 'the producing class' had no role to play in public affairs. The Aristotelian notion of '*zoon politikon*' (man as a political animal) was elitist in the sense that (i) the political animal was a male, (ii) he alone was a citizen and (iii) he alone was a property holder. The rest of the population, the women, the slaves etc., constituted Oikes, i.e., the private world and that could hardly be termed as constituting the civil society. As the 'private' was not 'public', it was not political and none belonging to it had any citizenship rights. The Greek society, Chandhoke points out, did not 'possess any notion of inalienable rights of man to individual freedom which became so prominent a feature of early version of civil society."

By developing the concept of rights, legally ordained, and especially relating to property of the individual, there did emerge the notion of 'civil society' in ancient Roman thinking. Indeed the notion of 'civil society' did need such an atmosphere to shape itself, but the ancient Roman thought could hardly rise above that, notwithstanding the attempts at making distinction between 'private' and 'public' which the ancient Romans really did.

During the whole medieval period in the West when politics took the back seat, the idea of civil

society got eclipsed. What related to 'public' as 'political' was limited to a very few people called the feudal lords, barons, dukes and counts. The idea of civil society was almost unknown.

10.4.2   The Liberal-Individualist Tradition

The early modern period with Machiavelli and Bodin saw the emergence of politics, but the period itself did not witness the corresponding growth of the idea of civil society. The civil society, as a concept, rose with the idea of individuals with rights, individuals related to the state, and individuals related to others in society.

There is the clear reference to civil society both in Hobbes and Locke when the two sought to make a distinction between the 'state of nature', and the 'civil society' or the 'political society' after the contract was made. Both talk about the rights-bearing individuals; both sought the state to protect these rights. It is difficult to regard the contractualists, Hobbes and Locke, as theorists of civil society because (i) their formulations on civil society are found in an embryonic form and (ii) their attempts, despite a rational and persuasive explanation on state and society, remained arbitrary (see Chandhoke, *State and Civil Society*).

The concept of civil society has emerged clearly between the seventeenth and the nineteenth century, especially with the classical political economy theorists such as Adam Smith. Classical political economy, echoing individual rights like laissez faire, freedom, equality, made the institution of state as simply irrelevant, devaluing it, and that of civil society as what Marx had said 'theatre of history'. This helped "the civil society", Chandhoke writes, "as a historically evolved area of individual rights and freedoms, where individuals in competition with each other pursued their respective private concern."

The advent of the idea of civil society, coming from the writings of political economy theorists, was to have its shape vis-à-vis the state. J.S. Mill and De Tocqueville who thought that the state had become much more powerful than desired, sought to limit the power of the state through the mechanism devised in the ever developing concept of civil society. Chandhoke sums up this phase of liberalism, saying: "…. Civil society was used as a concept primarily for organizing state-society relations. The expansion of the state, it was perceptively recognized, would contribute to the shrinkage of the civil arena. State power could be limited only with the expansion of civil society."

The process of democratisation in the west made it possible for civil society to expand itself, and in the process, restricted the area of the state. But elsewhere, the concept of the state gained prominence restricting thus, the arena of civil society. The views of Hegel, and therefore, of Marx and Gramsci should be of some interest.

10.4.3   The Hegelian, Marxian and Gramscian Traditions

There is a definite relationship between the state and civil society in the writings of Hegel (1770-1831). He views the state as the latest link growing out of the development of various institutions. Describing the state as the synthesis, representing universality, of the thesis of families and the anti-thesis of civil society, Hegel recognises the state as higher in kind than civil society. Hegel regards the state as the highest, the latest, and even the final form of social institutions. For him, civil society, as the anti-thesis of the thesis of family is "an expression for the individualist and atomistic atmosphere of middle class commercial society in which relationships are external, governed by the 'unseen' hand of the economic laws rather than by the self-conscious will of

persons." So, civil society, a negative institution as it is for Hegel, belongs to the "realm of mechanical necessity, a resultant of the irrational forces of individual desires", governed, as Sabine says for Hegel, "by non-moral casual laws and hence, ethically anarchical." The thesis (the family) and the anti-thesis (the civil, the bourgeois society) merge into what Hegel calls the state (the synthesis). Thus, the state comes to have the universality of civil society and the specificity and the individuality of the family.

Thus, while the political economy and the liberal-democratic theorists had given primacy to civil society, and had given the state a back seat, Hegel reverses the position and puts the state in the position of civil society. According to Hegel, ultimately civil society is subordinated to the state, and the individual, to the whole. "Consequently, in Hegelian formulation", Chandhoke says, "there can be no interrogation of the state, of its designs for universality, or of its rationale. The resolution of the contradiction of civil society is the state, and therefore, between the people and the state, there is no dichotomy, only legitimacy and acceptance."

Marx, unlike Hegel who had made the civil society a hostage and who had idealised the state, seeks to restore the civil society to the position of making it the theatre of history. But the civil society, Marx argues, has failed to live up to its promises, had failed to create a situation where the individual could find freedom and democratic transformation, had to seek ways and means through which individuals could integrate into the society and the state.

Gramsci (1891-1937) following Marx and developing his theory of state takes into account the reality of civil society. His main proposition is that one cannot understand the state without understanding the civil society. He says that the 'state' should be understood as not only the apparatus of government, but also the 'private' apparatus of hegemony or civil society. Building on the Marxian notion of the state, Gramsci makes a distinction between the state as a political organisation (the integral state, the visible political constitution of civil society) and the state as government. The integral state keeps reproducing itself in the practices of everyday life through activities situated in civil society. It is hegemony which provides moral and intellectual leadership to practices in civil society. Hegemony, for Gramsci, works for both, for the dominant as well as the subaltern class in civil society. Each class must, Gramsci says, before seizing power, hegemonise social relations in society.

To sum up, it may be said that for both the liberals and the Marxists, civil society is primary. While the liberals argue for the separation of civil society from the autonomy of the state, the Marxists, on the other hand, create an alternative tradition of civil society, in which, the civil society, with its all potentialities, has to keep itself always reorganised and transformed.

10.5 RELATIONSHIP BETWEEN STATE AND CIVIL SOCIETY

The relationship between state and civil society is important in so far as it suggests the comparative position of each in relation to the other. In some analyses, this relationship is depicted as a zero-sum game: the stronger the state, the weaker the civil society; the weaker the state, the stronger the civil society. Obviously, the expansion of the area of state activity would help minimise the role of civil society; the expansion of the area of civil society would help, on the other hand, minimise the role of the state. In modern liberal societies of our time, the civil society 'sphere' is larger than that of the state, while in dictatorial regimes of any sort, the state's 'sphere' is larger than that of civil society.

10.5.1 State and Civil Society: Integrative Relationship

State and civil society are not two opposite concepts. One does not stand in conflict with another. Neither is one the anti-thesis of the other. The two should not be regarded as usurping the area of each other. It is not a zero-sum game relationship between the two. Indeed, the relatively stronger state would put a premium on the role of civil society, but this, in no way, diminishes the effectiveness of civil society. The libertarian view, expressed in the writings of Hayek or Nozick, that the state is likely to oppress civil society is, more or less, ill-founded. The fact of the matter is that the relationships between state and civil society are reciprocal; the relationships are of an integrative nature, each strengthening the cause of the other. It is, infact, difficult to conceive of civil society functioning successfully without the state. We see the citizen simultaneously constrained by the state and protected by it. It is the state which provides the integrative framework within which the civil society operates; civil society cannot function properly without the state. The integrative framework, as expressed in laws and rules, is accepted as valid by all, the framework needs to be administered neutrally and in a manner consistent with the shared culture of society. We cannot imagine life without this integrative framework, which creates a degree of coherence and without which civil society is likely to become uncivil. Civil society has to open up, in the face of the all-powerful state, to challenge the bureaucratic devices lest it ends up in rigidity. It is, thus, the reciprocity between state and civil society that is significant or at least, should be considered significant. State power is to be exercised within the larger and wider sphere of civil society, and civil society has to keep state power on its toes so that it does not degenerate into absolutism.

10.5.2 State, Civil Society and Democracy

The two concepts, state and civil society, are not in conflict with each other. Democracy integrates the two. The claims of the state get strengthened by civil society and civil society is made more stable through the state. The two have to work in a democratic frame: the democratic state within the framework of democratic civil society. In a democratic system, state and civil society can collaborate for effective functioning of each. The state has to be constituted democratically, wherein its powers are decentralised and its functions are performed within the rules and procedures already laid. Such a state has to respond to the ever-growing demands of civil society. Its role, more or less, is to coordinate, it has to interfere least in the social and economic life of the people; it has to be regulative in character.

Civil society has to be more open and diversified. It has to keep the dialogue continuous and constant with the state and within all the constituents making it. Its area has to be ordained freely and openly, devices making up public opinion and public discourse state-free.

In liberal-democratic states, there is a constant interplay of forces belonging to the state and civil society, each putting an imprint on the other. In dictatorial regimes, state power is used to control civil society and civil society gets integrated into the state: the state speaks for the civil society. Democracy alone unites the state with civil society. The state cannot exist for long if it is not democracy laden; civil society cannot exist unless it is democratically structured and functions democratically.

A democratic state cannot exist if it is restrictive, coercive, prohibitive, and imposing; it cannot exist if it does not provide the civil society frame in perfect order; it cannot exist if it does not guarantee rights and freedoms to individuals. Likewise, a democratic civil society cannot exist if it does not allow every individual to act in the public sphere, it cannot exist if each and every citizen does not have equal claim on the state, if each citizen is not respected as a human being.

10.6 SUMMARY

State is not mere governance; it is a political community as well. It is, what Gramsci says, the visible political constitution of civil society, consisting of the entire complex of activities with which a ruling class maintains its dominance, and the ways in which it manages to win the consent of those over which it rules. It is, in other words, a complex of institutions and practices resting upon the nodal points of power in civil society. It is a social relation and as such, it is the codified power of social formation.

Civil society consists of the entire range of assumptions, values and institutions such as political, social and civil rights, the rule of law, representative institutions, a public sphere and above all, a plurality of associations.

The two concepts, state and civil society, have grown over time and along with them, their characteristics also developed. They have stood in relation to each other, each giving another a corresponding value. With the emergence of political economy and liberalism, civil society got a definite connotation, especially in relation to the state.

State and civil society are closely related to each other. The state cannot be imagined without civil society, and civil society cannot be thought of without the state. The two exist in integrative relationships. The state, in democratic systems, protects civil society and civil society strengthens the state. In dictatorial regimes, the state controls the civil society.

10.7 EXERCISES

1. How did the term 'state' come to be used in the West?

2. Explain briefly the characteristic features of the State.

3. State briefly the ancient Greek view of the State.

4. Why do Marxists regard the state as the committee for managing the common affairs of the bourgeoisie?

5. Explain the early modern view of the state.

6. What is civil society?

7. Explain Hegel's view of civil society.

8. Explain the relationship between state and civil society.

9. How does democracy ensure an integrative relationship between the state and the civil society?

UNIT 11 POWER AND AUTHORITY

Structure

11.1 INTRODUCTION

The concept of power is the key to understand and analyse politics, political institutions and political movements of the systemic process, both in the national and international arena. It is the centre of political theory. H.D.Lasswell and A. Kaplan declared, " The concept of power is perhaps the most fundamental in the whole of political science: the political process is the shaping, dissolution and exercise of power." It is the concept of power that political science is primarily concerned with. Thinkers like Machiavelli and Hobbes advocated the study of power as the central theme of politics. Hobbes wrote: " There is a general inclination of all mankind, a perpetual and restless desire of power after power that ceased only in death." A few decades ago, Frederick Watkins suggested, "The proper scope of political science is not the study of the state or of any other specific institutional complex, but the investigations of all associations insofar as they can be shown to exemplify the problem of power." Perhaps this view was further strengthened by William A. Robson when he suggested, " It is with power in society that political science is primarily concerned – its nature, basis, processes, scope and results. The focus of interest of the political scientist is clear and unambiguous; it centers on the struggle to gain or retain power, to exercise power or influence over others, or to resist that exercise."

While studying the concept of power and its various manifestations in the systemic processes, one is reminded of what Joan Woodward said in his pioneering work, *Industrial Organization*: *Theory and Practice*. He said, "It seems that the sociologist cannot win in his attempts to establish a rigorous experimental framework for his research." It has, on the whole, been indeed a complex process of multi-dimensional character to analyse the operational structures of power, both as a central theme of social order and also as a factor of motivation of ambitious men, whether one looks at Hitler's Germany or Stalin's Russia.

Before we discuss about the various conceptual dimensions of power, it is desirable that students of politics ought to have some basic understanding of the concept of power. Let us see what Andrew Heywood in his work on *Political Theory: An Introduction* (Palgrave, 1997, P. 122) had to say in his introductory remarks on the concept of power:

All politics is about power. The practice of politics is often portrayed as little more than the exercise of power and the academic subject is, in essence, the study of power. Without doubt,

students of politics are students of power: they seek to know who has it, how it is used and on what basis it is exercised. Such concerns are particularly apparent in deep and recurrent disagreements about the distribution of power within modern society. Is power distributed widely and evenly dispersed, or is it concentrated in the hands of the few, a 'power elite' or 'ruling class'? Are powers essentially benign, enabling people to achieve their collective goals, or is it a form of oppression or domination? Such questions are, however, bedeviled by the difficult task of defining power; because power is so central to the understanding of politics, fierce controversy has surrounded its meaning. Some have gone as far as to suggest that there is no single, agreed concept of power but rather a number of competing concepts or theories.

Moreover, the notion that power is a form of domination or control that forces one person to obey another, runs into the problem that in political life power is very commonly exercised through the acceptance and willing obedience of the public. Those 'in power' do not merely possess the ability to enforce compliance, but are usually thought to have the right to do so as well. This highlights the distinction between power and authority. What is it, however, that transforms power into authority, and on what basis can authority be rightfully exercised? This leads, finally, to the question about legitimacy, the perception that power is exercised in a manner that is rightful, justified or acceptable. Legitimacy is usually seen as the basis of stable government, being linked to the capacity of a regime to command the allegiance and support of its citizens. All governments seek legitimacy, but on what basis do they gain it, and what happens when their legitimacy is called into question?

The annals of international history are a testimony to the study of struggle for power. Power as a model of analysis has been explained and explored by various social and political scientists since the time of Machiavelli and Thomas Hobbes. One could perhaps agree with the view that the Federalists, Pareto and Mosca are power theorists. This line of thought has further been advanced by George Catlin, Charles Merriam, Bertrand Russell, Harold Lasswell, and many others. With the onset of liberalizsation and the globalisation of economy, the whole area of empirical study of power has become a special sort of social theory.

11.2   EMPIRICAL STUDY OF POWER

It has never been an easy task to study and analyse the concept of power empirically. As Maurice Cowling, in his pioneering work, *The Nature and Limits of Political Science* (1963), says that there are real difficulties about access to the centres of power in modern society, even in a democracy. It may be easier to "discover the truth about contemporary power than to publish it; the difficulties are greatest for those who have been participants".

Kornhauser has tried to analyse the difficulties involved in the methodologies to understand the various centres of power in a political system in the article, "Power relationships and the Role of the Social Scientists" in his edited book, *Problems of Power in American Democracy* (1957). According to him, these difficulties could be somewhat expressed in the form of questions such as, "What social scientist are you?", "What parts of society want what types of knowledge, to be used by whom, towards what end?". It is not possible to have compatible doctrines and models regarding methods and objectives in studying power. These difficulties have been beautifully presented in theoretical works of political scientists like Machiavelli, Hobbes, Locke, T.D.Weldon, Oakeshott, Butterfield, E.H.Carr and the like.

In any discussion of power, one has to keep in mind that most of the studies on power by eminent researchers are simply reflections of simplified versions of politics outside their time;

these are not the presentations of the real politics of their contemporary society and time. An objective bias in the selection of small subjects having limited ramifications could well lead to methodological conclusions that may not be true in case of the 'great society'. In the preface to his well-known work on power studies, *Who Governs?*, Robert Dahl said, "Many problems that are almost unyielding over a large area can be relatively easily disposed of on this smaller canvas. It is not, perhaps, wholly accidental that the two political theorists who did the most to develop a descriptive political science were Aristotle and Machiavelli, who, though separated by eighteen centuries, both witnessed politics on the smaller, more human scale of the city-state."

11.3   CONCEPTS OF POWER

Power is normally understood as the possession of control, authority, or influence over others, a relationship in which an individual or a group is able to exert influence over the minds and actions of others. According to Arnold Woofers, it is defined as the ability "to move others or to get them to do what one wants them to do and not to do, what one does not want them to do." Authority is closely connected with power. It might take various forms such as political, economic and ideological. One might say that concepts like morality, ethics, religion, customs and traditions may operate as limitation on power. Politics as 'authoritative allocation of values' is deeply interlinked with power and authority.

Most of the researchers who analyse the concept of power often start with two propositions: that in any polity some people have more powers than others, and that power is an object of desire, a 'utility'. Power is understandably associated with honour, deference, respect and dignity. One has, of course, to distinguish the power of the man from the power of the office that guarantees authority and legitimacy.

One has also to be careful about the distinction between apparent and real power. While analysing various dimensions of power, Maslow prefers to talk about the psycho –pathology of ambition as well as mental framework of some men. He says, " Their jungle philosophy (that of authoritarians) does not change even when they grow up and come out of the jungle. It resists new facts. It is sick because it reacts to an outgrown past, rather than to the real present." These persons are psychologically perverted ones because what they run after is nothing but an illusion. Maslow concludes that "Of course for those who actually live in a jungle-like world – and there are plenty who do so today – a jungle philosophy is realistic and reasonable."

11.4   POWER – MARXIST AND WESTERN APPROACH

The concept of power is one of the fundamental concepts of political theory. The analysis of the nature of power in both socialist and capitalist societies is essential for understanding the nature of politics as well as the state. Lenin said, " The question of power cannot be evaded or brushed aside, because it is the key question determining everything in a revolution's development, and in its foreign and domestic politics". While studying the concept of power, what often comes to mind is its use in a broad sense by the Marxist thinkers. Both Marx and Lenin highlighted the social relations in a political system as well as the relationship between man and environment. Over the millennium, in reality, nature has always been both the subject and the object of power. Earlier, nature's control over man had given a different definition of power. With the control of man over nature because of growth in science and technology, the concept of power acquired a new definition and dimension. As a synonym of political and social domination in state structures, power assumed multi-dimensional forms.

In the Marxist approach and terminology, the concept of power is identified with the control of state power through revolutions. Lenin said, "the passing of state power from one class to another is the first principal, the basic sign of revolution, both in strictly scientific and in the practical political meaning of the term". The basic spirit of any revolution is the question of power in the state. He said, "The class struggle becomes real, consistent and developed only when it embraces the sphere of politics. In politics too, it is possible to restrict oneself to minor matters, and it is possible to go deeper, to the very foundations. Marxism recognises a class struggle as fully developed, nation-wide only if it does not merely embrace politics but takes in most significant thing in politics-the organisation of state power".

While differentiating between power and the state, Lenin was of the opinion that social power existed before the origin of the state, and would continue to be there long after the "state withers away". Criticising the views of Pyotr Struve that the state would continue to exist even after abolition of classes, Lenin said "First of all, he quite wrongly regards coercive power as the distinguishing feature of the state: there is a coercive power in every human community; and there was one in the tribal system and in the family, but there was no state…the distinguishing feature of the state is the existence of the separate class of people in whose hands power is concentrated".

According to the Marxist thinkers, the sphere of politics includes all aspects of the state; it implies all types of relationship among the classes, be it economic, ideological, semi-psychological and other. Lenin said, "it is the sphere of relationships of all classes and strata to the state and the government, the sphere of interaction between all classes."

The term power is often used in a diverse sense, in both polysemantic and indefinite manner. According to Fyodor Burlatsky, "the natural scientist speaks of power over nature, the philosopher over the objective laws of society, the sociologist of social power, the economist of economic power, jurists of state power, psychologists of man's power over himself, and so on." Thus, although every expert talks about the importance of power, it is almost impossible to provide an explicit meaning of power.

The western sociologist highlights power as an essential factor in all social kinetics. The French sociologist talks of "the aura of mystery surrounding power". Michel Halbecq writes, "At present the phenomena of power preoccupy theorists of public law and political scientists." Francois Bouricoud emphasises that in its political form, power posseses the most formidable enigma. The sociologist Crozier opines that power is present in all processes of social life. There is indeed lack of specificity regarding the source of power. The western sociologists most often are extremely empirical, refusing the philosophical content of power, or are in love with abstract sociologising dimension of power. Maurice Duverger takes a positive view of power. He is critical of viewing power or authority from a metaphysical or philosophical point of view. He proposes that the emphasis should be given mainly to the practical methods by which power commands respect and the means by which it obtains submission. Duverger, however, is not very consistent in his observations. While discussing about some of the general indications of power, he prefers to indulge in the philosophical groundings of power.

Some of the western thinkers have also talked about the biological concept of power. Going back to the Greek days, Aristotle viewed power as a natural condition of society, nature determining the character and process of society.

Aristotle said, "For that some should rule and, others be ruled is a thing, not only necessary, but expedient; from the hour of their birth, some are marked out for subjection, others for rule. And whereas there are many kinds of both of rulers and subjects, that rule is better which is exercised over better subjects- for e.g., to rule over men is better than to rule over wild beasts. That work is better which is executed by better workmen; and where one man rules another is ruled, they may be said to have a work."

Some of the leading western sociologists were not in favour of this tendency towards biologism. George Burdeau, for example emphasised that power and society were born together. John William Lapierre conceived power as the exclusive attribute of social organisation, as a social factor inherent in the social group, and enforces the concept of power from the fact that man belongs to a group.

Some researchers like Herbert Simon have presented a very narrow definition of power. Simon uses the concepts of power and influence as synonyms. Others like Gerard Bergeron are reluctant to use the term power and desire this term to be replaced by the concept of "control" to ensure that what they say is ideological neutral. This type of approach, in effect, may not be able to provide a scientific analysis.

A definition in "A Dictionary of Social Sciences" says: "Power in its most general sense denotes (a) the ability (exercised or not) to produce a certain occurrence or (b) the influence exerted by man or group, through whatever means, over the conduct of others in intended ways." This definition of power is deeply influenced by Max Weber's famous formulation: "power signifies any capacity to work one's will within given social relations even against opposition, independent of what that capacity is based on." This juridical conception of power was very popular among the western writers during the 1950s and 60s.

The western concept of power as the capacity to work one's will is reflected in the writings of Engels when he said, "Authority, in the sense in which the word is used here, means the imposition of the will of another upon ours; on the other hand, authority presupposes subordination." While analysing both the Marxist and the western approach towards the concept of power, one finds that the western approach is heavily indebted to the focus on institutional will: the dominant will of a group or organisation whereas the Marxist approach relies on class will as the basis of power. Raymond Aron and Crozier prefer to use "law" in place of "will", and in place of domination, they would like to offer direction, influence or control.

Power is, thus, the real ability to implement one's will in social life and political power represents the real capacity of a given class, group or individual expressed in politico-legal norms, while discussing about the nature of power one has to keep an eye on the following aspects: a class approach of power, concentration and diffusion of power accruing from the pluralistic nature of society, different aspects of power such as economic, political, social, differentiation between social and personal power, characteristics of power in different socio-political structures, and isolation of legal principles from volitional ones.

In the 1930s, politics came to be viewed as a system of relationship with respect to power. Both George Catlin and Charles Merriam were at the forefront of this trend. Later, other political scientists such as Harold Lasswell, M.A.Kaplan, and others followed suit. Lassswell's 'Theory of Elites' wherein he highlighted the "distribution of values" as the base point of the political process became the source point of the majority of American students of politics, and political science came to be treated as the science of power. Thus, both western political sociology and

Marxist thinking on the growth of political systems have contributed a great deal towards the development of the concept of power.

The concept of power, one must not forget, is multidimensional. Often power and influence criss-cross each other's area of operation. Some people talk about "intentionalist" and "structuralist" understanding of power. According to the intentionalist, power is an attribute of an identifiable object such as political party, social grouping or any interest group. The structuralists understand power as a form of social system. Sociologists like Talcott Parsons and neo-Marxists such as Althusser belong to the structuralist school of thought.

Steven Lucas, in his book "Power: A Radical View (1974)" talks about three phases or dimensions of power. According to him, power has the ability to influence the pattern and the process of decision-making framework. It has also the ability to influence political agenda and control people's thoughts. Thomas Hobbes first enumerated the notion of power as having the capacity to make decisions in his major work *Leviathan* (1651). This has mostly been the basis of conventional thinking in the area of political science. Robert Dahl in his book, *A Critic of the Ruling Elite Model* (1958) has supported this concept of power, which according to him could be both objective and quantifiable. This approach was widely adopted by political scientists and sociologists, especially in America during the 1950s and 60s.

While discussing about power as the ability to influence the decision making process some researchers prefer to highlight non-decision making as the "second phase of power". In their seminal essay, "The Two Phases of Power (1962)" P. Bachrach and Baratz insisted that "To the extent that a person or group – consciously or unconsciously – creates or reinforces barriers to the public airing of policy conflicts, that person or group has power." As Schattschneider said, "Some issues are organised into politics while others are organised out."

The third dimension of power is its capacity to influence the thought process of an individual or group. The ideas and views of individuals or groups are mostly influenced and structured by factors such as family, peer groups, schools, churches, mass media, political parties, and the overall environment at the work place. Vance Packard, in his study, "The Hidden Persuaders (1960)" has analysed the factors that have the ability to influence and manipulate human behaviour in a particular direction, what Steven Lucas said, "Influencing, shaping or determining his very wants." In his book *One Dimensional Man* (1964), Herbert Mareure, the leading neo-left theorist, talks about this aspect of power in advanced industrial societies in which the needs of the society could be manipulated through modern technology. This is what he said created "a comfortable, smooth, reasonable democratic unfreedom."

11.5   CONCEPT OF AUTHORITY

According to C.J. Friedrich, concept of authority implies a root of command to which obedience is rendered without any inducement, a 'social fact', and a social conduct within an interlinked, independent social structure. This type of analysis implies that the concept of authority is basically a part of classical theory, according to which authority is invariably linked with other concepts of social behaviour such as morality, customs, law, natural law, contract, expediency, and utility.

Authority is broadly understood as a constitutional means through which one can command compliance or obedience and influence the behaviour of another. Whereas power is broadly concerned with the *ability* to influence behaviour, 'authority' is understood as the *right* to do

so. Political philosophers over the decades have differed regarding the fundamental basis on which authority rested. However, they all agreed with the view that authority has moral dimensions. Authority is a form of constitutional power and provisions by which one can influence the behaviour of others. Power is more concerned with ability whereas authority is attached with the concept of right. Power is often identified with persuasion, pressure, threats, coercion or violence. The constitutional overtone is absent in the case of power, whereas authority has both legal and moral overtones.

Modern sociologists have approached the concept of authority from a different angle. The German sociologist, Max Weber, considers authority as a form of power, a 'legitimate power'. He analyses it as a matter of people's belief about its legitimacy. Although theoretically, the concepts of power and authority are treated as separate identities, empirically both tend to cross each other's boundary. While some researchers have considered authority as an essential feature of order and stability, others have looked at it as a symbol of authoritarianism.

Basically, both power and authority are mutually exclusive concepts. Authority is widely understood as a means of gaining compliance. On the other hand, power involves the ability to accomplish goals. It might take various forms such as pressure, intimidation, coercion or violence. Authority and power are intrinsically interlinked. Authority is rarely exercised in the absence of power, and power always implies some amount of authority.

Max Weber advocated three 'ideal-types' of conceptual models: such as traditional, charismatic and legal-rational authority. In traditional society, authority was linked with established customs and traditions. It was closely associated with hereditary systems of power and privileges. The second form of authority is linked with the power of an individual's 'charisma' or personality. Some consider this type of authority as divinely ordained. Sometimes, this type of authority could be 'manufactured' through the media and the 'cult of personality'. And this spectre of total power might lead to the growth of authoritarianism in political systems. This form of authority has its limitations in liberal democratic political systems. Max Weber identifies the third form of domination as legal-rational authority. This form of authority is very significant in modern industrial societies and is often regarded as the symbol of large-scale bureaucratic organisations, and it operates through a body of clearly defined rules and procedures. One must not, however, be unaware of the darker side of the onward march of bureaucratic authority, its de-personalised and inhuman social environmental dimensions.

11.6 DEVELOPMENT OF THE CONCEPT OF AUTHORITY

The concept of authority has become a highly controversial aspect of political theory in contemporary international political system. The progressive growth of individual rights and liberties, the world-wide movement for human rights and the advance of a tolerant or permissive social ethics have encouraged social scientists to look at the concept of authority from a grass-root oriented human angle. This development in the field of social science has ensured a backlash that has encouraged the defenders of authority to highlight its importance.

Beginning from the social contract theories of the seventeenth and eighteenth centuries, there has been a spate of liberal literatures in the field of social science that provided a classic justification for authority. These liberal theories emphasised that in the absence of an established legal authority to ensure order and stability as well as to protect individual liberty and rights, there could be imbalance in the growth of social systems. To neutralise the authoritarian trends in society, these liberal thinkers suggested that authority could be constrained through legal-

rational forms of constitutional provisions as the very basis of authority arising from 'below', the consent of the governed.

The conservative thinkers, on the other hand, always regarded authority, to quote Roger Scruton (1984) as an essential feature of all social institutions, a 'natural necessity' for leadership, not a result of consent from the governed.

The conservative ideas and doctrines became very popular in the late eighteenth and early nineteenth centuries. This was indeed a reaction against growing political and economic doctrines that emphasised the basic philosophy of the French Revolution. Not surprisingly, two streams of conservative ideas got reflected in the social science deliberations of the time. With the growing trends of an authoritarian and reactionary form of conservatism in continental Europe that refused to accept any idea of reform, there emerged in Britain and America, a more flexible form of conservatism that preferred 'natural change' or 'change in order to conserve', in the form of social reforms.

The conservative reforms were more in the form of traditions, history, and experience. They perceived the society as a moral community and strongly advocated a strong government to ensure the enforcement of law and order. They advocated non-ideological and programmatic interactions between the state and the individual.

Since the 1970s, conservative doctrines have been facing strong challenges from the New Right. The supporters of the New Right believe in economic liberalism or neo-liberalism and social conservatism. Neo-liberalism is often considered a backlash of the policies of liberal, socialist and conservative governments of the twentieth century. It believes that the breakdown of social structures is a result of the growth of liberal and permissive values and is in favour of traditional values, social discipline and restoration of authority.

Conservative political philosophy has always been criticised for its support for elite groups and status quo in society. However, against this criticism, conservatives argue that as human beings are morally and intellectually imperfect, it is always preferable to depend on the wisdom of tradition, authority and a shared culture than to be obsessed with abstract principles of political theory. From their stand point, authority is an intrinsic link that ensures social cohesion and strengthens the structures of society.

The advocates of conservatism are Edmund Burke, Michael Oakeshott and Irving Kristol. The advocates of authority strongly plead that an erosion of authority would lead to authoritarianism and totalitarianism. Hannah Arendt argued that a strong traditional authority is indispensable for the growth of moral and social behaviour, and provides a sense of social identity. In her book, *The Origins of Totalitarianism* (1951), she suggested that the decline of traditional values and hierarchies was responsible for the advent of Nazism and Stalinism. All said and done, the concept of authority has not always been accepted without reservations by social scientists. It has been considered a threat to reason and critical understanding. Such apprehensions have been highlighted by psychological studies. William Reich (1897-1957) in his work, *The Mass Psychology of Fascism* (1935) presented the view that the damaging repression brought about by the domination of fathers in traditional authoritarian families could have been responsible for the origin of Fascism. Theodore Adorno and others in the book, *The Authoritarian Personality* (1950) claimed to have evidence that persons having strong deference for authority have fascist tendencies. This view has been further strengthened by the psychologist, Stanley Milgram (1974) in his studies on the behaviour of guards in Nazi concentration camps and the US military during the Vietnam War.

11.7 SUMMARY

One of the major questions that often rise in any study of political science is the precise relationship between power and authority. In Cicero's phrase, "power lies with the people, authority in the Senate". His neat contrast between power and authority gets blurred as we analyse the various dimensions of these two concepts over the decades, and confront the realities behind these concepts. Interpretations of power and authority have varied with the growth of ideological dimensions of political systems. There are good reasons to suspect the exercise of 'power' and 'authority' in contemporary international systems. Although some of the researchers are very critical of Hannah Arendt's essay on Authority in her book, *Between Past and Future*, Carl Friedrich's study of Tradition and Authority, and Robert Nisbet's reflections on *The Twilight of Authority* as their reactions to radical egalitarianism and to the Marxist tradition, one must not forget to see the streams of progressivism in these writings. Hannah's revolutionary politics, Friedrich's faith in reason, and Nisbet's weakness for pluralism have revolutionised thinking in the field of social movements. Contemporary reflections on power and authority are more in tune with grass-root oriented approaches towards the process of human empowerment.

1. Power is central to the understanding and practice of politics. It can be exercised on three levels: through the ability to make or influence decisions; through the ability to set agenda and prevent decisions being made; and through the ability to manipulate what people think and want.

2. Power is the ability to influence the behaviour of others, based upon the capacity to reward or punish. By contrast, authority is the right to influence others, based upon their acknowledged duty to obey. Weber distinguished between three kinds of authority: traditional authority based upon custom and history; charismatic authority, the power of personality; and legal-rational authority derived from the formal powers of an office or post.

3. Authority provokes deep political and ideological disagreements. Some regard it as essential to the maintenance of an ordered, stable and healthy society, providing individuals with clear guidance and support. Others warn that authority tends to be the enemy of liberty and undermines reason and moral responsibility; authority tends to lead to authoritarianism.

4. Legitimacy refers to the 'rightfulness' of a political system. It is crucial to the stability and long-term survival of a system of rule because it is regarded as justified or acceptable. Legitimacy may require conformity to widely accepted constitutional rules and broad public support; but it may also be manufactured through a process of ideological manipulation and control for the benefit of political or social elites. (Andrew Heywood, *Political Theory: An Introduction* Palgrave, 1997, Page 150.)

11.8 EXERCISES

1. Explain the concept of power and its various dimensions.

2. Discuss the Marxist and western views of the concept of power.

3. Explain the difference between power and authority.

4. Explain the concept of authority.

5. Examine the concept of authority in the contemporary international political system.

UNIT 12 LEGITIMATION AND OBLIGATION

Structure

12.1 INTRODUCTION

Legitimation and Obligation are intimately related concepts. Legitimation induces obligation, while obligation strengthens the claims of legitimation. The two concepts have captured the imagination of philosophers from the ancient Greek times onwards. Political theorists, in every age, have answered questions relating to legitimation and obligation in numerous ways. An attempt to review these questions and arguments supporting them would be both interesting and instructive.

Legitimation amounts to pronouncing what is lawful, i.e., what is in accordance with established rules, principles or standards? It is what is related to the laws and decrees of the state, sovereign or government. It is what has the sanction of force behind it. It is what is followed, if violated, by punishment. Obligation is, generally, something by which a person is bound to do certain things; something which arises out of a sense of duty; it is what binds a person to a duty, to obedience. It is, in a sense, a state of being legally indebted. The two concepts, legitimation and obligation, are so related that the former seeks to demand or pursue something while the latter seeks to accept or follow. Legitimation is a matter of seeking obedience, whereas obligation is a matter of accepting dominance.

A discussion on issues relating to these two concepts, legitimation and obligation, would help to understand the meanings attached to it, implications relative to these terms and the arguments supportive of each in the greater part of modern western society.

12.2   WHAT IS LEGITIMATION?

Legitimation is legalisation. This means that what is legal is what is legitimate, and conversely what is not legal, i.e., what is not in accordance with law, established rules, recognised norms, is not legitimate. It is in this sense that legitimation is related to what is lawful. Literally, legitimation means, "to make lawful". To understand legitimation within the framework of the legal system is to know it in a very narrow sense of the term. Infact, legitimation goes beyond legalistic connotation and includes a host of processes by which an action is deemed 'legitimate'. These processes, indeed, are fundamental not only to the power relations in a society, but to its economic, social and belief systems. That the state's power is legitimate does not merely mean that it is lawful for the state to exercise power; it also means that its power is recognised by those on whom it is exercised.

Legitimation is, thus, the power of the state rightfully exercised and is the acceptance so by those on whom it exercises its control. The structure of power, and the exercise of it would be legitimate if the idea of law and justice, including ethical values, social beliefs, existing productive/ economic relations which underlie these, coincide with those present in the given society, over which the state exercises power, and are generally recognised by the given society as universal.

So understood, the concept of legitimation includes, if one attempts to identify its inherent implications, in the first instance (i) the legalised patterns of state activities, (ii) the value-systems of society in which the state exercises control and (iii) the citizens' body recognises the state's power legitimately-based.

12.2.1   Legitimation and the State

The state's very strength is based on legitimation. The structure of power, peculiar to the state, has to be legitimately derived and evolved; the exercise of the power of the state also needs to be used legitimately. What it means is that all forms of state power require legitimation. If the state is to carry on its business, with at least a minimum amount of consent from its citizens, and if the government is to survive, it requires legitimation/legitimacy. In the absence of legitimation or say legitimacy, how can the will of the state be enforced? Obviously, without legitimation of state power, the alternative is the use of physical force or terror to enforce the orders of the state. In a democratically structured society, state power is legitimate when (a) the power to rule the people is given by the people, and is exercised with the consent of the majority of the people – this would mean that those who exercise power are elected directly or indirectly by the people for a limited period only, and also when a system of control is in place (b) when the state power is exercised corresponding to the principles stated in the constitution of the land, especially those relating to legality.

The state alone possesses power, the power to rule people, the power to administer public affairs, the power to establish social order, the power to protect the system. The state alone has the responsibility to safeguard the country and promote its interests. It is because of its performance of responsibility that the state has power. Power of the state is the necessary corollary of the duty it is supposed to perform; power, thus, is the essential consequence/product of the job the state is called upon to do. That the state has the power, i.e., the lawful right of

the state to use power, is what may be called legitimation. Legitimation involves the use of the power of the state legitimately ordained. One aspect of legitimation, thus, is the inherent lawful authority empowered to exercise power which means, the power of the state to exercise its authority with the provision that it has the power and more than that, the exercise of the power is legitimate, legitimately authorised.

Legitimation is related to the state in more than one way. It is related to the state in the sense that the state alone has the legal authority to use its power. It is also related to the state in the sense that what the state does is legitimate by virtue of the fact that the state alone is authorised to do what it does. It is related to the state in the sense that the exercise of the will of the state is the legalised exercise permitted by the already framed basic rules prevailing in the political system, written, unwritten or both. Where there is, for example, no legal authorisation of the exercise of power, there is no legitimation there.

Legitimation, therefore, demands a set of norms, principles, rules and regulations on the basis of which the state exercises its power. If the power or the exercise of the power of the state is to be deemed legitimate, there is a need for the power of the state to fall back, for its support, on certain basic and fundamental rules, i.e., a framework from which the state derives its power and the support on which it rests. Legitimation is not only a matter of structural rules and regulations, it is also a matter of procedure. It, therefore, requires the fundamental routes in which the power of the state has to pass through. If the power of the state is to be legitimate, it has to follow certain procedures, and has to work through certain already set procedures. Legitimation is not a zigzag walking, it is a procedural following, walking on a well-established path already laid down.

Legitimation, in the context of the state, also demands compliance from the people where the state exercises its power. When the power of the state is accepted by the people, there is no crisis of legitimation. A crisis of legitimation occurs when the power of the state, exercised as it is, is challenged by the people or a part thereof.

12.2.2 Legitimation and Legitimacy

If legitimation is what is 'lawful', and if it is what it is, it is related to the power of the state and more specifically, to the exercise of the power of the state and the way it ought to be used or at least the way, it is used. In this sense, legitimation has much in common with the concept of 'legitimacy'. What is true about the legitimacy of a state, is true about the legitimation of a state; it indicates basically the people's willingness to accept the state's claim to rule: the people would accept the claim of the state to rule them only when they regard the state to be legitimate; nobody would obey the illegitimate state: legitimation, and not delegitimation, would induce obedience. Both legitimation and legitimacy have, in themselves, the element of people's willingness to accept the legal authority of the state to rule the people. What both legitimation and legitimacy do not admit is 'arbitrariness' in any form. The arbitrariness of government officials in exerting their power may be legitimate in the legal sense of the term, but it may not be so in the sociological sense. To be legitimate is to be effective, but not necessarily arbitrary. Legitimation and legitimacy do include the elements of acceptance and willingness. A government or state may be said to have legitimacy only when most people accept its title to rule, and not a small number of people. During a military rule most of the people, in the absence of the right to resist such a rule, accept it and obey it, but it does not make such a military regime legitimate. Legitimacy appears only if the people accept the state's authority to rule without being forced. It is legitimation that creates legitimacy, and it is legitimacy that induces people to accept the right of the state to rule.

Legitimation and legitimacy are complementary to each other. The former makes the ground for the latter while the latter derives its strength from the former. While legitimation is a concept related to the state intimately, it is legitimacy with which the state is primarily associated. Legitimation is only the attending feature of the state while legitimacy is the soul of the state. Between the two, legitimacy and legitimation, the former is primary while the latter is secondary. The difference between the two is that of importance which is attached to it in relation to power or its exercise by the state. The two concepts work more in association with each other than in opposition to each other.

It is legitimacy or one may say self 'legitimation' that turns power into authority. Power becomes authority only through legitimacy or through the process of legitimation. Power without the process of legitimation becomes arbitrariness or mere force. It is, therefore, legitimacy which converts power into authority. With no legitimation of authority, power becomes a brute force. The Apartheid regime in South Africa during the white minority rule can be cited as an example of 'power regime' without legitimacy. There, as is known, a white minority enjoyed all political rights, and their government ruled over the black majority. That government had no legitimate authority in the country, for it lacked legitimacy in the eyes of the vast majority of the people – the Blacks.

12.2.3 Power, Legitimation and Authority

On one side of legitimation stands power, and on the other side stands authority. It is through legitimation that power is converted to authority. Authority devoid of legitimation is brute force. Legitimation makes power a lawful authority. It authorises the government to exercise power so as to rule the people. Without legitimation, no authority can lawfully exercise power. Authority possesses power because legitimation authorises it to exercise power.

To put the whole argument simply, it may be said that a government is government only when it is legitimate. An illegitimate government is a contradiction in itself; a legitimate government is an authority in so far as it is legitimately authorised to exercise power; power makes the government an authority after it is able to legitimise itself. Legitimation alone makes the government/state a power; it is such a government that rules the people and extracts from the people their obedience. Legitimation works the other way as well. Legitimation provides an element of willingness, on the part of the people, to accept the government's power to rule the people. It is, thus, a two-way movement – authorising the government/state to rule the people in accordance with the authority vested in it and through procedures already established therein; a willing body of citizens to accept the government's authority to rule them. Delegitimation, on the contrary, robs the state to have any claim over the people to rule them, and induces no respect from the people for any such state/government.

Legitimation is the means through which power changes into authority and thus, a social order is established in the society. It is what makes the government rule over its people and it is what makes the people obey their government. Legitimation is the meeting point between the state and the people, between the rulers and the ruled. Without legitimation, no effective social order can be created; disorder alone would prevail where power is exercised with no legitimation of authority. All systems of government seek obedience to the laws from the people only on grounds of legitimation/legitimacy.

12.3   WHAT IS OBLIGATION?

Obligation means the act of binding oneself, binding oneself to some duty, to some contract, to some promise. It is binding someone to do something. Obviously, it arises out of a sense of duty. That is why, one may see an analytical connection between obligation and duty, the former having the same meaning as that of duty. To be obliged means to have a duty. An obligation can also be the act of obliging oneself or someone else. In such a case, a duty is the conception of some behaviour as the object of an obligation. People are obliged to perform their duty. There cannot be an obligation without a will imposing a duty or an obliging will.

Obligation, one may see clearly, is a two-way situation. It is a relational concept. It is used (a) for a relation between individual persons. One is, for example, under an obligation to someone else; people are, or say used to be, greatly obliged to one another. It is used (b) for a relation between a person and an institution, such as the government. To be under an obligation to someone (say individual or government) may be to owe something (in case of an individual's obligation to a government it may mean 'to owe obedience'). In case of an individual's obligation to the state or the government, what it amounts to is that the state or the government has corresponding rights over the individual.

To understand the term 'obligation' more clearly, it is better to relate the term 'obligation' to 'bound' than to 'owing'. We may be bound to perform some action without in an obvious sense owing anybody anything. To be 'bound' is not to be in bonds. What at best it means is acceptance of a submission, or say losing a certain amount of freedom. When we accept submission, we accept to work within certain limitations, and such a submission remains until obligation stays; a certain amount of lost freedom is not regained until the obligation has been discharged.

So understood, the concept of obligation includes, if one seeks to identify its inherent implications, (i) an act of binding oneself to some duty, (ii) a situation characteristic of a relational relationship, (iii) an authority, say the government with assured rights over the individuals, and the individuals, agreeing to obeying the laws of such an authority.

12.3.1   Types of Obligations: Moral and Legal

Obligations are not all alike. There are obligations of which we are conscious; for instance, not 'being in debt' is an obligation of which we are conscious; 'feeling in debt', on the other hand, is an obligation of which we may not be conscious. If, for example, a man is obliged by law to pay taxes, the obligation is no less real for his being unaware of it. If a man, to take another example, is liable for military service, he is no less obliged to accept and act upon the call for his being totally unprepared for its coming.

All our legal and political obligations, obviously, are obligations of which we are all aware of.

What may be true about legal or political or both obligations, may, and possibly may not be true, with regard to moral obligation. There are moral obligations (say the promises we make and which are expected to be kept) that cannot come into existence unknown to the persons whose obligations they are. There are, on the other hand, other obligations (of which this may not be true) of caring for one's parents in their old age and about which it may not occur to a person that it is an obligation to be attended. We may, thus, say about a moral obligation that a man cannot be said to have a moral obligation of which he is not aware. It is, therefore, the word

'duty' that comes close to moral obligation; and it is the word 'obligation' that comes close to legal/political obligation. Duty speaks of our moral obligation. It should, therefore not be concluded that duty and obligation stand opposite to each other. There is a measure of duty in obligation, and there is a measure of obligation in duty. A duty demands an obligation to be attended, and an obligation expects a duty to be attended.

An obligation, like a duty, is an obligation first, and it is, thereafter, that the obligation is *legal/political* or *moral*; it is *conscious* or it is *not*; it is *assumed* or it is *declared*; it is voluntary or it is involuntary. The knowledge that there does exist an obligation does not make it legal or political, for a man not in knowledge of what obligation he has would not obligate him of his moral obligation. Likewise assumption, voluntarily or involuntarily, should not be made the basis for making an obligation either legal, political or moral. Thomas McPherson (*Political Obligation*, 1967) rightly says, "We should, I think, generally be reluctant to use the expression 'moral obligation' for a duty not voluntarily assumed. Some cases covered by the expression 'political obligation' by contract are certainly cases where we have obligations that we have not voluntarily assumed."

12.3.2 Duty, Obligation and Conflict

Duty and obligation have much in common. There is hardly anything that separates the two. There is a clear analytical relationship between the two. Obligation and duty, often, have the same meaning. To be obliged means to have a duty; to attend to a duty means to perform an obligation. An obligation can also be the act of obliging oneself or someone else. In that case, a duty is the conception of some behaviour as the object of an obligation. When one says that the people perform their duty what we, generally, mean is that they are under obligation to commit an act. It is, thus, clear that there cannot be an obligation without a will imposing a duty or an obliging will.

Obligations being of numerous sorts, there is a likelihood of these different obligations coming into conflict with one another. A moral type of obligation can come into conflict with a legal obligation; a political legitimation may conflict with a religious one. Any attempt to provide resolution may involve or invoke serious struggles of conscience. The possibility of a clash between a legal obligation and a political obligation may seem to be less real, but a conflict between a moral obligation and political obligation may, and usually is a real one. The moral obligation, for example, to help a friend in distress may conflict with my legal obligation to pay my tax in time. A compulsory vaccination or say sterilisation may be an act of political obligation, while a religious obligation may demand an almost opposite act.

A more important question with regard to numerous kinds of obligations (and this is true about the numerous kinds of duties) is where do we stand when various obligations conflict with one another? Are we to attend to a certain type of obligation and reject the other type? To be fair to these numerous types of obligations or duties, one has to attend to them and it is very rare that one likes to sacrifice/ignore one at the cost of the other. Political obligation may be more demanding at one point of time than the other; it may seek immediate redressal, for fear of punishment or otherwise, than compared to the other type of obligation.

One should note that an obligation is an obligation. That it is political or moral is a secondary thing. Attending to obligation is an act of performance. Whether we attend it today or the next day is something that depends on intensity. If we are obliged, we are obliged; accordingly, duty is a duty. If we perform our duty, we are doing our duty. Obligation is the acceptance of an act; its compliance is an act of our willingness.

12.3.3 Concept of Political Obligation

Political obligation constitutes an exterior sphere of norms and rules. It is what is found in laws and by-laws. It is what relates to a body of duties which citizens can be legally compelled to perform by the threat of punishment or other legal consequences. Political obligation assumes a set of legal duties to be performed by the citizens, their non-compliance is usually followed by punishment or prescribed by the prevailing rules/laws. This should, however, not mean that political obligation is the same as legal obligation. Political obligation goes beyond the sphere of legal obligation. Political obligation does demand compliance to the laws of the state, but it too admits means to challenge the system in order to safeguard the obligation ends. It does include the obligation of the citizens to obey the laws of the state, but it also incorporates in its sphere a wider obligation, i.e., duty to defend the country, or to fight for justice. This latter connotation of obligation is much more than what one would like to include either in moral or legal obligation. The concept of legal obligation helps only in protecting the already established legal structure, but it is for the concept of political obligation to protect the system as a whole against political disagreement, despotism and totalitarianism, injustice, exploitation and the like. The problem of political obligation is how to establish a legitimised political/social order. The creation or reconstruction of a social/political order is an obligation that is subsumed under the concept of political obligation.

Political obligation is a kind of obligation which seeks to establish a political system free from all types of injustices and laden with the promotion of common interest. The domain of political justice is neither the sphere of law entirely, nor that of ethics completely. It is a sphere situated between ethics and law. It is what is related to its grounds (why to obey?) and its content (as to what it contains so that it is obeyed).

12.4   WHY OBEY THE GOVERNMENT? AN OVERVIEW

The obedience to a government is not merely a legal phenomenon. It is also a political one. People obey a law more because of the fact that they feel it is good to obey it, as also because, they are convinced that the government issuing the laws is a legitimate one. In fact, no one would like to obey a government which one feels is not a legitimate one. The obedience to the government is more of a political phenomenon than a legal one. If one stands up to disobey the government, it is because one does not want to obey the government. If obedience is voluntary, so is the unwillingness to obey the laws.

Generally, people obey the laws. They do so because they accept the government that rules them. They do so because they accept the system wherein the government operates. And if they like to disobey the government, they do so because they hesitate to accept both the government and the system as a whole.

Legitimacy of states and governments depend on how the people look at them and also at the social world around, and what they consider to be morally right. What they consider morally proper is the product of numerous factors which influence people. The total effect of all the influences make up what may be called the 'legitimation process'. Legitimacy once evolved or grown is not a matter of all future; it is a process which goes on and on. The state goes on because the people want it to go on. The state, one must remember, goes on not because it has power. The overwhelming power does not last on its own. It has to have the acceptance and support of the people; it has to have its own strength which is much more than the physical force that it has. What it means is that the states have to have their legitimacy, i.e., the government rules over the people because it has the legitimate right to rule.

12.4.1 Legitimation and Obligation: Basis of Paternalism

There are numerous bases which make a particular type of government extract obedience from the people. In other words, legitimation of the state and government to rule people and the obligation of the people to obey the government have their grounds in numerous theories. One such theory may be termed as 'Paternalism', one that can best be expressed in the divine right theory of the kings as well as the charismatic theory.

The divine right theory advocates that the power the rulers, as kings, have was given to them by god. The kings rule because god authorises them to rule. They have the right to rule the people because god has given them the power to rule. The basis of the authority of the king is religion which makes the state a divine institution. Legitimacy, in such a theory, lies in kings having power as ordained by god. The people are, the divine right theory claims, obliged to obey the kings. Their disobedience does not only constitute a crime, it also constitutes a sin. Absolute obedience is a characteristic feature of the divine right theory; political resistance is regarded as a rebellion against the divine ruler.

The divine right theory, despite its demerits, prevailed as a gospel truth constituting legitimacy of the rulers and also the obligation of the people to obey the divinely appointed rulers. Such a theory provided a framework of legitimation and obligation. The kings ruled as the legitimate holders of powers and the people accepted them and obeyed them considering all this as a phenomenon willed by god. Religion, as the prominent factor of divine theory, legitimised both the monarchical absolute rulers and the obligation of the people to obey them.

There is a form of paternalism known as, to use Weber's term, 'charismatic authority'. Charismatic authority is a personal authority, related to the very personality of the person having power. Such a person has power by the sheer dint of his dominant personality. "Whoever", Thomas McPherson says, has "power…. may be thought to have a right to it." "We hear", he continues, "of men with 'magnetic personalities' of 'born leaders', and so on." The argument runs as follows: "At times, particularly times of crises, people want to be led, and will respond to someone who has the confidence to put himself forward as their leader ___Wesley, Hitler, Churchill." History witnesses a form of charismatic authority where people, willingly, obey or confer authority on some leaders whose strength lies in the very personality of a person. Such persons are generally known as charismatic leaders. People accept them as leaders and give their obedience to them because of some extraordinary personal qualities, because they represent some ideals with extraordinary clarity. Charismatism is, as such, a form of paternalism.

Traditionalism too sounds as yet another example of paternalism. In the earliest societies, people accepted the power of some people over themselves because they would believe that these rulers have been followed from times immemorial. People obey because they have been traditionally obeying. Obedience becomes a matter of practice; acceptance of such authority is also a matter of traditionally-based belief.

12.4.2 Legitimation and Obligation: Basis of Contract

The contract theory, as advocated by the contractualists, especially Hobbes, Locke and Rousseau, offers another ground for legitimacy of the government and the obligation of the people to obey the government. To some extent, this theory sets forth a legal or a quasi-legal basis of legitimation and obligation. We ought to obey the government because we have entered into a contract to do so. If that was really so, there would have emerged accepted obligations of obeying and ruling.

The contract theory provides a legitimation thesis which states that the government rules because of the title it has to rule – whether that title has been bestowed upon the Leviathan (in the case of Hobbes) as through an agreement that the state protects the rights of the people (as in the case of John Locke) or through a government based on the General Will (as Rousseau would want us to believe). The state has the power to rule over the people as per the contract entered into by the people. This very contract theory also provides an argument for peoples' obligation to obey the government, this too through the grounds of contract. The contract theory may not be taken too far to investigate the possibility of whether such a contract was ever made or not. What may only be inferred is a legal right of the state to rule the people, and a legal duty of the people to obey the state. There is no doubt that the state exists because it has to establish law and order. Its essence lies in the external relations it maintains among people residing in its area. There is, thus, the legal framework at its base through which people demonstrate formal relationship. The state rules in accordance with the procedure established by law and what the law of the land, i.e., the constitution, expects from it. The contract theory legalises the state and gives it legitimacy to govern the people as a matter of title. On the other hand, the contract theory also legalises the procedure of peoples' obligation to obey the state. People obey the state, for the contract demands from them an obligation that they are legally bound to comply with the orders issued by the state. What this theory establishes is the legal relationship between the rulers and the ruled, binding the former to rule the latter, binding the latter to obey the former. This theory, indeed, leaves no scope for non-compliance; non-compliance is followed by punishment. Legal and lawful authority, rule of law, legally-oriented framework and a set of legal obligation and the like are some of the characteristics of the contract theory.

12.4.3 Legitimation and Obligation: Basis of Consent

There is a close semblance between the contract and consent theories as the bases of issues relating to legitimation and obligation. The contract theory, though legal or quasi-legal, indicates to some extent, the 'consent' phenomenon, as the consent theory indicates, to some degree, the quasi-legal base of administration. In the contract theorists' argument, the element of people's consent as the basis of administration cannot be dismissed. Locke says, "Men being…. by nature, all free, equal and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent". A person, one may clearly infer, is not obliged to obey unless he has voluntarily agreed to do so. Locke seems to imply that not only does the founding of a government require consent, but that every governmental act affecting a person's life and rights requires consent. He writes, "the supreme power cannot take from any man any part of his property without his own consent." Locke's argument is that nothing should be demanded of an individual that does not accord with his uncoerced and conscious will. Rousseau's theory of General Will can be stated as another example of consent. "A government deserves," Glenn Tinder (*Political Thinking*, 1986) says, "obedience if its commands conform to what Rousseau called the general will." "The point is", he continues to sum up Rousseau's thesis, "that the theory of the general will tells us that a government has a legitimate claim to obedience only when its commands represent the true, ultimate interests of all the people." Without going into the fallacies the consent and the general will theories have, what one may be interested, in so far as the legitimation and obligation contexts are concerned, is that consent, at the base of the founding of the state, makes the government legally empowered to make laws for the people and compels the people to obey those laws for reasons of their explicit consent. The same is true about the general will theory as well. The government is legitimately authorised to govern the people for it works for the interest of the people and the people are obliged to obey the government, for their obedience leads ultimately to the attainment of the common interest.

However, the consent and contract theories help evolve a democratic spirit that brings legitimation of the governmental laws and the people's obligation closer to each other. The government rules because the people want it to rule; the people obey because the government rules for them. The democratic content itself gives legitimation to the government on one hand, and demands people's obligation to obey the government on the other.

12.5 LEGITIMATION AND OBLIGATION CRISES

 No system is free from crisis. The crises occur because of one factor or the other. Because of the crises, problems with regard to legitimation and obligation spring up. Legitimacy of the government is put to question and obligation to obey the government comes to be overburdened. Crises, whether they relate to challenging the legitimacy of the government or people's obligation to obedience to its laws arise, not because of accidental changes in the environment, but because of, as Jurgen Habermas (*Legitimation Crisis*, 1976) says, "structurally inherent system imperatives that are incompatible and cannot be hierarchically integrated." Referring to the crisis in the advanced capitalist societies, Habermas holds the view that these societies experience four levels of crises: economic crisis, rationality crisis, legitimation crisis and motivational crisis. He says, "I maintain that advanced-capitalist societies … are in danger from at least one of the possible crisis tendencies. It is a consequence of the fundamental contradiction of the capitalist system that other factors being equal, either the economic system does not produce the requisite quantity of consumable values or, the administrative system does not produce the requisite quantity of rational decisions, or, the legitimation system does not provide the requisite quantity of generalised motivations, or the socio-cultural system does not generate the requisite quantity of action-motivating meaning." It is not necessary, Habermas states, that these crises may lead to a revolutionary rupture in the system.

Referring to the legitimation and obligation crises in the post-second world war years, David Held (*Political Theory and the Modern State*, 1989) gives contrasting accounts of the crises of the state, "overloaded state" theory on one hand, and "legitimation crisis" theory on the other. The former theory arguing from the pluralist premises (see Brittan, "The Economic Contradiction of Democracy," 1975; Huntington, "Post-industrial politics: How Benign Will It Be," 1975; Nordhaus, "The Political Business Cycle", 1975), the latter theory arguing from the Marxist premises (see Habermas, *Legitimation Crisis,* 1976; Offe, *Contradiction of the Welfare State*, 1984).

12.5.1 The Overloaded Government Theory Analysed

The overloaded government theorists characterise power relations in terms of fragmentation. According to them, power is shared and bartered by numerous groups representing diverse and competing interests. In a pluralist society, the political outcomes, thus, are determined by democratic processes and pressures, the state attempting to mediate and adjudicate between demands. The economy, following the post-war period, while generating mass affluence and general prosperity owing to booms in consumer goods, new housing, spread of television and entertainment industries, raised expectations in all fields and for all the sections of society. The politicians and political parties, in order to secure maximum votes, promise more than they can ever deliver, some promising to deliver contradictory and, therefore, impossible sets of demands. There is a continuous and constant competition among the political parties, leading ultimately to a spiral of ever-greater promises.

Such pluralist societies, pursuing democratic values through fabulous material promises made to

the people in return for their support, in political arena, work through political parties which follow strategies of appeasement. They do so because they do not want to risk their support; they do so for fear of losing future votes. Political parties attempt to avoid strict action in any field. They do not make promises to set the economy on the right path, nor do they seek the enforcement of radical steps. Appeasement strategies prevail everywhere. In administration, more state agencies relating to health, education, industrial relations, prices, and incomes increase in unwieldy proportions; bureaucracies develop which often fail to meet the ends for which they were originally designed.

The state in pluralist societies proves a failure in providing a firm and effective management. It is unable to meet the cost of its programmes which it designs to meet the ever-increasing expectations of its people in order to obtain their vote. It is unable to arrest inflation, for its public spending processes never stop. Consequently as the state expands, it destroys progressively the realm of individual initiative where the space for free and private enterprise is lost.

Democracy, in pluralist societies, becomes only a mechanism, and in the process loses its humanitarian value. The state becomes incapable of managing public affairs effectively; it becomes rather an instrument in the hands of powerful economic organised groups, and in the process, loses its role of providing an impartial and effective administration. The individual becomes sovereign, but only in the rhetorical sense of the term. Freedom becomes a set of liberties without any base of equality.

The legitimation of the government, in pluralist societies, causes to be questioned. The obligation on the part of the people to obey the state comes under cloud. A firm and decisive political leadership, among other things, which is less responsive to democratic pressures and demands, may provide solace.

12.5.2   The Legitimation Crisis Theory Analysed

In contrast to the theory of overloaded government, the legitimation crisis theorists, starting from the Marxists first, argue that while political parties compete for office in pluralist societies through the formal rules of democratic and representative processes, their power is severely constrained by the state's dependence on resources generated by private capital accumulation. The economy is so organised that there is a private appropriation of resources for things socially produced; production is organised for profit maximisation. Such an economy, the legitimation crisis theorists say, is unstable where economic growth is usually and constantly disrupted by crises. The state, under such a system of economy, cannot develop adequate policy strategies, resulting in a pattern of continuous change and breakdown in government policy and planning. For Habermas and Offe, this is the 'rationality crisis' or 'a crisis of rational administration. The conservative government is unable to reduce its costs and spending for fear of trade unions; the labour government is unable to pursue strong socialist policies for fear of the capitalists' organisations to thwart its economic programmes. The state works within the limitations of planning and control, politicisation of the people stimulating greater demands on the state. As these demands are not usually met, for the system does not permit so much generosity, legitimation and motivation crisis grow up and struggles follow thereafter.

The crises and struggles, so grown, require extensive strife intervention. While the principal concerns of the state aim at sustaining, and if possible strengthening the capitalist economy and managing class antagonisms, it seeks to ensure the support of powerful groups, both the business community and trade unions. The state, in order to avoid crises, both economic and political,

takes up the areas of the economy and civil society; it also expands the administrative structures; complexities increase, so increases the need for cooperation, and the expanding economy.

The state has to increase its finances so as to be able to meet the ever-growing expectations of the people. Finance comes up through taxation, or through loans from the capital markets which, in turn, interferes in economic growth. The permanent inflation process never ends; crisis in public finance never ends. The system is always under stress and strain; legitimacy causes to be doubted and obligation is always at stake.

David Held finds some common thread in both the theories – overload government thesis and the legitimation crisis argument. The common thread is that (i) both the theories find in governmental power a capacity for effective political action (ii) both hold the view that state power depends ultimately on the acceptance of the authority of the state (overloaded theorists) or, on legitimacy (legitimation crisis theorists) (iii) both the theories confer that state power is being progressively eroded. The state is becoming increasingly ineffective or short on rationality (iv) both the theories agree that state power is being undermined because its authority or legitimacy is declining progressively, thus putting a premium on the part of people's obligation to obey the state.

12.6 SUMMARY

Legitimation and obligation are two related concepts. Both strengthen the claims of each other. Legitimation, as a concept meaning something that is lawful, implies the legalized pattern of state activities accepted so by the citizens constituting it. It admits lawful authority empowered to exercise power, and more than that, the exercise of power is legitimate, legitimately authorised. It, in the context of the state, demands compliance from the people. When the power of the state is accepted by the people, there is no crisis of legitimation. The crisis arises when the power of the state, exercised as it is, is challenged by the people or part thereof.

Obligation means the act of binding oneself; it to a great degree, implies a duty; to be obliged means to have a duty. It is an act of binding oneself to some duty. It may well be characterised as a situation of a relational relationship; an authority on the one hand, with assured rights over the individuals; the individuals, on the other, agreeing to obeying the laws of such an authority. Obligation, in the context of state, becomes a political obligation.

"Obligation" and "legitimation", the two concepts have captured the attention of political philosophers from times immemorial. Paternalism, traditionalism, the contract and context theories have been offered to provide the bases of the legitimacy of the governments' right to rule the people together with the obligation of the people to obey the governments.

All systems experience problems of crises relating to legitimation and obligation. No system, in fact, is free from crises at one time or the other, with one factor or several factors responsible for such crises. Crises occur, whether they relate to challenging the legitimacy of the government or people's obligation to obey the laws of the state, not because of the casual/accidental changes in the environment, but because of the "structurally inherent systems – imperatives that are incompatible and cannot be hierarchically integrated" (see Habermas, *Legitimation Crisis*). Referring to the advanced capitalist societies, Habermas says that such societies experience four levels of crises: economic, rationality, legitimation and motivation.

12.7   EXERCISES

1.   What do you mean by legitimation?

2.   Distinguish between legitimation and legitimacy. How are the two concepts related to each other?

3.   What do you mean by obligation?

4.   Explain clearly the concept of political obligation.

5.   Why do we obey the government?

6.   Briefly summarise the contract theory's argument for obeying the laws of the state.

7.   State briefly Habermas's view of legitimation crisis.

8.   Analyse briefly the theory of overloaded government in relation to legitimation and obligation.

UNIT 13 CIVIL DISOBEDIENCE AND SATYAGRAHA

Structure

13.1 INTRODUCTION

The concept of civil disobedience movement has become an important element in the political power structure in contemporary world. This movement has spread around the world. It has been exemplified by Dr. Martin Luther King, Jr. in the civil rights movement in the United States, the ' people's power' movement in the Philippines, the non-violent collapse of communism in Eastern Europe and so on. The success of Gandhi and Dr. Martin Luther King, Jr. had a lot to do with the emergence of satyagraha as an organisational power. To discuss about the history of the twentieth century, without exploring the impact of civil disobedience and satyagraha is to malign the very basis of the people's movement and the study of social science. The Gandhian method of civil disobedience and satyagraha has given a new dimension to the concept of statecraft.

While delivering the most prestigious Gandhi Memorial Lecture on "Towards a World without war- Gandhism and the Modern World" on 11 February 1992, Dr. Daisaku Ikeda said, "As we approach the end of this century of unprecedented wars and violence, we seek as our common goal the creation of a world without war. At this critical juncture what can we – must we- learn from this great philosopher – a man whose spiritual legacy could rightly be termed as one of humanity's priceless treasures, a miracle of the twentieth century."

The basic aim of every political system is to assist in the process of self-actualisation of individuals to fulfil the inner requirements for a continuous moral growth. The very concept of satyagraha has provided a new meaning and orientation to the concept of politics. Dr. Martin Luther King, Jr. was so much influenced by the concept of civil disobedience and satyagraha that he said, "If humanity is to progress, Gandhi is inescapable. He lived, thought and acted, inspired by the vision of humanity evolving towards a world of peace and harmony". The Swedish economist, Gunnar Myrdal said, "In a time of deepening crisis in the underdeveloped world, of social malaise in the affluent societies, it seems likely that Gandhi's ideas and techniques will become increasingly relevant."

In a violent international climate, with struggle for economic hegemonism and ever escalating

systemic process of violence, not to mention about human rights violations, poverty, and hunger, the concept of civil disobedience and satyagraha of Gandhi is gaining more and more momentum.

The concept of Civil Disobedience and Satyagraha has played an important role in the theory and practice of human liberation movements. It has, indeed, continued to inspire the social and political movements throughout the world. The Gandhian principles of non-violence and civil disobedience are rooted in his concept of Satyagraha. The anti-nuclear and Green Movements, the termination of statist communist administration in Czechoslovakia in 1987, and the popular resistance movement in Kosovo against the Serbian ethnic persecution are some of the important civil disobedience movements of the last century. The rise of racial and ethnic chauvinism, and retrogressive character of the globalisation process have again highlighted the role of civil disobedience and satyagraha as a strategy of social and political movements.

13.2   CONCEPT OF CIVIL DISOBEDIENCE

The phrase, "Civil Disobedience" which is so widely used as a strategy to ensure social justice throughout the world does not have any precise and specific connotation. Henry David Thoreau is generally credited with using this phrase as the title of an essay in 1849.Thoreau changed the title of his essay from "Resistance to Civil Government" to "Civil Disobedience". There is, however, neither any documentary evidence to show that Thoreau himself coined this phrase nor any reason given by him to indicate as to why he changed the title of his essay.

The concept of Civil Disobedience has a long and varied history covering almost the whole stream of human thought from the Greek era to the present day. The justification and analysis of the concept has been attempted from a variety of philosophical, political and linguistic angles.

The concept of Civil Disobedience implies an act or process of public defiance of a law or policy, duly formulated and created by a governmental authority, which an individual or a group considers to be unjust and/ or unconstitutional. The defiance of the governmental law or policies must be a pre-meditated act and the movement has to be announced in advance. The defiance of law might take either violent or non-violent form. It may be either active or 'passive'. As the basic spirit of the civil disobedience movement is to arouse public conscience, the individual or the group must be prepared to accept punishment for the violation of law or policies. The action or non-action of civil disobedience has to be openly insisted on in order to be qualified as civil disobedience. The mere non-compliance of legal provisions does not itself constitute civil disobedience.

The concept of Civil Disobedience is grounded in justice and common good, and its end must be a limited one. The basic aim of civil disobedience movement is to arouse consciousness in the adversaries and appeal to their conscience.

Although the methodology of civil disobedience is not restricted within the limited framework of either violent acts or ' non-violent action', for a variety of historical or psychological reasons, most of the practitioners of the civil rights movement are committed to non-violence. Some of the pacifist believers of civil disobedience even assume that a complete commitment to non-violence is ethically superior to the possible use of violence.

In contemporary literature, the concept of civil disobedience has been understood as a political strategy adopted by Mahatma Gandhi and his followers in India to oppose British colonial administration. Martin Luther King Jr., during the Civil Rights movement in the United States, also successfully used this strategy.

Referring to the concept of civil disobedience, Mahatma Gandhi said, "I shall consider it (civil disobedience) to be a public, non-violent and conscientious act contrary to law, usually done with the intent to bring about a change in the policies or laws of the government. Civil Disobedience is a political act in the sense that it is an act justified by moral principles, which define a conception of civil society and the public good. It rests then, on political convictions as opposed to a search for self or group interest. In the case of a constitutional democracy, we may assume that this conviction involves the conception of justice that involves around the constitution itself."

13.3 HISTORY OF THE CONCEPT OF CIVIL DISOBEDIENCE

The concept of civil disobedience has a long and varied history. The concept was very popular as the Antigone theme in the Greek dramas. It was the basic theme of the anti-war motif of Lysistrata where the women, apart from leaving their men, captured the Acropolis and the Treasury of Athens. This conflict between civil law and conscience could be seen in the passive resistance of Jews to the introduction of icons into Jerusalem.

Throughout the long history of human civilisation, there has always been a conflict between individual freedom and political authorities of the state. The freedom to choose whether to obey the dictates of state law or not has always been the basic theme of civil disobedience movement.

Socrates considered obedience to and search for truth as the fundamental aim of human life. To him, justice is an element of truth. Although he strongly believed that an individual could only develop in a well ordered society, and it was his moral duty to obey the state, he was not prepared to sacrifice the realm of conscience. He strongly advocated that the state has no right to force an individual to act unjustly. This is the area in which he justified the role of civil disobedience.

The early Christians used civil disobedience movements as justification for religious and moral obedience to God. This was the first non-violent civil disobedience movement in the West. The doctrine of civil disobedience movement has been used as an instrument of socio-political transformation on a number of occasions.

The modern concept of civil disobedience had its origin in the writings of empiricists like Thomas Hobbes. The political situation of England in the seventeenth century made Hobbes espouse the doctrine of fundamental natural rights as a basis for obedience to government. He was convinced that in order to guarantee rights to the individuals, the state must ensure a climate of civil peace. He was not prepared to grant the right to dissent to the individuals in the state. The only condition under which the individuals were entitled to have the right to dissent was when the state was not strong enough to protect the rights of the individual and to ensure civil peace in society. The right to civil disobedience was indeed inherent in the specific conditionality of Hobbes.

John Locke was of the opinion that the people have a "right to resume their original liberty and to establish a new government." Even if he was not so precise and clear about the propriety of resistance to the authorities of the state, he was convinced that the people have the right to have both non-violent and violent civil disobedience movements to ensure liberties, properties and social justice.

While analysing the empirical utilitarian approach to determine the concept of the right to resist,

Henry David Thoreau adopted an idealistic anarchist view. He strongly believed that all *civil laws* that try to encroach upon the areas of *moral law* have no moral justification to exist. The Universal Declaration of Human Rights of 1948, which emphasised humanistic foundations for man's basic rights, supports the contention of Thoreau. In his Treatise of Human Nature, David Hume provided a libertarian concept of civil disobedience.

Jeremy Bentham advocated that conscientious citizens have to "enter into measures of resistance as a matter of duty as well as interest." James Mill adopted a paradoxical attitude towards the concept of civil disobedience. He supported the right to a violent revolution while opposing the right to advocate limited civil disobedience.

All the empiricists like Thomas Hobbes, John Locke,David Hume, Jeremy Bentham and James Mill were in favour of a negative concept of individual freedom. They put emphasis on the absence of restraints as the basic requirement of individual freedom. Their views against all improper use of governmental authority provided the basic ground for the modern theories of civil disobedience.

The Idealist School was less hospitable to the concept of civil disobedience. From Aristotle to Rousseau and supporters of Hegelian as well as Marxist traditions, all have emphasised the importance of state over individuals. While emphasising the positive concept of freedom, the Idealists were of the opinion that the positive concept of freedom could only be achieved by an unconditional loyalty to a collectivity.

The Syndicalists emphasised the obedience to democratic trade union leadership only so as to have access to the areas of positive freedom. One must not forget that the Anarchists in the idealist (Tolstoy) or socialist (Bakunin, Kropotkin) tradition have always pleaded for a total rejection of state system based on the positive concept of freedom. In fact, they provided a new approach to the realisation of man's social self through civil disobedience.

Political theorists consider the idea of natural law as an important basis of the modern idea of civil disobedience. Although both Aristotle and Cicero failed to develop a theory of civil disobedience, their views on the subject have definitely paved the way for the justification of a civil disobedience movement. Aristotle said, that " unjust law is not a law." Cicero was of the view that "a true law – namely right reason- which is in accordance with nature, applies to all men and is unchangeable and eternal.". These views have provided a strong ground for the civil disobedience movement.

Thomas Acquinas considered unjust laws as "acts of violence rather than laws". To him, "such laws do not bind in conscience." However, he would not allow any disobedience to the Church at all and, disobedience to the state, only in rare cases.

Modern Neo-Thomists have adopted the same cautious attitude of Acquinas regarding the issues of civil disobedience. Pope Pius XII was criticized for not adopting a bold stand against the genocide of European Jews. Rolf Hochhuth in his play, *The Deputy* (1963), criticised the Pope for not doing enough to disobey or resist Hitler's aggression.

In recent years, the Church has taken a bold stand regarding civil disobedience. The right to disobedience is no more, limited to violation of divine laws. Pope John said, "For to safeguard the inviolable rights of the human person and to facilitate the fulfillment of his duties, should be the essential office of every public authority. This means that, if any government does not acknowledge the right of man or violates them, it not only fails in its duty, but its orders completely lack juridical force."

13.4 THEORY OF CIVIL DISOBEDIENCE AND EXISTENTIALIST PHILOSOPHY

The theme of alienation, drawn from existentialist philosophy, is an important aspect of contemporary theories of civil disobedience. Albert Camus is considered a leading contributor in this area. Although both Albert Camus and Jean Paul Sartre and other existentialist thinkers believe that there is no valid basis for any moral or political authority's claim to validity (or legitimacy) or to obedience, Camus was more forthright regarding his views on resistance to oppression. He was of the opinion that respect for the dictates of justice must precede respect for law. In his Nobel Prize address, Camus strongly advocated his ' refusal to lie about what we know and resistance to oppression'. He was not even averse to the use of physical force, although he always regarded it as a supreme evil, to counteract the worst violence of the state. He considered every power elite and authority of the state as the enemy of justice. He considered pacifists as ' bourgeois nihilists'.

13.5 GANDHIAN CONCEPT OF CIVIL DISOBEDIENCE AND SATYAGRAHA

Mahatma Gandhi is considered to be the leading theorist in the history of civil disobedience movement. The Gandhian concept of civil disobedience and satyagraha is the greatest contribution to mankind in our times. Albert Einstein said, "It is my belief that the problem of bringing peace to the world on a supranational basis will be solved only by employing Gandhi's method on a large scale." Martin Luther King Jr. said, "From my background I gained my regulating Christian ideals, from Gandhi, I learned my operational technique."

Gandhi called his concept of civil disobedience as the doctrine of 'Satyagraha' or 'Truth Force'. For him, the adjective 'civil' in the phrase ' civil disobedience' referred to peaceful, courteous, and a 'civilised' resistance. To him, the concept of passive resistance is inadequate to grasp the full implications of the concept of 'satyagraha'. He said that one must not only resist passively the injustice and arbitrariness of the government, but also must do so without any feeling of animosity.

In the earlier phase, Gandhi had spoken of passive resistance as an 'all-sided sword'. He said, "…it blesses him who uses it and him against whom it is used. Without draining a drop of blood, it produces far-reaching results….Given a just cause, capacity for endless suffering and avoidance of violence, victory is a certainty."

Subsequently, Gandhi abandoned the term 'passive resistance', and chose the term 'satyagraha'. The concept of satyagraha is devoid of any feelings of hatred and violent means. It is based on spiritual purity. Like Tolstoy, Gandhi was opposed to all forms of violence in his commitments to political actions. Arne Naess, a leading theoretician on Gandhi has stressed Gandhi's "constructive imagination and uncommon ingenuity in finding and applying morally acceptable forms of political action." Satyagraha, the unique system of non-violent resistance to the government's arbitrary methods and actions is, indeed, his greatest gift to mankind.

For Gandhi, Ahimsa (non-violence) and Truth were inseparable. He said that "Ahimsa is the means; Truth is the end." Gandhi used satyagraha as a lever for social movements.

In order to understand the Gandhian concept of civil disobedience and satyagraha, it is desirable

to know Gandhi's view on the subject in detail. Gandhi said, "Satyagraha largely appears to the public as Civil Disobedience or Civil Resistance. It is civil in the sense that it is not criminal. The lawbreaker … openly and civilly breaks (unjust laws) and quietly suffers the penalty for their breach. And in order to register his protest against the action of the lawgivers, it is open to him to withdraw his cooperation from the state by disobeying such other laws whose breach does not constitute moral turpitude. In my opinion, the beauty and efficacy of Satyagraha are so great and doctrine so simple that it can be preached even to children."

Gandhi strongly advocated that it was the birth right of every individual to offer civil disobedience in the face of unjust laws. He wrote in 1920, "I wish I could persuade everybody that civil disobedience is the inherent right of a citizen, He does not give it up without ceasing to be a man. Civil disobedience, therefore, becomes a sacred duty. When the state has become lawless, or which is the same thing, corrupt. And a citizen that barters with such a state, shares in corruption or lawlessness."

In his evidence before the Hunter Committee that was constituted by the Government of India to enquire into the disturbances in 1919, Gandhi argued that civil disobedience would be called for and is legitimate even in a democracy. He highlighted its constitutional aspects. In his reply to the Hunter Committee as to what he would have done towards the breakers of laws if he would have been a Governor himself, Gandhi replied, "If I were in charge of government and brought face to face with a body who entirely in search of truth, were determined to seek redress from unjust laws without inflicting violence, I would welcome it and would consider that they were the best constitutionalists, and as a Governor I would take them by my side as advisers who would keep me on the right path."

Some people have questioned the efficacy of satyagraha as a universal philosophy. Gandhi's vision was not confined to the attainment of independence from foreign rule, the control of government by the Indians. He struggled for the Indian soul, not merely for a visible polity.

In the concept of 'civil disobedience and satyagraha' both 'civil disobedience' and ' satyagraha' are deeply interlinked as a theory of conflict resolution. Gandhi said, "Experience has taught me that civility is the most difficult part of satyagraha. Civility does not here mean the more outward gentleness of speech, cultivated for the occasion but an inborn gentleness and desire to do the opponent good. These should show themselves in every act of satyagraha."

This new orientation of the concept has provided a visionary dimension to the very approaches of conflict resolution in statecraft. The present threat, indeed, to the very existence of mankind could only be removed by the Gandhian approach of a revolutionary change of heart in individual human beings.

The basic aim of every political system is to create a social, political and economic climate in which the individuals can fulfil inner requirements of their continuous moral growth. The Gandhian method of civil disobedience and satyagraha alone helps in creating conditions in civil society whereby all spiritual values and methods could be appreciated in the state system as a vital necessity for progress and prosperity. Dr. King very successfully implemented this Gandhian method during the civil rights movement. He said, "A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law." In the language of Thomas Aquinas, an unjust law is a human law that is not rooted in eternal and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statues are unjust because segregation distorts the soul and damages the personality.

Gandhi emphasised 'civil' in 'civil disobedience' to imply non-violence. Non-violence, as it is highlighted in the analysis, has a positive as well as a negative connotation. In its negative form, it implies ' non-injury' to any living being. In its positive form, it means, 'the greatest love' and 'the greatest charity'. In Buddhist literature, it is highlighted as an attitude of creative coexistence.

According to Henry Thoreau, if there is a conflict between 'higher values' and 'lower values', then the citizen in no way should resign his conscience to the legislation of the state. He said that "legislators, politicians serve the state chiefly with their heads; and as they rarely make any moral distinctions, they are as likely to serve the devil, without intending it, as God. A very few serve the state with conscience also, and so necessarily resist it for the most part…, no undue respect for law is required as it will commit one to do many unjust things. Where 'immorality' and 'legality' come into conflict, the only obligation which I have a right to assume is to do at any time what I think right, what I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn".

The Congress Party organised the Civil Disobedience Movement in pursuance of the resolution on independence passed in the Lahore session of the Congress in December 1929.It was the result of British refusal to accept the Congress demand for Dominion Status. Factors such as the Lahore Conspiracy Case, the tragic death of Jatin Das in jail in 1929, the Meerut Conspiracy Case also forced the Congress to demand independence. The civil disobedience movement got manifested in various forms such as the widespread defiance of law, boycott of British goods, withdrawal of support by the army and the police, and non-co-operation with the government. Gandhi highlighted all these demands in his letter to the government in 1930 to break the salt law.

Gandhi started his satyagraha movement in South Africa. Subsequently, on his return to India to lead the non-co-operation movement against the British administration, he used it to remove the grievances of the oppressed workers and peasants of Champaran, Kheda, and Bardoli. To quote Gandhi, "… to speak of satyagraha is to speak of a weapon… a weapon which refuses to be limited by legality. Challenge, illegality, and action – there are so many keys with which satyagraha is equipped ….For though satyagraha rejects violence, it does not renounce illegality."

Gandhi always emphasised the value of proper means. To him, "Improper means result in an impure end….One cannot reach truth by untruthfulness. Truthful conduct alone can reach truth. Non-violence is embedded in truth."

Often Gandhi has been taken to task for his emphasis on self-suffering and satyagraha. Some trace it to the streak of masochism in the character of Gandhi, while others have gone over to Hindu scriptures to emphasise Indian spirituality. But the Gandhian approach to self-suffering and satyagraha has little to do with individual self-mortification. It is a simple condition for the success of a cause. It does not imply that there would not be any suffering in the struggle for satyagraha. It simply means the assertion of one's freedom and one's right to dissent. This method often works as a psychological way to change the minds of an opponent. Gandhi said, "While in passive resistance, there is a scope for the use of arms when a suitable occasion arrives, in satyagraha physical force is forbidden even in the most favourable circumstances. Passive resistance may be offered side by side with the use of arms. Satyagraha and brute force being each a negation of the other can never go together."

The Gandhian concept of satyagraha is the product of his faith in religion and spiritual values. He was convinced that the supreme law that governs all living beings and universe is nothing but love and non-violence, and Gita carried this message of non-violence as ' soul force'.

The Gandhian concept of satyagraha is not merely an instrument of conflict resolution or non-violent resistance to injustice. It is an integrated concept, covering the whole life process of a satyagrahi. It includes : truth, non-violence, chastity, non-stealing, swadeshi, fearlessness, bread-labour, removal of untouchability, and so on. Civil disobedience is a 'branch' of 'satyagraha'. All 'satyagrahas' can never be civil disobedience, whereas all cases of civil disobedience are cases of satyagraha. Gandhi said, "Its root meaning is holding on to truth, hence truth force. I have called it Love Force or Soul Force."

13.6 CIVIL DISOBEDIENCE IN PRACTICE

The Gandhian concept of civil disobedience and satyagraha has relevance in contemporary world. Rabindranath Tagore reflected the voice of the generation when he said, Gandhi was a 'living truth', a symbol of humanism. Gandhi used the civil disobedience method for the first time during his march to Transvaal in South Africa in 1913 to protest against the discriminatory policies of the South African government. This was the first real mass movement of civil disobedience led by Gandhi. Gandhi was not interested in embarrassing the Smuts administration. When he found that Mr. Smuts was in trouble, he called off one of his projected marches. Commenting on this action of Gandhi, Louis Fischer, a leading journalist wrote: "In the end, Gandhi had not won a victory over Smuts, he had won Smuts over."

In 1918, Gandhi used the civil disobedience movement in India during his campaign for the textile workers of Ahmedabad. The Salt Satyagraha of 1930, the civil disobedience movement for independence in 1930, and his fast unto death for the development of social conditions of untouchables in 1939 are some of the examples of civil disobedience movements under the leadership of Gandhi in India.

The people of South Africa used the Gandhian method of civil disobedience to demand independence from the colonial administration. The civil disobedience movement against the apartheid policies of the South African Government in 1952, the Johannesburg bus boycott in 1957, and the 1960 march under the leadership of Chief Albert J Luthuli against the Sharpville massacre are some of the historic mass civil disobedience movements.

The Civil Disobedience movement by the Buddhists in South Vietnam against the American bombing was inspired by the doctrine of non-violence. The other historic examples of civil disobedience movements were: the movement against German occupation in Denmark and Norway, Danilo Dolci's strike in Sicily in the 1950s, nuclear disarmament campaign in Western Europe, the non-violent demonstrations in Poland, the Vorkuta prison uprising in 1953 in the erstwhile Soviet Union, the Montgomery Civil rights march in 1955, and the anti-Vietnam war march towards the army base in Oakland in 1965.

The Civil Disobedience movement is gaining momentum day by day throughout the world.

13.7 SUMMARY

The Anti-Vietnam war, Civil Rights, Draft Resistance, Anti-Nuclear Weapons movements, and a host of other movements in Western Europe, USA, and in other parts of the world have given rise to a lively debate about the Civil Disobedience strategy in a democratic setup. The issue is being debated and discussed from various angles in different parts of the world and also its relevance in contemporary international system. Although there has been a significant volume of conservative opinions that would not tolerate any opposition to the laws that have been

democratically passed by various state systems, there is also a considerable opinion of well-reasoned persons in favour of the Gandhian concept of civil disobedience movement.

John Rawls, in discussing the concept of civil disobedience movement in a contemporary democratic set-up said, "The right to make laws does not guarantee that the discussion is rightly made; and while the citizen submits his conduct to the judgement of democratic authority, he does not submit his judgement to it. And if in his judgement, the enactments of a majority exceed a certain bound of injustice, the citizen may consider civil disobedience." He said that "Civil disobedience is a political act in the sense that it is an act justified by moral principles which define a conception of civil society and the public good."

Burton Zwiebach said, "Democratic governments must include an agreement to respect differences of opinion concerning justice and right."

Civil Disobedience is not inconsistent with democracy. When traditional channels of meeting public grievances are incapable of fulfilling legitimate demands, civil disobedience becomes a strategy for the attainment of goods and social justice. Amid the fury of communalism, genocide and the market oriented process of social injustice, the Gandhian method of civil disobedience and satyagraha is becoming more and more popular in contemporary society.

To a superficial observer, it might appear that the concept of civil disobedience and satyagraha goes against the very synthesis of ideals between different faiths and involves a clash of values between the activists of civil disobedience movement and the state. In fact, the Gandhian concept is a means for achieving social synthesis and harmony. It emphasises dialogues for a dialectical search for truth. T.H.Green in his 'Lectures on the Principles of Political Obligation' has rightly said, "The functions of government are to bring in those conditions of freedom, which are conditions of the moral life. If it ceases to serve this function it loses its claim on our obedience." According to Barker, civil disobedience is virtually within the process of social thought; it is a method of persuasion rather than recourse to force.

13.9   EXERCISES

1. Discuss the importance of satyagraha as a method of conflict resolution.

2. What is satyagraha? In what way does it differ from passive resistance?

3. What is the relevance of satyagraha and civil disobedience in the contemporary world?

4. What is Gandhi's contribution to the theory and practice of satyagraha?

5. What are the various dimensions of the Gandhian concept of satyagraha?

UNIT 14 POLITICAL VIOLENCE

Structure

14.1   INTRODUCTION

Political violence in most of the modern societies is the result of social tensions, which develop in them due to different reasons. Normally, political violence is directed against the state

because the state is considered the chief source of injustice and repression. As a result, different sections of society are taking recourse to violence to solve their problems. They are following violent methods because the state has failed to secure regular obedience from the people. Violence is a purposeful political action to register protest of certain sections of society against 'wrong' policies of the government. In modern times, revolution as a form of political violence is carried out to change the form of government and to transform social structure.

Political violence is a deliberate political activity, which has enormous ethical implications. It is pointed out by Aristotle that men do not revolt because they catch the cold. There are serious moral issues involved in it. Therefore, he said that the honour enjoyed by a political assassin cannot be compared with that of an ordinary murderer. The supporters of political violence justify it on moral grounds. They argue that they are fighting against bad government and for a just cause. The opponents of violence condemn terrorist activities for acting against the lawfully constituted government. Hence, one country's terrorist is a 'freedom fighter' for another country.

14.2   MEANING OF POLITICAL VIOLENCE

Political violence is a collective violent action of a group of people against the government to highlight its discontent. It may be a protest against a particular policy of the government, it may be used to remove a particular government from power, or it may be taken recourse to for the change of political system.

Aggression and violence have been a part of human history since long because men take to violence and aggression to secure things that they did not possess or to preserve things that they possessed. Normally, political violence is directed against the state, its property and men who manage its institutions. Political violence may begin with rioting or mass demonstrations. But it is always possible that it assumes different forms.

Aristotle was the first political scientist who discussed the nature and causes of political disorder. He pointed out that change in the balance of social forces in a particular state was responsible for political disorder. The Indian political thinker Kautilya (Chanakya) was of the opinion that change in the attitude of one's own people is revolt. It results from a wrong policy of the government and immodest behaviour of the king. Thus, since ancient times, political violence had caused disorder in the state and in modern times, the problem of political violence has become more marked and complex.

14.3   VIOLENCE AND STATE

We have seen in our discussion that political violence is largely directed against the state and its various institutions. Therefore, it is as old as the state itself. Violence is in built in the institution of the state. It has the monopoly of coercive power in its hands. The state exercises this power with the help of its repressive agencies such as the army, the police, jails and courts. It can punish people who do not obey its orders and who disturb law and order. The state claims authority to rule and it secures authority with the help of legal sanctions or popular sanctions. When the state exercises power, it is entitled to use legally sanctioned violence to enforce its order. More often than not, the state uses coercive methods, which are not sanctioned by law. The degree of use of violence differs from state to state, because ultimately it depends on the ability of the state to secure compliance of its order without using coercion.

Modern states are increasingly using violent methods because they want to bring about political integration of the country as well as to hasten the process of economic development.

14.3.1 Political Violence and Political Integration

The state is an institution of society and its prime function is to bring about social and political integration of the people. Ancient and medieval states allowed co-existence of multiple autonomous political authorities. The modern state wants to establish its total authority over people and the territory under its jurisdiction. In every state, there exist distinct cultural and ethnic groups and it is a desire of every state authority to amalgamate these cultural groups into a single political unit under a single central authority. Historically, this process has, with a very few exceptions, been one of extreme violence which has varied from the physical murder of whole sections of cultural minorities to their forced deportations, their forced religious and cultural conversion and large scale population transfers. This violence has been exercised by states on their own citizens or those it claims are its citizens and violence has been employed as an instrument of policy. The purpose of this policy was to extend state's political authority upon those who for one reason or another do not accept its authority as legitimate.

The modern state was built upon the demise of feudal and tribal communities, which were autonomous entities. Once this integration was achieved in West Europe, attempts were made there to control the arbitrary exercise of state violence by agencies of the state such as the army and the police and their immediate controllers: Kings, ministers, generals and bureaucrats. At present, most of the countries of Asia and Africa are undergoing this process; therefore, politics in these states is the most violent.

14.3.2 Political Violence and the Process of Economic Development

Historically we have seen that the state exercised violence in the early phase of economic development when there was a transition from a handicraft system based on agriculture to a relatively labour intensive factory system. During this period, a great majority of population suffered because of this change. The state used extremely violent methods to curb agrarian revolts of the farmers who were agitating against unjust policies of the government. It used its authority to protect private industries by curbing the rights of workers and by declaring trade unions illegal. For example, during the 'captain's swing troubles in rural England in 1830, when agricultural machines were destroyed, animals killed, crops destroyed and bricks burnt, the state arrested 1976 farmers, deported 481 farmers and executed 18 farmers. Thus, transportation, imprisonment, the lash and even death were the lot of those agitating against the inhumanity of the early factory system. The process of economic development, both in the planned and unplanned economies, involved the exercise of force because the new economy required capital formation by curbing the consumption levels of working classes. Thus, the attempts to achieve higher economic standards for certain classes of society produced violent reactions from those deprived classes who suffered.

In short, in the process of political integration and economic development, the level of political violence is extremely high. The state has considerably greater potential of internal violence than its citizens.

14.4 CAUSES OF POLITICAL VIOLENCE

There are many causes that give birth to political violence. Men take recourse to violence as a last resort. It is rightly pointed out by Aristotle that men do not revolt because they catch cold.

People decide to use violent methods when they think that their survival as a community is at stake and unless they fight against it, they will have to have to suffer no end. Normally, people exhaust legally available avenues to get their grievances redressed. But if the legal methods fail to deliver goods, people take to violence.

Following are some of the causes of political violence.

1) General causes 2) The Concept of National Self-Determination 3) Ideology 4) Religious and ethnic conflicts 5) Political conflicts between different groups of elites 6) Economic conditions and the concept of relative deprivation.

14.4.1 General Causes of Political Violence

We have seen in our earlier discussion that political violence has been a result of bad government. Kautilya in his *'Arthashastra'* said that wrong policies of the government and immodest behaviour of the rulers give birth to revolts of the people. Wrong and oppressive policies of the government create resentment in the minds of the people and the people rise violently to change the wrong policies. Excessive taxation, hike in the prices of essential commodities, deliberate disregard of law and morality in the exercise of power, unjust treatment meted out to certain sections of society, deliberate neglect of certain regions of the state, political incompetence and misgovernment and excessive and tactless use of force to put down peaceful agitation are the general causes of violence. Kautilya held that impoverishment, greed and disaffection are the causes of revolt.

14.4.2 The Concept of National Self-Determination

During the last two centuries, a large number of countries of Third World came under foreign control. They became colonies of Western countries. People in the Third world countries wanted to free themselves from foreign domination. Hence, they waged violent struggles against foreign rule. In modern times, the American settlers were the first to take to arms to free their country from British rule. We have numerous examples of such struggles in Afro-Asian countries such as Vietnam, Algeria and Indonesia. Due to the pacifist ideas of Mahatma Gandhi, the Indian liberation movement remained largely non-violent, though there were certain armed revolutionaries like Sawarkar Bagha Jatin, Bhagat Singh and Subhash Chandra Bose in India also.

After the Second World War, a large number of Third World countries became independent. These countries faced the problem of nation building, as the process of political integration was weak. But there was increasing political consciousness in the minds of the people. Certain regions in these states who had a distinct cultural or religious identity demanded the right of self-determination for their provinces. The supporters of national self-determination movement called it a movement for national liberation while the opponents of these movements called them secessionist movements. In India, we are facing these type of movements in Jammu and Kashmir, Nagaland, Manipur and Assam. Most of the Third World countries are facing this problem. Even developed countries like Great Britain and Canada faced the problem of secession in Northern Ireland and Quebec respectively. The Irish Republican Army and the LTTE in Srilanka are the most dreaded separatist groups in the world. These movements are marked by excessive use of violence from both the sides. Thus, nationalism caused the emergence of national liberation movements as well as the movements for national self-determination.

14.4.3 Ideology

In modern times, ideology has played an important role in the spread of political violence. Ideology mobilises people and gives them a certain cause to wage struggle against the state. Ideology explains the present conditions of society and asks the people to change it to bring about a better system of governance. Most of the movements in modern times are ideological in character. Fascism and socialism were two such ideologies.

Fascist ideas became popular in Europe between the two World Wars. Fascists glorified force and violence and advocated the unity of interests of individuals with that of the nation state. Fascism in Italy and Nazism in Germany used the extreme form of violence to capture political power.

The ideology of revolutionary socialism moved a large number of people who were involved in violent revolutionary activities. The socialists stand for the abolition of the capitalist system, which is based on state violence. The socialists want to establish a classless and stateless society which would end exploitation of man by man. We have examples of successful revolutions like the Russian revolution, The Chinese revolution and The Cuban revolution. The socialists argue that they take recourse to violence to counter state violence. There are a large number of countries, which are witnessing violent socialist uprisings. India, Nepal, Indonesia, Burma are the countries that witnessed violent revolutionary activities by the socialists. In India, the Naxalites are involved in revolutionary political activities.

14.4.4 Religious and Ethnic Conflicts

Most of the countries of the world are inhabited by the people who adhere to different religious faiths and belong to different ethnic communities. Therefore, there are religious and ethnic minorities in most of the countries. Modern state is trying to bring them under a single central political authority. Religious and ethnic minorities resist this attempt because they fear that due to this political integration they may lose their separate identity. The moment force is applied to advance this policy these communities take recourse to resistance and violence.

Many of the West European countries witnessed religious conflicts during the 17th and 18th centuries. The conflict was between the Catholics and the Protestants. Now, modern European states claim that they are secular and they have achieved separation between the church and the state. But in many countries of East Europe, Asia and Africa, religious strife is common. Inter-religious conflicts take place between two religious communities, between Christians and Muslims, Jews and Muslims or Hindus and Muslims. There is intra-religious conflict within a particular religious community when a particular religious sect wants to purge the religion of corrupt practices. The fundamentalist groups, who want to purify their religion, take to an extreme form of violence. Those people who do not approve of this 'puritan' view of religion are considered as enemies of religion and an internecine warfare begins. Algeria, Egypt, Afghanistan and several Muslim countries are facing this problem.

Culturally and ethnically, modern societies are not homogenous. Cultural and ethnic minorities want to preserve their separate identity. Hence, they want to secure and protect their rights. These minorities are formed on the basis of race, language and culture. They take to violence if they feel threatened. Quebec province in Canada, Nagaland in India, Northern Ireland in Great Britain, the Chechens in Russia, Tibetans in China and Kurds in Iraq and Iran are examples of this. Minorities are concerned about their identity and majorities question their

political loyalty. In some cases like Srilanka, the struggle of minorities assumed the form of separatist violence, which culminated in insurrection.

14.4.5 Political Disputes between Different Groups of the Elite

Governing elite in each state consists of groups, factions, and these groups and factions are involved in power politics. These groups and factions use violent methods to secure support of the people by organising street demonstrations, communal riots and sabotage. A group, well established in the government uses coercive powers of state institutions to curb this violence. Political disputes among the elite may result in splits and divisions in the ruling group. The dissident group many incite violence against the ruling group or take help of a faction in the army to capture political power. Sometimes, the disgruntled leaders may support the secessionist movements. Many a times, the military take over is the result of such disputes. The Afghan history after 1972, military take overs in Pakistan and Bangladesh are examples of this type of politics. These military takeovers are often very violent and cause a large-scale bloodshed.

14.4.6 Economic Conditions and the Concept of Relative Deprivation

Economic conditions give birth to different types of political violence because they generate resentment in the minds of the people. It is the wrong policies of the government that favour certain sections of the society and push a large section of the people below poverty line. Due to the wrong policies of the government, there is growing inflation, declining living standards of the people, price rise, unemployment and non-availability of essential commodities in the market. These factors force people to take to streets and participate in violent demonstrations against the government. Workers, farmers, students and other sections of the society take part in demonstrations to protest against the policies of the government.

But it must be remembered that poor living conditions alone do not constitute a sufficient cause to give birth to violence. The workers and farmers must develop consciousness about it in their minds. When a section of people begins to believe, that it is being deliberately deprived of the valued goods to which it is entitled, it takes recourse to agitation. The sources of deprivation lie in social processes, which cause a gap between what people are entitled to and what they receive. In modern times, due to education, learning of new skills, new consumption levels and advertisements create a feeling of deprivation in the minds of the people. The feeling of relative deprivation thus gives birth to political violence. Low level of economic growth causes considerable resentment in the people. Even rapid economic development may lead to resentment if the fruits of growth are not fairly distributed among the different strata of society.

14.4.7 Support by Neighbouring Countries

Political violence, especially sustained political violence in a state always gets support from the neighbouring countries, which are hostile. The foreign country gives support in the form of arms, money, training and shelter. For example, political violence in Jammu and Kashmir is supported by Pakistan. America gave support to rebels in Cuba and Nicaragua and Libya and Iraq are accused of supporting the Islamic terrorist network.

14.5 FORMS OF POLITICAL VIOLENCE

There exist different forms of political violence, which people use to show their resentment and dissatisfaction against the government. It can assume a form of a violent demonstration or it

can be an epoch making revolution like the French revolution of 1789. We see the emergence of political violence in the following forms :

1) Violent protests by the people against the government

2) Terrorism

3) Military revolts and take overs

4) Revolts and Rebellion

5) War

14.5.1 Violent Protest by the People against the Government

Normally, people take recourse to violence when all the constitutional means available to them fail. The violent protests of the people assume different forms. The violent protests of unorganised mobs cause a large scale damage because they attack the symbols of government authority such as government offices, railways and buses. They try to disrupt normal functioning of the government. This type of violence is sporadic in nature and it dies down after registering protest. But, due to the violent riotings, the governments tend to amend their policies to avoid the spread of violence.

Those groups which are well organised mobilise people against the government and use different methods of resistance. They declare strikes, 'bandhs', and hartals. Sometimes, they organise violent demonstrations and morchas. If the central authority of the government is weak and it lacks legitimacy, a well organised demonstration may cause the downfall of the government. But this rarely happens. Otherwise, the impact of violent protests of the mobs is temporary in nature because the government uses repressive measures to control it.

14.5.2 Terrorism

In modern times, terrorism has become one of the important forms of political violence as a large number of young people join terrorist groups to bring about change in the government. The weapon of terrorism is used by terrorists because they know that they cannot launch an open war against the state as the state has a superior force at its command. But terrorists are determined to use violent methods because it is their opinion that opponents understand the language of the gun. Their power in society is also based on the gun. Terrorists use all sorts of methods to teach a lesson to the state authorities. Their activities start with blowing up of a bridge or breaching a wall of a dam. But in the process, they expand the area of their operation. They get involved in activities of sabotage, murder, killing a large number of people in sudden gun fire, hijacking of an aircraft or a bus, holding people for ransom, kidnapping, political assassinations, extortions, setting fire to places of worship and markets, inciting caste and communal riots etc. They succeed in harassing the state authorities because there is an element of surprise in their actions. The Irish Republican Army, the Liberation Tigers of Tamil Eelam, various Palestine Guerilla outfits, Al Qaeda militants are some of the most violent and dreaded terrorist organisations. In India, we have witnessed activities of terrorists in Jammu and Kashmir, Punjab, Nagaland, Assam, Manipur, Tripura and Mizoram. The Naga militants have been continuing their terrorist activities for the last 4 years. Through their activities, the terrorists want to establish a well-trained armed wing to carry forward insurrectionary activities. But most of them do not succeed. It is true that some terrorist organisations succeed in setting up their

own militias but they cannot fight a well-oiled regular army of modern state which is often supported by a super power. Guerilla warfare succeeds when the state authorities are extremely weak and when their writ does not run beyond the capital. In South Vietnam, the Viet Cong guerillas succeeded because of the weakness of the South Vietnamese state.

Terrorists take recourse to crime, but they are not ordinary criminals because they are ideologically motivated and they have a vision of establishing a better society. Terrorist activities are legitimised by their ideology. We can see three distinct phases of ideological orientation of terrorism. In its first phase, national independence was its goal. In the second phase after the Second World War, most of the terrorists owed their allegiance to revolutionary socialism and at present, their orientation is religious fundamentalism or ethnic separatism. Every terrorist movement has its own group of intellectuals who rationalise the use of violence.

14.5.3 Military Revolts and Take Overs

In modern times, the military or the armed forces of the country are playing an important role in the politics of the third world countries because they are the only well organised force available in societies which have not undergone the process of state and nation building. Involvement of military in political violence assumes two forms 1) the mutiny of soldiers and 2) military take over or 'coup detat'.

All over the world disgruntled elements in the armed forces rebel against the government. This revolt is called mutiny. Due to some economic or political reasons, the soldiers take to arms and get involved in violent activities. For example, in 1857 the Indian soldiers of the army of British East India Company revolted against the British rule and killed a large number of their British officers. Normally, a mutiny is always taken very seriously by the state authorities because soldiers posses arms and training and they are in large numbers. But if a mutiny has no ideological base, sooner or later it is brought under control by the state authorities.

The second form of political violence is the military take over by engineering a 'coup detat'. Military takeover is a sharp armed insurrection by a group of army officers to capture political power by establishing control over key installations of the state. It is a well organised operation in which masses are bypassed. If coup leaders are confident of controlling the situation, they may not take recourse to violence. For example in Pakistan, most of the military takeovers were bloodless. But if the coup leaders are not confident of their success, they indulge in an extreme form of violence to strike terror in the minds of the people. For example, in Bangladesh in 1975, President Sheikh Mujibur Rehman and his entire family were wiped out. The military coup in Indonesia in 1965-66 was extremely violent. All military takeovers in Afghanistan after 1973 were violent. In the military takeover, the masses are not involved and in many of the Afro-Asian and Latin American countries, the military displaces the democratic government and usurps power. Most of the dreaded dictators in these countries are military generals.

14.5.4 Revolts and Rebellions

We have seen that terrorist violence or even military revolts do not need the support of the masses. It is essentially an action carried out by a determined group of people. But revolts and rebellions take place because of popular disaffection. Revolts represent the anger of certain sections of society and they are aimed at changing the policy of the government or change in the government. The revolts may take place in different parts of the country and the demands of the rebels may be very specific. If the revolts are accompanied by a high degree of

organisation and with the tacit approval of wide sections of the population, one can say that they have assumed a serious form. It includes large scale terrorism and civil war. The revolt may develop into a rebellion.

Rebellion is the second stage of revolt in the sense that in this phase, the rebels are ideologically committed and they have developed a vision of future society. Due to the normally socialist or the nationalist ideology, they are supported by a large number of people. If the rebels are able to concentrate in a geographically peripheral area or the areas outside the efficient control of the state and if foreign support is available to them, the rebellion assumes the form of armed insurrection, which cannot be easily put down. The rebels normally use the tactics of guerilla warfare because they lack the military strength to counter state forces. To circumvent the armed superiority of the state, the guerillas try to win the support of the people through the ideological exhortations or through the promises of redistributive policy. They promise land to the landless, regional autonomy for ethnic minorities and political equality through the end of foreign domination. The revolutionary guerilla warfare succeeded in countries like China, Vietnam and Cuba but it failed in Greece, Philippines and Iran. Near perfect intelligence, mobility, freedom from fixed logistic bases and surprise are the characteristics of successful guerilla operations but increasingly due to strengthening of the state organisation and state forces guerillas have not been able to achieve the successes that they had achieved against weak states immediately after the Second World War.

14.5.5 War

War is the culmination of political violence in the sense that war brings forth two contending forces face to face with each other and settles the issue on the basis of balance of armed forces. War is as old as human history and violence and bloodshed are at the heart of it. There are two types of wars : 1) war with the external enemy of the country and 2) internal war, which takes place between the state forces and the rebels (civil war).

The external war causes widespread damage and destruction because both the parties use massive armies, modern weapons of mass destruction and air force. The First World War accounted for a million deaths and the Second World War was the most destructive of all wars. Atomic weapons were used by the USA to settle the issue.

Internal war is fought between the forces of a central government and the secessionist forces. It could be a revolt by a certain sections of the people or a rebellion by the broad mass of people. In the 1860s, the USA witnessed a civil war between the northern and the southern states on the issue of the abolition of slavery. Internal war is equally destructive and it may cause widespread destruction and massacres. We have examples of violent internal wars in Lebanon, Yugoslavia, Nigeria and India.

Thus, political violence assumes different forms in modern times. Revolution is also a particular form of political violence.

14.6   REVOLUTION

Revolution is essentially a modern phenomenon because it wants to bring about a total transformation of society. Revolutions are marked by widespread violence, social unrest and ideological commitment. The new revolutionary ideology is radical, rational, democratic and universal.

Modern revolutions are not confined to replacing a bad ruler with a good one but they have a modernist agenda of restructuring the entire socio-political order by the legitimate representatives of the community.

14.6.1 Meaning of Revolution

As we have seen, revolutions are aimed at changing the basic structure of society. They want to bring about a rapid transformation of the society's state and class structures. This is accompanied and carried through by the class based revolts from below. Modern revolutions differ from the earlier revolts in the sense that the latter did not think of basic changes in society and state and they were more interested in change in the government. Modern revolution has its goals clearly defined and its leaders use violence to consummate it. Its leaders are backed by a well-defined theory which seeks to legitimise revolutionary violence.

14.6.2 Three Phases of Revolution

We can say that there are three distinct phases of revolution. The first phase of revolution is the classical phase. The second phase of revolution is the socialist phase and the third phase of revolution is revolution in the Third World countries.

The classical phase of revolution began in England during the British Civil War of the 17th century that destroyed royal absolutism in England. It was followed by the French Revolution of 1789, which witnessed unprecedented violence and bloodshed. It destroyed feudalism in France and paved the way for the emergence of the modern capitalist society. The American Revolution ended foreign domination and established a modern constitutional democracy in USA. All these three revolutions transformed state organisations, class structures and dominant ideologies. The classical revolutions were followed by the socialist revolutions of the 20th century. It began with the October Revolution of 1917 in Russia. It was succeeded by the Chinese Revolution in 1949 and the Cuban Revolution in 1961. Ideologically, the leaders of these revolutions were more radical in the sense that they wanted to have a total transformation of social, economic and political structures. Though all socialist revolutionaries believed in Marxist philosophy and Leninist politics of international proletarian revolution, they followed different methods to bring about the revolution.

In the third phase, revolutions were witnessed in the third world countries. The Egyptian revolt of 1953 paved the way for the emergence of new politics in Arab countries. The Islamic revolution of Iran in 1979 was the last of the great revolutions, which tried to reorder Iranian society on the principles of radical Islam.

14.6.3 Theories of Revolution

There are three distinct theories of revolution. These theories probe causes, goals and consequences of revolution and throw light on the ideology that wins adherence of the people. The first theory of revolution is expounded by Ted Robert Gurr in his book *'Why Men Rebel!'* He says that revolution is a form of political violence and it challenges the monopoly of force possessed by the state. He is of the view that turmoil, conspiracy and internal war are the three features of revolution. The main cause of disaffection and rebellion is relative deprivation of the people. The more intense the deprivation, the greater is the degree of violence. He thinks that at first, there is discontent of the people, then there is politicisation of discontent and finally, its actualisation in violent action against the state. He holds that the discontented elite plays a major role in revolution.

C. Johnson tried to understand revolution as a systemic imbalance. He is of the opinion that revolution takes place due to the development of social imbalances and systemic disequilibrium. These imbalances are caused because of the changes in the values of people. The changes may also occur because of the environment within which the social system is located. These changes must be particularly sudden and intense. He points out that disequilibrium does not cause revolutions, as the systems can repair damage by taking corrective measures. He thinks that the first cause of revolution is power deflation. The process of power deflation takes place when the system fails to fulfill its obligations and it loses confidence and legitimacy. It has to use force to maintain law and order. Second cause is the inability of the legitimate leaders to effect' synchronisation' to overcome power deflation. If they are unable to restore confidence, the ultimate loss of authority ensues and the use of force by the state is no longer considered legitimate. As a result, the state cannot justify its monopoly over the use of force. There is a sudden break in the effectiveness of the armed forces and commencement of special operations against the rebels.

The third theory of revolution is the Marxist theory, which believes in class warfare. According to Marx, our known history is a history of class struggle between haves and have nots and the contradiction between them come in the open in the capitalist state of development. The capitalists exploit workers by extracting surplus value from their labour and cause widespread poverty and misery. As a result, class struggle between the capitalists and workers becomes intense. In this struggle the state as an instrument of class rule supports the capitalist classes. The workers bring about a violent revolution. The purpose of the proletarian revolution is to overthrow the capitalist system and replace it with the socialist system. Establishment of a classless and stateless society is the ultimate goal of the socialist revolution.

All these three theories point out that violence plays an important role in revolution because the revolutionaries want to challenge and end the state's monopoly over the use of force and they want to establish their own control over the state.

14.7   METHODS OF OVERCOMING POLITICAL VIOLENCE

In our preceding discussion, we have seen the nature and causes of political violence. In this part, we shall study methods of overcoming violence. The state uses three different methods to overcome violence which are as follows: 1) the remedial method of liberals which believes in reforms 2) the method of force and 3) the method of carrot and stick policy.

14.7.1   Methods of Reforms and Remedies

The liberals and reformers are of the opinion that political violence can be overcome by following necessary reforms in the social and political system. They argue that political violence is a part of our social and political process and it is built in the system as an antidote to the violence of the state. Hence, it is necessary that the government should take remedial measures to reduce dissatisfaction and anger of the people. Social and economic grievances could be remedied by initiating basic reforms in social and economic fields. It includes giving equality of opportunity to the people, reducing the tax burden, equitable distribution of wealth and removal of all disabilities imposed by the state and society. Just treatment to all sections of society is important.

The liberals believe in the method of education and they want to tell people that ultimately, the use of violence is irrational in the sense that it brought out the base elements in man. Human

beings have registered spectacular achievement, because they have learnt to control violence. Man has developed a new set of rules to resolve the conflicts peacefully. The economic compulsions in national and international economy would convince people that they could gain more in peace than in war. Violence cannot resolve the basic problems of society. Hence, the liberals want the people to learn the operation of constitutional machinery to resolve conflicts. They want minimum use of state violence to curb violence. They hold that the basic problems of society could only be resolved by consensus and contract.

14.7.2 The Method of Force

Those people who take recourse to the method of force believe that the rebels have consciously chosen the path of violence and they cannot be persuaded to abandon it. Violence of rebels can be countered by superior violence of the state, because if you cannot kill rebels, they will kill you. The state should strengthen its intelligence and try to penetrate the inner rings of terrorists. It should follow the policy of dissension and punishment and isolate and confuse the rebels. Kautilya in his *Arthashastra* suggested that the king should initiate action against the leaders of the revolt because it is the leaders who provide leadership to a revolt. In no case should he use force against the multitude of people because it may result in a widespread bloodshed. He should devise his response taking into consideration, the position of different classes of the people and should see to it that foreign support to the rebels is cut off. Though he suggested the use of force against revolt, he was quick to point out that the cause of revolt must be addressed.

14.7.3 The Policy of Carrot and Stick

The 'carrot and stick' policy is a dual policy, which aims at driving a wedge between the moderate and extremist elements in the opposition. The government can offer rewards and concessions to the moderates but at the same time, it can continue its military operations against the extremists. If the moderates are able to generate support for a deal with the government, the extremists lose the support and in the process, they become ineffective. But if moderates fail to generate support, the extremists may brand them as the agents of the government and destroy their support base. Hence, the method of carrot and stick has to be used very carefully.

The state can use different methods to overcome violence, but it must first try to remove the causes of revolt. Kautilya said that by merely killing the rebels, rebellion cannot be stopped. It is necessary to remove the cause that is giving birth to new rebels.

As we have seen, it is the state practices that give birth to violence because it is not rebels or terrorists who divided Ireland or drove Palestinians to exile or imposed white rule in South Africa or killed thousands of innocent men in Iraq. State violence is the womb of terrorism, betrayal and humiliation is its cradle and revenges its mother's milk. Therefore, the states, which are committed to their imperial interests by force, are unlikely to recognise that political violence and terrorism are both a response to their policies as well as an imitation of their style. The states should reorganise their policies on the basis of justice and fair play and stop continuing the oppression of classes, nations and ethnic communities so that the root cause of violence is removed.

14.8 SUMMARY

In this unit, you have studied different aspects of political violence in modern times. Political

violence is built in the political process itself, because the state seeks to monopolise the use of force. There are different causes of political violence, but loss of legitimacy of the government and inability of the political system to accommodate demands of different sections of society are the important causes. Religious and ethnic differences also play an important role in encouraging violence. Political violence assumes different forms including turmoil, sporadic violence and internal war. In modern times, revolution is an important form of political violence because it seeks to restructure basic social, economic and political institutions of the society. The state uses different methods to overcome violence. Those who support the democratic system argue that political violence can be overcome by redressing grievances of the people, by reforming the system and by devising constitutional remedies, which provide for peaceful resolution of social and political conflicts.

14.9 EXERCISES

1. What is the nature and scope of political violence?

2. How do the problems of political integration produce violence in modern society?

3. Why does economic development cause political violence?

4. What are the general causes of political violence?

5. Discuss briefly the role of economic conditions in the rise of political violence.

6. Bring out the main features of terrorist violence.

7. Briefly discuss the nature of military involvement in political violence.

8. Write a short note on war as a form of political violence.

9. Write a note on the theories of revolution.

10. What is the liberal method of overcoming political violence?

SUGGESTED READINGS

Abercrombie, W., S. Hill and B. Turner., *The Dominant Ideology Thesis*, London: Allen & Unwin, 1980.

Albrow, M., *Bureaucracy*, London: Macmillan, 1970.

Alexander, L., (ed.) *Constitutionalism: Philosophical Foundations*, Cambridge University Press, 1998.

Almond, G. A. and S. Verba., *The Civic Culture: Political Attitudes and Democracy in Five Nations*, Princeton: Princeton University Press, 1963.

Almond, G. and Verba, S., *The Civic Culture Revisited,* Princeton: Princeton University Press, 1980.

Arora, N.D., and Awasthy, S.S., *Political Theory,* New Delhi: Har-Anand Publications Pvt. Ltd., 1999.

Arrow, K., *Social Choice and Individual Values,* New York: Wiley, 1951.

Asirvatham, Eddy and Mishra, K.K., *Political Theory,* New Delhi: S. Chand & Company, 2001.

Avblaster, Anthony., '*Democracy'*, Milton Keynes: Open University Press, 1987.

Bagart, J.F., "Civil Society in Africa" in Chabal, P., (ed.) *Political Domination in Africa: Reflections on the Limits of Power,* Cambridge: Cambridge University Press, 1986.

Barker, Ernest., *Principles of Social and Political Theory,* Oxford: Oxford University Press, 1967.

Barnes, B., *The Nature of Power,* Cambridge: Cambridge University Press, 1988.

Berlin Isaiah., *Four Essays on Liberty,* Oxford: Oxford University Press, 1969.

Bhikhu Parekh., *Gandhi's political Philosophy*, London: Macmillan, 1988.

Birch A. H., *Concepts and Theories of Modern Democracy*, London and New York: Routledge, 1993.

Birch, A. H., *Representation*, London: Macmillan; New York: Praeger, 1972.

Blau, P. and M. Meyer., (eds.) *Bureaucracy in Modern Society,* 3rd ed., New York: Random House, 1987.

Bobbio, N., *Left and Right: The Singnificance of a Political Distinction*, Cambridge: Polity Press, 1996.

Brittan, S., *The Economic Consequences of Democracy*, London: Temple Smith, 1977.

Brooker, P., *Non-Democratic Regimes: Theory, Government and Politics*, New York: St Martin's Press, and London: Macmillan, 2000.

Budge, I. and D. Mackie., (eds.) *Developing Democracy*, London: Sage, 1994.

Burke, E., (ed.), *On Government, Politics and Society*, London: Fontana, B.W. Hill, 1975.

Burns B., *Leadership*, New York: Harper & Row, 1978.

Calt, Helera., *Democracy in Practice,* London: Routledge, 1999

Carole Pateman., *The Sexual Contract,* Stanford: Stanford University Press, 1988.

Ceftwich, A., (ed.) *New Dimensions in Political Science,* Aldershot: Edward Elgar, 1990.

Chandhoke, N., *State and Civil Society,* New Delhi: Sage, 1995.

Chousalkar, A.S., *A Comparative Study of Theory of Rebellion in Aristotle's Politics and Kautilya's Arthashastra,* Delhi: Indological Book House, 1990.

Cohen, J. and Arato, A., *Civil Society and Political Theory,* Cambridge: Cambridge University Press, 1992.

Connolly, W., (ed.) *Legitimacy and the State*, Oxford: Blackwell, 1984.

Conolly, W., *Political Theory and Modernity,* Oxford: Blackwell, 1988.

Crosland, C. A. R., *The Future of Socialism*, London: Jonathan Cape, 1956.

D. Knowles., *Political Philosophy,* London: Routledge, 2001.

(A good commentary on conceptions of liberty, for an MA student with an undergraduate degree in political science.)

Dahl, R., *Modern Political Analysis,* 4th ed., Englewood Cliffs, NJ: Prentice Hall, 1984.

Dahl, R., *Who Governs? Democracy and Power in an American City*, Newhaven, CT: Yale University Press, 1961.

Dahl, Robert A., *Democracy and its Critics,* Orient Longman: Yale University Press, 1989.

David Miller., (ed.) Liberty, Oxford: Oxford University Press, 1991.

(Start your reading from here, as this is a collection of some of the most influential articles on liberty in the past millenium.)

Davies, J., *When Men Revolt and Why*, New York: Free Press, 1971.

Diamond, L., J. Linz and S. Lipset., (eds.) *Democracy in Developing Countries*, Boulder, Colorado: Lynne Rienner, 4 Vol., 1989.

Douglas, J., "The Overload Crown", *British Journal of Political Science*, Vol. 6 (4), 1976.

Dunn, J.C., *Modern Revolutions,* London: Cambridge University Press, 1972.

Easton, D., *A Framework for Political Analysis*, 2nd ed., Chicago: University of Chicago Press, 1979.

Easton, D., *The Political System*, 3rd ed., Chicago: University of Chicago Press, 1981.

Gandhi, M.K., *An Autobiography,* Ahmedabad: Navjivan, 1927.

Gans H.J., *More Equality,* New York: Vintage Books, 1968.

Gelllner, E., *Contemporary Political Culture: Politics in a Post-Modern Age*, London: Sage, 1989.

Gerald C. MacCallum., 'Negative and Positive Freedom', *Philosophical Review,* Vol. 76, 1967.

Goddin, Robert and Pettit, Phillip., *A Companion to Comparative Political Philosophy,* London: Blackwell, 1933.

Gurr, T.R., *Why Men Rebel?,* Princeton, New Jersey: Princeton University Press, 1970.

Habermas, J., *Legitimization Crisis,* London: Heinemann, 1976.

Haksar, Vinit, *Rights, Communities and Disobedience: Liberalism and Gandhi,* New Delhi, 2001.

Hampton, Jean., *Political Philosophy: An Introduction,* Delhi: Oxford University Press, 1998.

Hay, Coloin., *Political Analysis: A Critical Introduction,* New York: Palgrave, 2002.

Haynes, Jeff., *Democracy and Civil Society in the Third World,* Cambridge: Polity Press, 1997.

Held, D., *Political Theory Today,* Cambridge: Polity Press, 1991.

Held, David., *Democracy and the World Order,* Cambridge: Polity Press, 1995.

Held, David., *Political Theory and the Modern State,* Cambridge: Polity Press, 1995.

Henry, Shue., *Basic Rights: Subsistenance, Affluence, and U.S. Foreign Polcy*, Princeton, NJ: Princeton University Press, 1980.

Heywood, A., *Key Concepts in Politics*, Basingstoke: Macmillan, 2000.

Heywood, A., *Political Theory: An Introduction*, Basingstoke: Macmillan, 1999.

Heywood, Andrew., *Political Ideas and Concepts: An Introduction,* Basingstoke: Macmillan , 1994.

Hirschman, N.J., 'Freedom Recognition and Obligation: A Feminist Approach to Political Theory', *American Political Science Review*, Vol. 83, No. 4, December, 1989.

Hobsbawm, E., *Nations and Nationalism since 1780,* 2nd ed., Cambridge: Cambridge University Press, 1993.

Holder, B., *Understanding Liberal Democracy*, 2nd ed., London and New York: Harvester Wheatsheaf, 1993.

Hondrich., T., *Conservatism*, Harmondsworth: Penguin, 1992.

Huntington, S. The Clash of Civilizations and the Making of World Order, New York: Simon & Schuster, 1996.

Hutchinson, J. and A. D. Smith., (eds) *Nationalism*, Oxford and New York: Oxford University Press, 1994

Hyman, H., *Political Socialisation: A Study in the Psychology of Political Behaviour*, New York: Free Press, 1959.

Inglehart, R., *The Silent Revolution: Changing Values and Political Styles Amongst Western Publics*, Princeton: Princeton University Press, 1977.

Iyer, Raghavan N., *The Moral and Political Thought of Mahatma Gandhi*, Oxford: Oxford University Press, 1979.

Jeremy Bentham., *Of laws in General*, H.L.A. Hart ed, London: Athlone Press, 1970, p. 249

Johnson, C., *Revolutionary Change,* Boston, MA: Little, Brown, 1996.

Jones, T., *Modern Political Thinkers and Ideas – a Historical Introduction,* London: Routledge, 2002.

Joseph Raz., *The Morality of Freedom,* Oxford: Clarendon Press, 1986.

Kellas, J., *The Politics of Nationalism and Ethnicity*, London: Macmillan, 1991.

Knowles, D., *Political Philosophy,* London: Routledge, 2001.

Kymlicka., Will. *Contemporary Political Philosophy: An Introduction*, Oxford: Clarendon Press, 1990.

Lane, J.-E., *Constitutions and Political Theory*, Manchester: Manchester University Press, 1996.

Laqueur, W., (ed.) *Fascism: A Reader's Guide*, Harmondsworth: Penguin; Berkeley, CA: University of California Press, 1979.

Laski, Harold., *A Grammar of Politics,* London: Allen and Unwin, 1951.

Laski, John., *A Theory of Justice,* London: Oxford University Press, 1972.

Lasswell, H., *Politics: Who Gets What, When, How?,* New York: McGraw-Hill,1936.

Leftwich, A., (ed.) *What is Politics? The Activity and Its Study*, Oxford and New York: Blackwell, 1984.

Lenin, V. I., *Imperialism: The Highest Stage of Capitalism*, Moscow: Progress, 1916/ 1970.

Lichtheim, G., *Marxism*, London: Routledge & Kegan Paul, 1961.

Lijphart, A., (ed.) *Parliamentary Versus Presidential Government*, Oxford: Oxford University Press, 1992.

Lindley, Mark., *Gandhi and Humanism,* Cambridge University Press, 1999.

Lipson, Leslie., *The Great Issues of Politics,* Bombay: Jaico Publishing House, 1967.

Lukes, S., (ed.) *Power,* Oxford: Oxford University Press, 1986. Also see his *Essays in Social Theory,* London: Macmillan, 1974.

MacCallum Gerald C., 'Negative and Positive Freedom', *Philosophical Review*, Vol. 76, 1967.

Macpherson, C. B., *The Life and Times of Liberal Democracy*, Oxford: Oxford University Press, 1977.

Marshall, T. H., 'Citizenship and Social Class', in T. Marshall (ed.) *Sociology at the Crossroads,* London: Heinemann, 1950

Marty, M.E, and R. S. Appleby., *Fundamentalisms and the State: Remaking Politics, Economics, and Militance,* Chicago: Unviersity of Chicago Press, 1993.

Mayes, P., *Gender*, London: Longman, 1986.

McPherson, Thomas., *Political Obligation,* London: Routledge and Kegan Pal, 1967.

Mehta, V.R., *Foundations of Indian Political Thought*, New Delhi: Manohar, 1992.

Mill, J. S., *On Liberty and Other Writings,* Cambridge: Cambridge University Press, 1989.

Mill, J.S., *Utilitarianism, Liberty and Representative Government*, London: Everyman, 1910

Miller, D., and Siedentop, L., (eds.) *The Nature of Political Theory,* Oxford: Clarendon, 1983.

Miller, David, (ed.), *The Blackwell Encyclopaedia of Political Thought,* Oxford: Clarendon, 1983.

Nozick, Robert., *Anarchy, State and Utopia,* New York: Basic Books, 1974.

O. Patterson, *Freedom: Volume I - Freedom in the Making of Western Culture*, New York: Basic Books, 1991.

O'Sullivan, N., *Conservatism*, London: Dent, 1976.

Oakeshott, Michael., *On Human Conduct,* Oxford: Clarendon Press, 1975.

Oakeshott, Michael., *Rationalism in Politics and Other Essays,* London: Methuen, 1962.

Offe, C., *Contradictions of the Welfare State*, London: Hutchinson, 1984.

Olson, M., *The Rise and Decline of Nations*, Newhaven, CT: Yale University Press, 1982.

Patterson, O., Freedom: Volume I – *Freedom in the Making of Western Culture,* New York: Basic Books, 1991.

Paul, Miller and Paul., (ed.) *Liberty and Equality,* London: Basil Blackwell, 1985.

Peter Jones.*, Rights*, London: Macmillan, 1994.

Pierre, J. and B. Guy Peters., *Governance, Politics and the State*, London: Macmillan, 2000.

Plant, R., *Modern Political Thought,* Oxford: Oxford University Press, 1991.

Potter, David et., al (ed.) *Democratization,* Milton Keynes: Open University Press, 1997.

Rawls, John., *A Theory of Justice*, London: Oxford University Press, 1972.

Rawls, John., *Justice as Fairness: A Restatement,* (ed.) Erin Kelly, Cambridge, Mass: Harvard University Press, 2001.

Ray, B.N., *John Rawls and the Agenda of Social Justice,* New Delhi: Anamika Publishers & Distributors, 2000.

Ricci, D.M., *The Tragedy of Political Science,* New Haven: Yale University Press, 1984.

Robert Goddin and Phillip Pettit., *A Companion to Comparative Political Philosophy*, London: Blackwell, 1933.

Rubenstein, R., *Alchemists of Revolution Terrorism in the Modern World,* London: I.B. Tauris and Co., 1987.

Rush, M., *Politics and Society: An Introduction to Political Sociology*, Hemel Hempstead: Harvester Wheatsheaf, 1992.

Russell, M., *Reforming the House of Lords: Lessons from Overseas*, Oxford and New York: Oxford University Press, 2000.

Sandel, Michael., *Liberalism and the Limits of Justice,* Cambridge: Cambridge University Press, 1982.

Schwarzmantel, J., *Socialism and the Idea of the Nation*, London: Harvester Wheatsheaf, 1991.

See Ronald Dworkin, *Taking Rights Seriously*, London, Duekworth, 1978, pp. 169-173 and John Mackie, "Can there be a right-based moral theory" in Jeremy Waldron, ed. *Theories of Rights*, Oxford: Oxford University Press, 1984, pp. 168-181.

Seliger, M., *Politics and Ideology*, London: Allen & Unwin, 1976.

Smith, A. D., *The Ethnic Origins of Nations*, Oxford: Basil Blackwell, 1986.

T. Jones., *Modern Political Thinkers and Ideas - A Historical Introduction,* London: Routledge, 2002.

Tarrow, S., *Power in Movement: Social Movements and Contentious Politics*, Cambridge and New York: Cambridge University Press, 1998.

Tawney, R.H., *Equality*, London: Ellis Horwood, 1986

Taylor, Charles, 'Atomism', in his *Philosophy and the Human Sciences*, Vol.II, Cambridge: Cambridge University Press, 1985, pp. 187-210

Tinder, Glenn, *Obligation Thinking,* Boston: Little, Brown and Company, 1986.

Weisberg, H., (ed.) *Political Science: The Science of Politics,* New York: Agathon, 1986.

Wildavshy, A., *Art and Craft of Policy Analysis*, Macmillan: London, 1980.

Wollstonecraft, M., *A Vindication of the Rights of Women*, Harmondsworth: Penguin, 1985.

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CONTENTS

Introduction

COURSE INTRODUCTION

The most central concern of Political Science is the study of state. It has four closely inter-related aspects or dimensions. One aspect of the study of state relates to the definition and meaning of state, its elements, different theories about the origin of state, forms and functions of the state and the nature of sovereignty which makes the state the sole supreme power in the society. There are several dimensions of each of these issues. For example, with regard to sovereignty there can be many questions. Where does sovereignty actually reside? Does it reside in the king (the ruler) or does it reside in the people or does it reside in the constitution? Similarly, about the origin of the state, different questions arise. How did the state originate? Did it originate because of divine will or did it originate in a social contract or did it originate because of force or is it merely the expansion of family?

The second aspect of the study of state relates to issues about the relation between the state and the individual. What are the areas of individual's activities in which the state can interfere and which are the areas in which the individual must be left alone? This brings in the question of individual's rights and liberties. What rights can the individual demand from the state and on what basis are such demands justified? What rights must the state grant to the individual and why? Closely related with the question of the individual's rights is the question of individual's duties and obligations towards the state. What is the notion of duty? What is meant by political obligation? What are the individual's duties towards the state and why must the individual perform these duties? Why must the individual obey the authority of the state? What are the moral and the prudential bases of political obligation? Can the individual refuse to obey the state and if so, under what circumstances and on what grounds?

Closely related with the question of rights and duties of the individual is the issue of citizenship. What should be the criteria for the grant of citizenship by the state? In what respect does the status of citizens of a state differ from the status of aliens? Can a state (or should a state) treat all citizens alike or can it treat different categories of citizens – women, tribals, scheduled castes and scheduled tribes – differently? There is also the question of a citizen's right to rebel against the state. Has the citizen any right to rebel against the state? Conversely, how far is the use of violence by the state against its citizens justified? What violent and non-violent methods can the state use to impose its will and assert its supremacy over them? What are the various ways in which the citizens can protest against the wrong policies of the state? What is meant by civil disobedience? How far it is effective as measure of protest by the citizen and subjects?

The third issue relates to the relationship between the state and civil society. This issue also has many dimensions. What is society and how does it differ from the state? What is justice and what are its various conceptions? What is individual justice and how does it differ from social justice? How can a just society be brought about? To what extent liberty and equality are the necessary ingredients of a just society? What is the most ideal mix of liberty and equality for a just society? To what extent liberty and equality are complementary and to what extent are they contradictory?

The fourth issue relates to the legitimacy of the state. What makes governance by the state legitimate? In other words, how does power become authority? What are the various modes of governance? What is democracy? Is the democratic mode of governance more legitimate than the other forms of governance like monarchy, aristocracy and dictatorship? What leads to legitimation crises of the state and what are the consequences of such crises? What is a revolution? Why do revolutions occur? Do legitimation crises necessarily lead to a revolution?

To what extent civil disobedience and passive resistance are effective as measures of protest? Is revolution more effective as compared to civil disobedience?

These and several other related questions are discussed in this book on Political Theory. It aims at familiarising you with some of the most seminal ideas of political thinkers of the West on these questions. There are two objectives of this book. The first objective is to help you in clearly understanding the meaning of various concepts like state, sovereignty, justice, liberty, equality, power, authority, rights and obligations, citizenship, democracy, civil disobedience and revolution etc. Secondly, you should be able to comprehend the various dimensions of each of these concepts. For example, in the discussion on justice you should be aware of the notion of individual justice and social justice and the dichotomy, if any, between the two. Alongwith it, there is a need for you to understand the procedural and the substantive notions of justice as also the legal and moral conception of justice. Similarly, in liberty you should be clear about its two aspects: negative liberty and positive liberty, while in equality you should be able to clarify the notion of absolute (or arithmetic) equality and proportionate (or geometric) equality and notions of political, social and economic equality. While discussing the concept of sovereignty, you should be clear about its various types: legal, political, popular, defacto, de-jure, real and titular sovereignty. You should also understand the monist theory of sovereignty (Austin) and the pluralist theory of sovereignty (Laski and others). In the discussion on rights, you should understand the different types of rights – political, economic, social and cultural rights as also different theories of rights or the basis on which rights are justified: the historical theory, the legal theory, the social welfare theory and, the will theory of rights etc. While discussing political obligation, the distincion between the moral and the prudential basis of obligation must be clearly understood.

At the conceptual level, one should be able to distinguish between obligation and duty. In what way they are the same and in what way different? How is the notion of duty related to the ultimate ends or purposes that a society has chosen for itself? Since the question of a good political social and political order is a value question, it necessarily implies that the conceptions of duty will hing on how this good is conceived. To what extent, there is mutuality of right and duties in the sense that rights have corresponding duties and to what extent, there could be rights without corresponding duties and duties without corresponding rights?
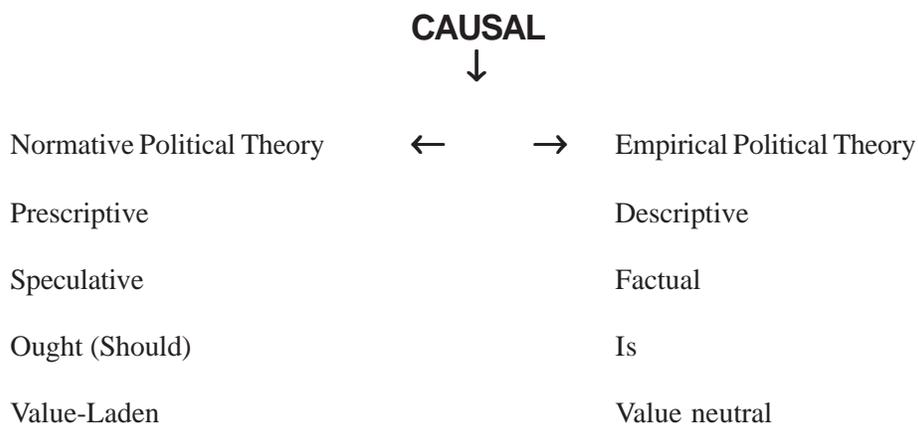
In the discussion on democracy, it is necessary for you to understand the various models of democracy – direct (or participatory), indirect (or representative). There is also the need to understand the various empirical images of theory of democracy (Schumpeter and Sartori), the pluralist theory of democracy (Robert Dahl) etc. Alongwith it, there is also the need to understand the marxist notion of democracy and the Maoist conception of people's democracy. In the discussion on authority, you should understand the difference between the term power and authority. Also, how they are different from influence, persuasion, etc. on the one hand, and force, coercion etc. on the other. Various types of authority – traditional, legal – rational and charismatic –as formulated by Max Weber also need to be understood. In the unit on revolution, you should not only be able to discuss the typology of revolution, but also the etiology of revolution. There is also the need to understand the difference between civil disobedience and passive resistance and also how civil disobedience has been used as a weapon by Mahatma Gandhi, Martin Luther King Jr. and others. This will also bring in the notion of satyagraha and its relevance in the contemporary world. This book contains a gist of the ideas of major political thinkers and political philosophers of ancient, medieval, modern and contemporary period on the various political issues mentioned above.

The title of this course is 'Political Theory'. Therefore, at the very outset you must understand the meaning of the term 'political theory' and its various connotations. Let us examine what do

we mean by the term 'theory'? Broadly speaking, theory is a generalisation about a particular phenomenon based on observation and reflection. We must, however, remember that the nature of generalisations in the physical or natural sciences (Mathematics, Physics etc.), is of a different order (quality) than the nature of generalisations in the social and behavioural sciences (Psychology, Economics, Sociology and Political Science etc.). Even within the social sciences, the quality of generalisation differs from one subject to another and even in the same subject (say Political Science) different areas of the discipline have different qualities of generalisation. However, the nature of theory (generalisation) in natural and social sciences are *fundamentally* different. The theories in natural sciences are more exact, more certain and more universal than the theories in social sciences. The theories in the latter are not only approximate, probabilistic but also time-space specific, In other words, we can say that political theory consists of generalisations about the state, the civil society and the individual and their relations with one another. Similarly, the theories of justice, liberty, equality, rights and duties, etc. are generalisations on these themes.

While you go through the various parts of this course, you will notice that a theory has mainly three kinds of ingredients. Firstly, there are broad reflections of the various political thinkers about politics, reflections about the state and justice etc. Such reflections which are generally of a philosophic nature constitute a definite tradition in Political thought right from the days of ancient Greeks to the present. This strand of political theory constitutes what may be called political philosophy or *normative* political theory. This component of political theory consists of statements which are *prescriptive* in nature. They are *valuational* in so far as they reflect the value preferences of various political thinkers about the political phenomenon. They are normative in character because they seek to provide moral norms for the society. Their main thrust is not on *"is"* (what exists) but on *"ought"* or *"should"* (what is desirable or what ought to be). There is a second strand in political theory which includes accounts of major political institutions as they have actually existed and functioned from time to time and the relations of individuals and groups with these institutions. Such accounts are largely *factual* or *empirical* in nature. The statements in this brand of political theory (which may be called empirical political theory) are claimed to be value neutral. The third strand in political theory consists of statements about political phenomenon which are *causal* in nature. They attempt to explain the political events in terms of 'if... then' manner. For example, one many say that *if* there is injustice in society, *then* revolution is most likely to occur or we may say that *if* there is large scale participation of people in governance, *then* the regime is likely to have greater legitimacy.

Actually, if we were to try to place all the strands of political theory along a continuum, it would extend from empirical end of the spectrum to the normative end like this:

CAUSAL
↓

Normative Political Theory	← →	Empirical Political Theory
Prescriptive		Descriptive
Speculative		Factual
Ought (Should)		Is
Value-Laden		Value neutral

You should remember that this differentiation between empirical and normative political theory is only analytical. In actual practice, there may not be any political theory which deals exclusively with "is" (a factual account of political reality) without an element of "ought" (in what way this reality ought to be changed or ought to be retained). Similarly, there is no political theory which purely deals with 'ought' only without any reference to 'is'. In other words, what distinguishes 'normative political theory' from 'empirical political theory' is the ratio of "is", "ought" mix. Normative political theory contains a greater element of 'ought' and lesser elements of 'is'. On the other hand, empirical political theory has a larger component of 'is' and lesser component of 'ought'.

Secondly, it is also possible that some works of a thinker may be more empirical than normative while some other works of the same thinker may be more normative than empirical; and still others may be in the nature of causal explanation of political reality. For example, Karl Marx's analysis of eighteenth century capitalism in Europe is more descriptive, empirical and factual in nature; while his vision of a socialist and communist society is more normative, speculative and prescriptive. Thus, one part of his writings may be categorised as empirical political theory while the other may be treated as normative political theory. Not only this, while explaining the mechanism of exploitation of the working class by the capitalist class, Marx formulated his theory of surplus value which is more causal in nature.

This is just one way of distinguishing normative political theory from empirical political theory. There are several other ways in which the distinction has been made between the two. Leo Strauss, for example, has used the term *political philosophy* for normative political theory and the term political theory for the empirical accounts of political reality. He has argued that political theory tells us only about the *nature of political things*, while political philosophy is a *quest of wisdom*. In other words, he has used the term political theory for descriptive accounts of political things and political philosophy for normative reflections about the political phenomenon. At a more sophisticated level, it is sometimes argued that what we call empirical political theory tells us only about *part* of political reality, while political philosophy (normative political theory) tells us about the *whole*. Another dimension of this argument is that political theory gives us an idea of the *particular*, while political philosophy gives us knowledge of the *universal*. It is further argued that what empirical political reality gives us is only *opinion* about the political phenomenon, while political philosophy or normative political theory enables us to comprehend the essence of political reality.

Bhikhu Parekh has highlighted another dimension of political philosophy as distinct from political theory. According to him, the distinction between the two centres around the way we study political phenomenon. Political philosophy (Normative Political Theory) is the study of the phenomenon which is "political" in a "philosophic way". Philosophic way implies a self-consciously critical inquiry and interpretation of the phenomenon, while the empirical way is only description of the phenomenon. The above discussion would show that the differences between normative political theory (political philosophy) and empirical political theory are not only epistemological, but also ontological.

In Unit 1 of this book, the whole discussion is aimed at clarifying the concept of political theory and its various shades ranging from scientific (empirical) to normative political theory. The units that follow will help you to understand how the notions of democracy, justice, equality, liberty, rights and duties, political obligation, power, authority, legitimacy have been discussed both from normative and scientific angles, depending on the way different thinkers have treated these issues. This book will help you in identifying the thinkers whose account of these concepts is largely philosophical and the ones whose analysis is largely scientific (empirical).

The second issue raised in Unit I is why do we study political theory? Here, we must remember that, it is an attempt to find out solutions to these problems. It helps us to comprehend in a historical perspective the values which human societies have cherished and the different ways in which state and society have responded to these demands. The ultimate objective of all knowledge is human good and political theory as a branch of knowledge tries to familiarise us with the diverse ways in which human good has been and ought to be achieved. In other words, while the first part of Unit I seeks to clarify political theory, its different strands and its scope etc the second highlights its importance.

The next six units (Unit 2-7) describe the basic concepts of political theory and their relevance in the globalised world viz; democracy, rights, liberty, equality, justice and idea of duty have been discussed.

The following seven units (Unit 8-14) are focussed on the basic concepts of contemporary politiccal theory, viz; citizenship, sovereignty, state and civil society, power and authority, legitimation and obligation, civil disobedience and satyagrah and political violence.

At the end, the list of books and articles on many of the themes dealt in this course are appended so that users of the print material could supplement their study by reading as many of the works cited to gain further insights on the various studies and understanding of political theory.