

POLITICAL THEORY

Concepts and Debates

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Political Theory-Concepts and Debates: Is a Text Book of Political Science prepared in accordance the **NEP -FYUGP** Political Science Syllabus specially for the 2nd Semester Course **No-DSC-151** of Assam University, Silchar and for Major Course No: II (Political Theory) of Rabindranath Tagore University Hojai, authored by Dr. Lutfur Rahman Choudhury and published by- Central Library: Thong Nokbe College, Dokmoka, Karbi Anglong, Assam.

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Preface

This book has been written in accordance with the **NEP -FYUGP** Political Science Syllabus specially for the 2nd Semester Course No- **DSC-151** of Assam University, Silchar and for Major Course No: II (Political Theory) of Rabindranath Tagore University Hojai. The purpose of this book is to help our students who have been facing immense hardships owing to the dearth of precise reading materials in the aftermath of the introduction of the FYUGP curriculum. In fact, the hardships of our students propelled us to write this book. During our long experience as a teacher as well as an evaluator in undergraduate and in post graduate levels, it was observed that a quite a significant number of the students find it difficult to deal with the papers relating to 'Political Theory'. Perhaps, this is partially due to the complex nature of the some of the political theories and partially due to the tough technical language used by certain writers to express such theories. Therefore, special efforts were made to explain the different concepts and debates of political theory in the simplest possible manner so that our students can easily comprehend such ideas and perform better in their exams. I do not claim any originality in writing this book as I have taken help from various works of renowned writers, text books, various journals and learning materials prepared by reputed universities. I express my sincere gratitude and indebtedness to all of them.

I am extremely thankful to Dr. Dhanjoy Narzary, Principal, Thong Nokbe College for constantly encouraging me to write this book for the benefit of our students. Without his encouragement and persistent reminders, this work would not have been possible. I am specially grateful to my wife Jyotsna for offering all sorts of mental

and material support required to accomplish this task within the specified time period. Further, I am also thankful to my beloved daughters Kayenat and Tahiyat who had been constantly enquiring about the progress of this work till it was ultimately finished. Last but not the least, I express my gratitude to my students who had been the main source of inspiration to write this book.

I am indebted to Central Library: Thong Nokbe College, Dokmoka for taking up the onus of publishing the book for the greater interests of the students. Printing or spelling mistakes if any will surely be corrected in the subsequent editions. I shall feel especially rewarded if the book serves the purpose of the students for whom it has been written.

Dr. Lutfur Rahman Choudhury

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ASSAM UNIVERSITY, SILCHAR

U. G. SYLLABUS - NEP 2020

Political Science

TDC (NEP) 2nd Semester

**PLS: DSC 151: POLITICAL THEORY –
CONCEPTS AND DEBATES**

Full marks- 100

(ESE- 70 Internal- 30) Credit-3

Units	Topics	Lectures
1	Core Concepts: Importance of Freedom: Negative Liberty, Positive Liberty.	
2	Significance of Equality: Formal Equality, Political and Egalitarianism with reference to Indian Concept and Differential Treatment.	
3	Idea of Justice: Procedural, Distributive and Global.	
4	Universality of Rights: Natural, Moral and Legal, The Three Generations of Rights.	
5	Major Debates on Human Rights and Multi- culturalism: Human Rights- Universalism Vs Cultural Relativism. Multiculturalism and the Idea of Toleration.	

B.A Political Science NEP Course Content
Rabindranath Tagore University (RTU) Hojai, Assam

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Nature of Course: Core

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Distribution of Marks: 80 (End -Sem) +20 (Sessional)

Unit	Contents	Lecture	Tutorials	Total
Unit-1: (20 Marks)	Freedom Meaning and Importance Negative Freedom: Liberty; Positive Freedom: Freedom as Emancipation and Development. Issues related to Freedom- Freedom of Belief, Expression & Dissent	12	03	15
Unit-2: (20 Marks)	Equality Meaning and Significance Types of Equality, Political Equality. Egalitarianism: Background inequalities and differential treatment and Affirmative Action	12	03	15

<p>Unit-3: (20 Marks)</p>	<p>Indispensability of Justice a. Procedural Justice, b. Distributive Justice c. Global Justice Universality of Rights: a. Natural, Moral and Legal Rights b. Three Generations of rights c. Rights and Obligations</p>	<p>12</p>	<p>03</p>	<p>15</p>
<p>Unit-4: (20 Marks)</p>	<p>Major Concepts a. Globalization and Sovereignty b. Nationalism c. Cultural Relativism d. Multiculturalism</p>	<p>12</p>	<p>03</p>	<p>15</p>

Modes of Sessional Assessment: 20 Marks

CHAPTER 1

FREEDOM

Meaning of Freedom:

Freedom or 'Liberty' is one of the basic concepts in political science which is also a very important pillar of democracy. Freedom is required for everyone & its absence is an injustice to mankind. It is one of the ideal that inspires everyone & which has led to many revolutions- e.g. French revolution was fought for upholding the ideals of liberty, equality &fraternity. Freedom can be understood in different ways i.e. freedom of speech, freedom to move, freedom to practice profession of one choice, freedom to practice and propagate religion of one's choice. In short freedom means absence of any kind of restrictions, where a person can do whatever he/she wishes to without any hindrance The term freedom & liberty are synonyms. The relative term liberty is derived from the Latin word "Liber" meaning "free". So liberty means freedom. Liberty is the freedom available to develop the human personality. Liberty signifies "*a power or capacity of doing or enjoying something worth doing or enjoying*"

Freedom is the right to act according to one's will without being held up by the power of others. From a philosophical point of view, it can be defined as the capacity to determine our own choices. J.S. Mill describes, "The only freedom which deserves the name is that of pursuing our own good in our own way so long as we do not deprive others of theirs or impede their efforts to obtain

it'. In can be defined negatively as an absence of subordination, servitude or constraint. In general, by freedom we mean absence of restriction. But the absence of restriction does not imply the unrestrained claim of an individual or license to do whatever one desires. Laski explains freedom or liberty as "Absence of restraints upon the existence of those social conditions which in modern civilization are a necessary guarantee of individual happiness'.

It is important to note that freedom or liberty does not mean that individuals are free to harm others. In a democratic society, individuals have the freedom to act as they choose, as long as their actions do not harm others. This is why laws and regulations exist, to ensure that individuals are held accountable for their actions and that they do not infringe on the rights and liberties of others.

Various forms of Freedom:

The various forms of freedom can be distinguished as under: -

- i. Physical freedom** – immunity from physical restriction.
- ii. Moral freedom:** absence of restriction through the oppressive forces of moral order such as rewards, punishments, threats, etc.
- iii. Psychological freedom:** it is a human capacity in choosing to do or not to do a thing when all conditions for action are already present. It is a power to make the choice fall in favor of one of various alternative possibilities.
- iv. Political freedom:** Outer or political freedom, or personal liberty is the absence of outward restraints, with respect to speech, freedom of thought, religious practice, the press and the freedom to modify one's outward circumstances.

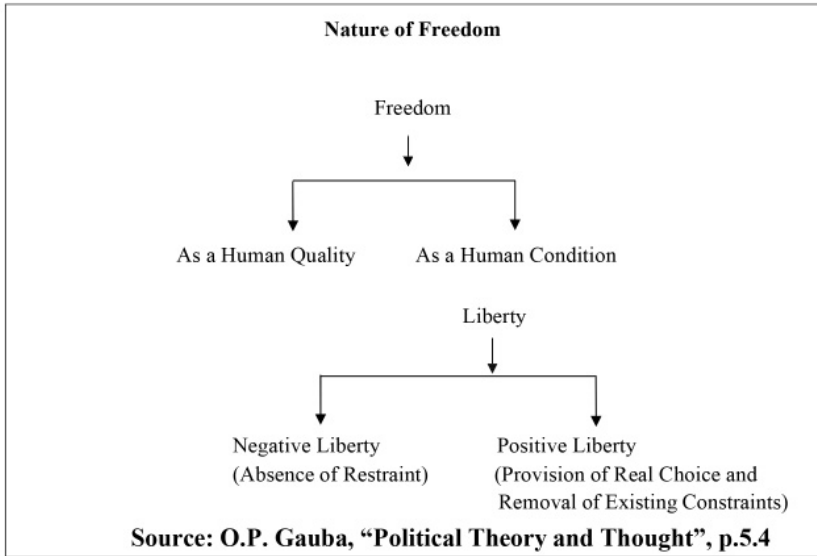
Features/Nature of Freedom/Liberty:

The above definitions reveal the nature of liberty/freedom as given below-

Features/Nature of Liberty:

- (i) Liberty does not mean the absence of restraints. It admits the presence of rational restraints and the absence of irrational restraints.
- (ii) Liberty assumes the existence of such conditions as can enable the people to enjoy their rights and develop their personalities.
- (iii) Liberty is not a license to do anything and everything. It means the freedom to do only those things which are considered worth-doing or worth-enjoying.
- (iv) Liberty is possible only in a civil society and not in a state of nature or a 'state of jungle'.
- (v) Liberty means the presence of adequate opportunities for all as can enable them to use their rights.
- (vi) Liberty is the most fundamental of all rights. .
- (vii) It has both positive & negative aspects.
- (viii) Liberty is closely connected to rights, there can be no rights without liberty & also liberty without rights.
- (ix) Liberty is also closely connected to law. Law promotes the enjoyment of liberty.

Thus, liberty or freedom is not just "the absence of restraints" nor the imposition of limits by the state but the synthesis of both so as to provide for maximum.



Importance of Freedom: -

The importance of freedom or liberty for the individual and for the society as a whole can be discussed as under: -

- I. **Development of personality:** Freedom or liberty is essential for the development of individual's personality. Liberty ensures the availability of opportunities for development to everyone in society. In the absence of liberty, a person remains weak as his initiative & enthusiasms are curbed. It ensures that people have the freedom to express their beliefs and opinions without fear of persecution or punishment. Without liberty, individuals may be silenced, oppressed, or forced to conform to a particular ideology, which limits their ability to express themselves and live according to their own values.
- II. **Promotes diversity and tolerance:** Another critical aspect of liberty is that it promotes diversity and tolerance. When individuals are free to express themselves and pursue their own interests, they bring a variety of perspectives and ideas to the

table. This diversity can lead to creative solutions to problems, increased understanding, and respect for different cultures and beliefs.

- III. Freedom provides a sense of satisfaction:** Liberty or freedom is a highly valued possession of every man. There is none in the world who does not want who does not want liberty. Many wars and revolutions were fought to achieve liberty. Thus liberty is regarded as a great value for which people are ready to give up anything. It is a self-satisfying ideal.
- IV. Freedom leads to creation of democratic states:** Democracy is not merely a form of government, but also a way of life. An individual enjoys complete freedom only in a democratic government. It is the love of liberty by majority of people leads to struggle for freedom & creation of democratic states A democratic society is one in which individuals have the power to participate in decision-making processes and to hold their government accountable. Freedom ensures that citizens are free to express their opinions, vote in elections, and engage in peaceful protests and demonstrations. Without liberty, citizens would be unable to exercise these fundamental rights, and democracy would cease to exist.
- V. Rights are meaningful only with freedom:** Rights and freedom are inseparable. Rights exist due to the promotion of liberty. All the rights become significant if connected to liberty. Liberty becomes meaningful only if they are transformed into rights & protected by the state.
- VI. For economic prosperity:** Furthermore, freedom or liberty is essential for economic prosperity. It provides individuals with the freedom to pursue their own economic interests, which leads to innovation, competition, and growth. When individuals are free to start businesses, invest in new technologies, and

trade with others, they create wealth and opportunities for themselves and for society as a whole.

VII. Freedom creates self-responsibility: Liberty of one man has to be consistent with the liberty of others. Each individual enjoys liberty only if he respects the liberty of others in society. Freedom unaccompanied by reasonable restraints ceases to be called as freedom. Thus, freedom creates personal & group responsibilities.

Various Conceptions of Liberty:

The term liberty means freedom. The term is derived from the Latin word '*liber*' which means "absence of restraints". In other words, liberty implies freedom to act without being subject to any restraint. Liberty signifies "*a power or capacity of doing or enjoying something worth doing or enjoying.*" According to Hobbes, 'By liberty is understood...absence of external impediments, which impediments may off take part of man's power to do what he would do'. According to Hegel liberty consists of obedience of law. Rousseau said that liberty consists in the obedience of General will. J.S. Mill describes, 'The only freedom which deserves he name is that of pursuing our own good in our own way so long as we do not deprive others of theirs or impede their efforts to obtain it.' Laski explains liberty as "Absence of restraints upon the existence of those social conditions which in modern civilization are a necessary guarantee of individual happiness".

One of the major issue in liberty is adjustment of claims between individuals and society. Here State is plays an important role because it is the instrument or agency for regulating their relations. If the claim of the individual is stretched to an extreme in utter disregard of the interest of society, liberty would be reduced to 'license'. On the other, if liberty of the individual is increasingly

restricted in the supposed interest of society, the result would be an unconditional submission to authority, hence the loss of liberty, it is therefore, essential to draw a distinction between liberty and license on the one hand, and to fix the proper frontier between liberty and authority, on the other.

Types of Liberty: Liberty is observed in many forms as mentioned below:-

- I. **Natural Liberty:** It implies complete freedom for a man to do what he wills. In other words, it means absence of all restraints and freedom from interferences. It may be easily understood that this kind of liberty is no liberty at all in as much as it is synonym for the freedom of the forest. What we call liberty pertains to the realm of man's social existence. This kind of liberty, in the opinions of the social philosophers like Hobbes, Locke and Rousseau was engaged by men living in the "state of nature" – since where there was not state and society. But in today's era natural liberty cannot be considered or accepted by the society or we can say that there is no real freedom in a state of nature. Freedom without any restrictions can create anarchy, means to say that natural liberty may lead to the rule of muscle power. Therefore, for the smooth running of the society and so that people can enjoy the liberty there are essential restraints based on the laws and the real and the fair liberty be possible.
- II. **Social/Civil Liberty:** Civil liberty is the one which is followed by the society and each individual enjoy it. It has some restriction based on the laws and rule and the people can enjoy it only under those restrictions. Civil liberty is not unrestrained. It is imposed by the state and it is just opposite of natural liberty.

Civil Liberty has Two Features:

A. State guarantee civil liberty:

It is stated in the law that what are the conditions necessary for the enjoyment of liberty. Obstacles were prevented by the law which creates disturbance in the enjoyment of the liberty of anyone.

B. Protection of rights and freedom is covered under civil liberty:

Civil liberty protects or limited the violation of rights of the people. It protects the fundamental rights of the people lawfully. Basically, Civil liberty is for the policies of the government which protected the people rights.

III. **Political Liberty:** Political liberty is related to the enjoyment of liberty in politics by the people. People have the freedoms like right to vote, right to contest elections, right to criticize, and oppose the government and right to change the government through constitutional means.

IV. **Individual Liberty:** Everyone has got the fundamental rights and he/she can use it frequently but there are some restraints so that unlawful activity not happen. Individual liberty is the enjoyment of his/her opportunity and desires, but in such a way that it would not restraints others liberty.

Individual freedom includes right to personal liberty, freedom of speech, freedom of conscience, freedom of residence, freedom to choose any religion.

V. **Economic Liberty:** Economic liberty related to the people who are suffering economically like people are mainly from backward classes and they are suffering from hunger, starvation and unemployment. We can say only that an individual is enjoying economic liberty when he has three

basic needs- foods, shelter and cloths. Economic liberty and Political liberty are related to each other as without economic liberty, political liberty becomes meaningless. It includes right to work, right to reasonable wages, right to economic security in old age.

- VI. **National Liberty:** It is synonymous with national independence. As such, it implies that no nation should be under subjection of another. National movements or wars of independence can be identified as struggles for the attainment of national liberty. So national liberty is identified with patriotism
- VII. **Religious Liberty:** Everyone has liberty to profess religious on which he believes. No one can force anybody to profess a particular religion. It is the duty of the state to protect and provide a religion equal status in the society.
- VIII. **Moral Liberty:** This type of freedom is centered in the idealistic thoughts of thinkers from Plato and Aristotle in ancient times to Rousseau, Kant, Hegel, Green and Bosanquet in modern times. Moral liberty lies in man's capacity to act as per his rational self. Every man has a personality of his own. He seeks the best possible development of his personality. At the same time he desires the same thing for other. More than this, he pays sincere respect for the real worth and dignity of his fellow beings. It is directly connected with man's self-realization.

Positive and Negative Aspects of Liberty:

Liberty has two aspects- negative & positive liberty. Negative liberty means that the individual must be left alone to enjoy maximum liberty. In other words, it is the absence of restraints. CDH Cole, Laski, Isaiah Berlin and others support negative liberty. On the other hand, positive liberty implies the creation of those conditions

which help man to develop his personality to the maximum extent. In other words, it provides an atmosphere which helps the individuals to do their best. These two aspects of liberty can be elaborated in the following manner: -

Negative Liberty:

The concept of negative freedom refers to “the degree to which no man or body of men interferes with my activity. Political liberty in this sense is simply the area within which a man can act unobstructed by others.” Negative freedom relates to the ability of one to act without restraints or interference. In contrast, positive freedom relates to a degree of intervention or constraints that control or determine one’s actions. In simple words negative liberty means, “absence of external restraints”. The supporters of Negative liberty include John Locke, Adam Smith, Herbert Spencer and Isaiah Berlin etc. . They were of the opinion that the sphere of State activity should be restricted to the narrowest possible limits. According to John Locke, the rights to life, liberty and property are the natural rights of man. The Legislature or the Executive cannot be allowed to impose restrictions on these rights. Adam Smith propounded the theory of “laissez faire”, i.e. government should not interfere with business, finance or people’s economic conditions. Herbert Spencer also upholds the same view. J.S. Mill describes that man’s actions are of two kinds, i.e. “self-regarding” and “other regarding”. The self-regarding actions have an effect only on the doer, whereas other regarding actions have an effect other’s existence. No individual can be granted absolute freedom regarding activities which have an effect other’s existence. According to J.S. Mill, “over himself, over his own body and mind, the individual is sovereign”. However, Isaiah Berlin is considered as the most prolific supporter of Negative Liberty. The classic defence of ‘negative liberty’ remains Isaiah Berlin’s *‘Two Concepts of Liberty’*, first published in 1958. Berlin defined ‘being free’ as “not being

interfered with by others. The wider the area of non-interference, the wider my freedom.” According to him, the absence of coercion is the basis of liberty. He says: “You lack political liberty or freedom only if you are prevented from attaining a goal by human beings”

Therefore, it can be said that ‘Negative Liberty; indicates a “zone of non-intervention”. According to F.A. Hayek, “the individuals has some assured private sphere... with which others cannot interfere”. According to them, “that government is the best which governs the least”. The supporters of Negative Liberty believe that:-

- (i) More the laws, less is the liberty available to the individuals;
- (ii) Freedoms of thought, speech, religion and property should never be restricted;
- (iii) Franchise’ should be universal;
- (iv) The sphere of State activity should be very limited.

Basic features of Negative Liberty: -

- i.) Liberty is a negative thing- the absence of restraints.
- ii.) An individual is rational and only he/she knows what is his/her interest. For the development of his/her personality he/she needs certain liberties. They have a personal sphere of their own, distinct from that of the society.
- iii) Each individual should be given personal liberty with regard to their personal affairs and the society or the State must not interfere with it. Among these personal liberties, the liberties of thought and discussion, of association and assembly are the most important.
- iv) There is no conflict between the personal interest and social interest and by serving his own interests an individual also

serves the social interest. Personal liberty is a precondition of social progress

- v) Leaving a man free in his personal affairs will lead to personal and social development. Personal development is in harmony with social development.
- vi) Those actions of individual which influence the society can be controlled by the State through the laws. But this interference of the State should be minimal.
- vii) The laws of the State cannot take away personal liberty, but can only regulate it for overall social welfare.
- viii) Democratic government is not a sufficient guarantee of personal liberty as it may lead to tyranny of the majority or a collective mediocrity and may crush minorities.
- ix) There is a difference between liberty and necessary socio-economic conditions for the realization of liberty. Liberty may be against justice and equality and in a dictatorship of man may have more liberty than in a democracy.

Views of J.S. Mill (1806-73) on Negative Liberty:

Mill supported the concept negative liberty together with the support for the support for the positive view of the State. Mill was writing in the later half of the 19th century when negative liberties was vehemently opposed. It was a time when it was accepted that State had a legitimate and positive part to play in promoting welfare. In this circumstances Mill opined that there may be a possibility of 'tyranny of the majority' and the liberty of the minorities may vanish. He said that "the advent of democracy does not mean that the liberty of individual will be protected." He believed that the majorities may take away the liberties of the minorities. Therefore, the liberty of the individual should be protected against the interference of democratic States. He said that : " The notion,

that the people have no need to limit their power over themselves, might seem axiomatic... such phrases as 'self-government' and 'the power of the people over themselves', do not express the true state of the case. The 'people' who exercise the power are not always the same people with those over whom it is exercised; and the 'self – government' spoken of is not the government of each by himself, but of each by all the rest. The will of the people, moreover, practically means the will of the most numerous or the most active part of the people... precautions are as much needed against this as against any other abuse of power. The limitation, therefore, of the power of government over individuals loses none of its importance when the holders of powers are regularly accountable to the community...and in political speculations the tyranny of the majority is now generally included among the evils against which society is required to itself be a tyranny of the be on its guard”.

He maintained that even social collectivity or society may itself be a tyrant and may tyrannize over the separate individuals who compose it. Here lies the value and worth of Mill's individualism, and he is afraid of the restraints of both the democratic State and society, so far as the individual's liberty is concerned.

Views of Isaiah Berlin (1907-1997) on Negative Liberty:

According to Isaiah Berlin, negative liberty “is simply the area within which a man can act unobstructed by others”. The absence of coercion is the basis of liberty. He says: “You lack political liberty or freedom only if you are prevented from attaining a goal by human beings. He put forth that if a man is free but unable to enjoy his/her freedom, the fault lies not in the concept of liberty but with man or woman . If a man or woman is free to purchase bread or have or tour of the world and is unable to do so because lack of money, it is his or her fault-he/she incapable of enjoying it.

He says: “ If my poverty were a kind of disease, which prevented me from buying bread or paying for the journey, or getting my case heard, as lameness prevents me from running, this inability would not naturally be described as a lack of freedom, least of all political freedom”. Berlin supported the view propagated by Helvitius “The free man is a man who is not in irons, nor imprisoned in a jail, nor terrorized like a slave by the fear of punishment: it is not lack of freedom not to fly like an eagle or swim like a whale”. Berlin says: “by being free in this sense (negative) I mean not being interfered with by others. The wider the area of non interference, the wider is my freedom”.

Berlin further explains that there is no logical relationship between liberty and democracy as a man/woman may be left by a dictator than by a democratic government. He says: “Freedom in this sense (negative) is not, at any rate logically, connected with democracy or self- government may provide a better guarantee of the preservation of civil liberty...But there is no necessary connection between individual liberty and democratic rule”

Berlin is of the view that liberty is something different, and the socio-economic conditions necessary for the fulfillment of liberty are altogether different. He refuses to accept the relationship between liberty and the conditions required for the realization of liberty. He says: “Thus the distinction between freedom and conditions of freedom is not a mere pedantic distinction, for, if it is ignored the meaning and value of freedom of choice is apt to be downgraded. In their zeal to create social and economic conditions in which alone freedom is of genuine value, men tend to forget freedom itself”. He does not accept the relationship between liberty and justice, and liberty and equality. If there is poverty in the society and no coercion at all, there may be injustice or inequality in the society, but liberty is very much present there. So the absence of the necessary socio-economic conditions for the realization of liberty does not mean the absence of liberty itself. In brief we

can say Berlin maintains liberty is the absence of any restraints or interference in the personal affairs of an individual.

Positive Liberty:

During the latter half of the 19th century, a positive concept of freedom developed. We can find it in the writings of Rousseau, Kant, Hegel, T.H. Green, Bosanquet, Barker and Laski. According to these thinkers, liberty does not consist merely in the removal of restraints. Liberty is best realized in the enjoyment of certain positive opportunities that are necessary for the development of personality. Positive liberty consists in providing opportunities to the individual where he is incapacitated due to socio-economic conditions. Liberty in its positive aspect means removal of those constraints which obstruct the individual in his pursuit of happiness. Rights are a necessary condition for liberty. The state must, therefore, regulate activities and provide opportunities. The state must restrain those who obstruct social welfare. Hence, the State must create positive conditions for the welfare of all.

Kant said that there are higher and lower selves in an individual. Freedom comes when an individual subjects him/herself to the dictates of universal reason. He refused to accept the free will concept and regarded man/woman as a rational and self-conscious creature. Laski, Hobhouse and MacIver were of the view that, "Liberty is good, but to be free to do undesirable things is to enjoy no liberty, but 'license', and that is bad". John Locke and Adam Smith regarded every law as involving a decrease in liberty, whereas Green and Laski desired to reform society through the agency of laws. According to them, liberty does not mean "absence of restraints, it rather signifies "an opportunity" for one to do something which is worth doing. Laski explains, "by liberty I mean the eager maintenance of that atmosphere in which men have the opportunity to be their best selves."

Features of Positive Liberty:

- i) Liberty is not the absence of restraints, rather it is the presence of those socio-economic and political conditions without which it cannot be realized.
- ii) The object of liberty is the development of man as a social being.
- iii) Without proper opportunities and social conditions liberty cannot be realized.
- iv) Rights are necessary for liberty and it is related to justice, morality and equality.
- v) The liberties of an individual must correspond with social welfare.
- vi) The duty of the State is to create positive conditions for the realization of liberty and for this the State can limit the liberties of some individuals. However, the government must be a responsible government. The State is not viewed as an enemy of personal liberty.
- vii) Liberty is social requirement of social man and it is not given to an asocial or anti-social beings.
- viii) Only in a welfare State can positive liberty exist.

Views of Laski on Positive Liberty:

Laski says: “By liberty I mean the eager maintenance of that atmosphere in which men have the opportunity to be their best selves. Liberty, therefore, is a product of rights... Without rights there cannot be liberty because without rights people are subject to law unrelated to the needs of personality. Liberty therefore, is a positive thing. It does not merely mean absence of restraint”. He criticized Mill’s view of liberty, he maintained: “Liberty thus

involves in its nature restraints, because the separate freedoms I use are not freedoms to destroy the freedoms of those with whom I live.” Laski give importance to the relationship of the individual’s liberty with society. Personal liberty cannot be enjoyed in isolation from society. Laski supports the positive concept of liberty, he is suspicious of governments and does not surrender liberty to the State. He says, “...governments may in fact invade liberty even while they claim to be acting in the common interest...Liberty, therefore, is not merely obedience to a rule” . Laski differs from the idealist view of liberty that liberty lays merely in obedience to the laws of the State.

Laski associates liberty with the availability of opportunities for the development of personality. He says, “...the freedoms I must possess to enjoy a liberty are those which, in their sum, will constitute the path through which my best self is capable of attainment...Freedoms are, therefore, opportunities which history has shown to be essential to the development of personality”. Laski talks of three kinds of liberties- private, political, and economic- are essential to the development of the human personality. Private liberty is negative and it”...is thus that aspect of which the substance is mainly personal to a man’s self. It is the opportunity to be fully himself in the private relations of life”. Defining political liberty he says that it, “...means the power to be active in affairs of State. It means that I can let my mind play freely about the substance of public business”. He mentions two conditions that are required for political liberty to be real. These are education and the provision of an honest and straightforward supply of news. “A people without news is, sooner or later, a people without the basis of freedom”. Laski realized the importance of right to information which is being demanded by the fourth generation of rights. He defines Economic liberty as “...security and opportunity to find reasonable significance in the earning of one’s daily bread...I must be safeguarded against the wants of tomorrow”. In order

to uphold economic liberty he pleads for democracy in industry. Laski describes about the nature of three kinds of liberties -Private liberty is mainly a negative thing, whereas political and economic liberties need some socio-economic conditions for their fulfilment, and are positive in nature. Positive and economic liberties are meaningless without the conditions required for their realization. The responsibility of creating these without the conditions required for their realization. The responsibility of creating these without the conditions lies with the government.

Comparison/ Difference between Negative and Positive Liberty: -

- (i) Negative Liberty is without any restrictions, whereas positive liberty is with reasonable restrictions
- (ii) Negative liberty gives more weight to the personal aspect and regards liberty as inherent in the personality of an individual. On the other hand, positive liberty looks at in the social context and maintains that liberty is based on the socio economic and political conditions of society.
- (iii) Negative aspect of liberty assumes that the State is an enemy of personal liberty. But positive liberty assigns responsibility of creating the positive conditions for the realization of liberty to the State.
- (iv) Negative liberty emphasizes the personal and political aspects of liberty. Whereas, positive liberty emphasizes on the social and economic aspects of liberty.
- (v) Negative liberty does not associate it with rights, equality, morality and justice. On the other hand, positive liberty regards liberty, equality and justice as mutually related.
- (vi) Negative liberty supports the State with the minimum

functions. Contrary to this the positive aspect of liberty supports State with welfare functions.

(vii) Negative concept of liberty is based on the market concept of society-that is composed of atomized individuals having natural liberty. But the positive concept of liberty emphasizes the social aspects of liberty.

(viii) Liberalism supported negative liberty, whereas Socialism supported positive liberty and stood for the abolition of private property.

Safeguards of Liberty:

Liberty is the most precious thing for an individual and effective steps are needed for safeguarding it. Prof. Laski points out certain steps for safeguarding liberty:-

I. Proper Education:

Liberty needs continuous attempts on the part of the people to defend their liberty. Only when people are strongly in love with their liberty, that it can be really safeguarded.

II. Eternal Vigilance:

As Bryce said, "Eternal vigilance is the price of liberty". The commitment of the people to defend their liberty and their full alertness against any encroachment of their liberty is an important safeguard of liberty.

III. Democratic System:

Both liberty and democracy are supplementary to each other and establishment of a democratic system is an essential safeguard of liberty. We cannot conceive of a democracy without the presence of civil, economic, political and

individual liberty. Likewise, in the absence of the right to freedom there can be no real democracy.

IV. **Rule of Law:**

Laski suggests that the state must ensure that rights and freedoms of some people should not be dependent upon the will and happiness of others. The rulers and ruled should both be under the rule of law and bound by same types of obligations. No one should be above law.

V. **Protection of Fundamental Rights:**

One of the key methods of safeguarding liberty is to incorporate a charter of fundamental rights and freedoms in the constitution of the State. Along with it, judicial protection should be given to rights.

VI. **Independence of Judiciary:**

Judiciary should be assigned the responsibility to protect all rights and freedoms of the people. For discharging such an important function, the judiciary must be made independent and fully empowered.

VI. **Separation of Powers:**

Separation of powers should be secured between the legislature and executive. Judiciary should be totally separated from these. Any concentration or combination of these powers can be dangerous for Liberty.

VI. **Decentralization of Powers:**

For safeguarding liberty against possible dictatorship/ authoritarianism, it is essential that decentralization of powers should be affected. The power of the government, particularly its executive branch, should be distributed among a number

of organizations and these should be located at all the three levels of government-local, provincial/ regional and national.

VII. **Freedom of Press:**

Press acts as a powerful instrument in influencing public opinion. Press acts as a mediator in to take the public policies to the people and public opinion to the government. Press work towards safeguarding the rights and liberties of people. They oppose government restrictions on people liberties.

VII. **Efficient Political Parties:**

Political parties are needed to control the government and governmental institutions that may attempt to suppress people liberties. Both ruling and opposition parties should act responsible to safeguard the liberties of people. Especially, opposition parties act as protectors of liberties of people. Whenever the ruling party tries to act in a way that may hinder the enjoyment of liberty, the opposition parties tries to control it.

IX. **Written Constitution:**

Written constitution protects the rights and liberties of people as they are clearly mentioned in a written constitution. Governments at various levels have to formulate rules and regulations in accordance with the provisions of the constitution. Any violation of these provisions can be challenged in a court of law and can thus the liberty can be safeguarded.

Freedom as Emancipation:

Freedom or 'Liberty' is one of the basic concepts in political science which is also a very important pillar of democracy. Freedom is the right to act according to one's will without being held up by the

power of others. J.S. Mill describes, 'The only freedom which deserves the name is that of pursuing our own good in our own way so long as we do not deprive others of theirs or impede their efforts to obtain it'.

On the other hand, Emancipation means empowerment or upliftment. Emancipation involves freedom from various forms of oppression, constraint, or subjugation, allowing individuals to exercise their rights, pursue their interests, and achieve self-determination. Emancipation is in fact a manifestation of freedom that emphasizes the removal of barriers that inhibit individuals from exercising their rights and pursuing their interests. These barriers can take many forms, such as systemic discrimination, institutionalized inequalities, authoritarian regimes, or even internalized prejudices. Emancipation also includes prohibiting any kind of discrimination or exploitation based on class, caste, creed, religion, sex, place of birth. At its core, freedom as emancipation involves the empowerment of individuals to live according to their own values and aspirations, rather than being dictated by external forces or structures. Some of the important thinkers who have contributed to the idea of freedom as emancipation include, Karl Marx, Friedrich Nietzsche and Michel Foucault etc.

In India there were many people who were associated with emancipation, empowerment or upliftment of the common people. Gandhiji stood for woman empowerment and uplifting of the untouchable and making them to stand on equal footing. Ishwara Chandra Vidya Sagar and Raja Ram Mohan Roy stood for women education and widow remarriage; Raja Ram Mohan Roy abolished Sati System prevalent in India. Pandita Rama Bai, Sarojini Naidu, Suchita Kripalani, Kamala Nehru and Anie Beasant etc. were very actively involved in emancipation women from the evil practices of the then Indian society. In America President Abraham Lincoln stood for abolition of slavery completely. In South Africa Nelson Mandela and Gandhiji opposed racial discrimination.

Dimensions of Freedom as Emancipation:

Freedom as emancipation as encompasses different dimensions: -

- i. **Political Emancipation:** This involves decolonialization, attainment civil and political rights, such as the right to vote, freedom of speech, and participation in the political process, which are essential for individuals to exercise control over their own governance and shape the policies that affect their lives. Anti-colonial movements around the world aimed to emancipate colonized peoples from colonial rule, exploitation, and cultural imperialism. Leaders such as Mahatma Gandhi in India and Nelson Mandela in South Africa employed various tactics, including nonviolent resistance and armed struggle, to achieve independence from colonial powers and establish independent nation-states
- ii. **Social Emancipation:** Social emancipation involves challenging and dismantling social hierarchies, discriminatory norms, and cultural barriers that marginalize certain groups based on factors such as race, gender, sexuality, class, or ability. It aims to create a more inclusive and equitable society where all individuals have equal opportunities and access to resources. The Civil Rights Movement in the United States sought to emancipate African Americans from racial segregation, discrimination, and disenfranchisement. Led by figures like Martin Luther King Jr. and Rosa Parks, this movement aimed to secure equal rights under the law, and dismantle systemic racism.
- iii. **Economic Emancipation:** Economic emancipation pertains to the liberation of individuals from economic exploitation, poverty, and dependence. It involves ensuring fair wages, decent working conditions, and equitable distribution of resources, as well as empowering individuals to control their own economic destinies through opportunities for education,

entrepreneurship, and economic self-sufficiency. Karl Marx affirmed that political emancipation must be accompanied by social and economic transformation to achieve genuine freedom for all individuals.

- iv. **Personal Emancipation:** Personal emancipation focuses on individual self-realization, autonomy, and fulfilment. It involves breaking free from internalized oppression, limiting beliefs, and psychological barriers that inhibit personal growth and development. Personal emancipation enables individuals to explore their identities, pursue their passions, and live authentically according to their own values and aspirations. Advocating personal freedom, Jose Marti had rightly viewed that, “The first duty of a man is to think for himself.”

Thus, the idea of freedom as emancipation is rooted in the notion that true freedom involves liberation from various forms of oppression, constraints, and limitations imposed by societal structures, power dynamics, or individual circumstances. This perspective emphasizes not only the absence of external constraints but also the ability to fully develop one’s potential and exercise autonomy in shaping one’s own life .

Freedom as Development :

The concept of “Development as Freedom” was put forwarded by Nobel laureate economist Amartya Sen in his famous book of the same name, which was published in 1999. The said book provided a paradigm-shifting framework that redefines development beyond mere economic growth to focus on the enhancement of human capabilities and freedoms.

At the core of Sen’s concept is the idea that development should not be narrowly defined as mere increases in income or GDP. Rather, it should be understood as the expansion of individuals’ capabilities to live the lives they value and have reason to value. According to

him “Development can be seen as a process of expanding the real freedoms that people enjoy.” In other words, development should enable people to lead the kind of lives they choose, to pursue their own goals and aspirations, and to have the freedom to make meaningful choices.

Sen viewed that it is not necessary that there will always be a connection between income per head and the freedom of individuals to live long and live well. For instance, citizens of South Africa or Brazil may be much richer in terms of per capita GNP than the citizens of Sri Lanka or China, but the latter have considerably higher life expectancies than do the former. This may be understandable in terms of inadequate health care, lack of public security and political instability in the former category of countries. Similarly, African Americans in the US are richer than people in the third world however, they have lower chance of reaching mature ages for the want of protection from racial violence and discrimination than do people of many third world societies, such as China, or Sri Lanka or parts of India.

The key components of Amartya Sen’s concept of development as freedom can be summarized as under:

- i. **Expansion of Capabilities:** Sen argues that development should not be narrowly equated with increases in income or GDP. Instead, it should be understood as the expansion of people’s capabilities—their ability to function in various dimensions of life, including health, education, political participation, social inclusion, and personal agency. By enhancing individuals’ capabilities, development enables them to pursue a broader range of opportunities and live more fulfilling lives.
- ii. **Freedom as Central to Development:** Central to Sen’s framework is the idea that freedom is both a means and an end of development. Freedom is not just a desirable outcome

of development; it is also essential for fostering human flourishing and well-being. Political freedoms, economic freedoms, and social freedoms are all integral aspects of development, enabling individuals to make choices, pursue their goals, and participate fully in society.

- iii. **Agency and Participation:** Sen emphasizes the importance of individual agency- the ability of people to act autonomously and make decisions that affect their lives. Development should empower individuals to exercise agency and participate actively in the decisions that shape their communities and societies. This requires not only political freedoms but also access to information, education, and opportunities for meaningful participation in economic and social life.
- iv. **Social Justice and Equity:** Development as freedom is closely linked to principles of social justice and equity. Sen argues that development should aim to reduce inequalities and ensure that all individuals have the opportunity to fulfil their potential and lead dignified lives. This involves addressing structural barriers to freedom and opportunity, such as discrimination, poverty, and exclusion, and creating inclusive institutions that respect the rights and dignity of all people.
- v. **Measurement and Evaluation:** Sen's framework challenges conventional approaches to measuring development, which often rely on narrow economic indicators such as GDP per capita. Instead, development should be evaluated based on the expansion of freedoms and capabilities enjoyed by individuals. Sen advocates for a more multidimensional approach to development assessment, incorporating indicators related to health, education, political participation, social inclusion, and personal agency.

Thus, Sen's framework challenges conventional approaches to development by shifting the focus from purely economic indicators to the broader goal of enhancing people's capabilities and freedoms.

By emphasizing the importance of individual agency, participation, and social justice, Sen provides a more comprehensive understanding of what it means for societies to truly develop and flourish.

Criticisms: Amartya Sen's ideas of 'Development as Freedom' has been criticized by the thinkers like, Martha Nussbaum, Susan Okin and Mahbubul Haq etc.-

- i. Critics argue that Sen's emphasis on individual freedoms overlooks structural factors that can constrain freedom and perpetuate inequality, such as institutional arrangements, power dynamics, and historical injustices. Critics argue that addressing these structural issues is crucial for achieving substantive freedom for all individuals, especially marginalized groups.
- ii. Martha Nussbaum has criticized Sen's model for its lack of clarity in identifying the core capabilities that should be prioritized in development efforts.
- iii. Sen's concept is also criticized for its limited attention to gender disparities and the structural factors that perpetuate gender inequality.
- iv. Thinkers like Mahbubul Haq criticized Sen's paradigm for its neglect of economic growth. Haq argued that economic growth is essential for financing development initiatives and expanding opportunities for marginalized populations.

However, despite certain criticisms, the importance of Sen's idea cannot be underestimated as it has revolutionized the concept of freedom by stressing on the need for the expansion of people's capabilities—their ability to function in various dimensions of life, including health, education, political participation, social inclusion, and personal agency.

CHAPTER 2

EQUALITY

Meaning of Equality:

Equality is a powerful moral and political ideal that has inspired and guided human society for many centuries. It is implicit in all faiths and religions which proclaim all human beings to be the creation of God. As a political ideal the concept of equality invokes the idea that all human beings have an equal worth regardless of their colour, gender, race, or nationality. It maintains that human beings deserve equal consideration and respect because of their common humanity. It is this notion of a shared humanity that lies behind, for instance, the notions of universal human rights or 'crimes against humanity'. Negatively speaking, equality implies abolition of all special privileges and facilities which may be available to some classes or some persons in society. It also stands for the abolition of all man-made inequalities and discriminations. Positively Equality stands for equal rights, equitable distribution of resources, equal opportunities for development and relative equality with due recognition of merit, abilities and capacities of various persons

Features of Equality:

1. Equality does not stand for absolute equality. It accepts the presence of some natural inequalities.
2. Equality stands for absence of all unnatural man-made inequalities and specially privileged classes in the society.

3. Equality postulates the grant and guarantee of equal rights and freedoms to all the people
4. Equality implies the system of equal and adequate opportunities for all the people in society.
5. Equality means equal satisfaction of basic needs of all the persons before the special needs, and luxuries of some persons may be met.
6. Equality advocates an equitable and fair distribution of wealth and resources i.e. Minimum possible gap between the rich and poor.
7. Equality accepts the principle of protective discrimination for helping the weaker sections of society. In the Indian political system, right to equality has been given to all and yet there stands incorporated provisions for granting special protection facilities and reservations to persons belonging to Scheduled Castes, Scheduled Tribes Other Backward Classes, minorities, women, and children.

Significance/ Importance of Equality:

I. Equality Protects Individual Freedoms, and Civil Liberties:

Equality is a fundamental aspect of a democratic society in which everyone is treated equally before the law and entitled to the same rights and protections. This principle of equality protects individual freedoms and civil liberties. It ensures that everyone is free to make choices and live their lives as they see fit, as long as, in doing so, they do not infringe on the rights of others.

II. Equality for Crucial for Sustainable Economic Growth:

Equality creates a level playing field and provides opportunities for all participants in the economy. It promotes fairness and

can help reduce poverty and inequality in income, wealth, and assets. A more equitable distribution of resources enables greater investment in skills, education, and health care, all of which are essential for long-term economic development. Moreover, countries that promote equality tend to have higher GDP per capita than countries with high-income inequality. This is due to the higher consumption expenditures of lower-income households, who have more disposable income when they have better access to goods and services, as well as the improved public services resulting from a better distribution of wealth.

III. Equality is Necessary for Social Welfare:

Ensuring that all people have equal access to opportunities can prevent unfair disadvantages in access to important resources such as education, health care, and economic participation. When equality is upheld, there is a greater sense of respect between members of society, as all are *valued* regardless of their background. This respect helps foster trust and cooperation between communities, leading to better conditions for everyone.

IV. Equality Builds Strong and Resilient Communities:

Equality-based communities are characterized by respect, understanding, and cooperation; they provide a supportive environment for people to make positive contributions that benefit themselves and society as a whole. This can lead to stronger social interactions and less conflict among community members. When communities focus on equality, everyone has equal access to *resources, opportunities, and support services*—these are essential for long-term resilience.

V. **Essential Principle for Realization of Human Rights:**

Human rights are the fundamental rights and freedoms that every person is entitled simply by virtue of being human. Human rights include civil, political, economic, social, and cultural rights, such as the right to education, healthcare, and a standard of living adequate for health and well-being. When equality is promoted and protected, all people can exercise their human rights without fear of discrimination or prejudice. For example, the right to education can only be fully realized when everyone has equal access to quality education. When there are barriers to education, such as discrimination, poverty, or lack of resources, some people do not have the same opportunities to receive an education as others. This leads to a lack of knowledge and skills, limiting their potential for personal and professional growth.

VI. **Equality can Reduce Violence:**

In urban areas, violence tends to concentrate in specific places. According to the World Economic Forum, the reason for it is its higher levels of income inequality and “concentrated disadvantage.” Racial and gender inequalities are also linked to higher exposures to violence. Neighbourhoods surrounding these areas often experience residual violence. To reduce violence, inequalities must be addressed. That means identifying where the inequalities lie. Education access, job access, access to reproductive health, and political representation are common sources of inequality.

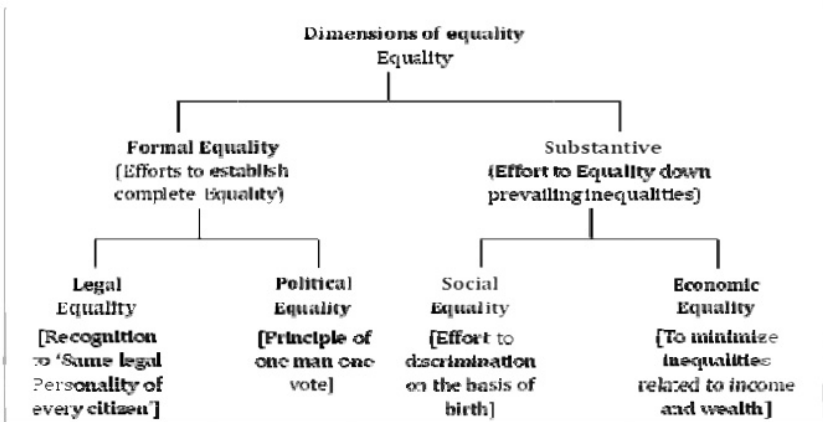
VII. **Equality Improves Education:**

Access to education is a human right, but it’s an area where significant disparities remain. Addressing inequalities would give students access to much better education and a better chance at success in life.

Equality is Reached Through Equity:

Equality and equity are often used interchangeably, but equity leads to equality. In this context, we can take the example of disability rights. People with disabilities require different resources than those without disabilities. This doesn't look "equal," but the distribution of resources to those who need them most results in an equal playing field. Without equity, the equal distribution of resources only maintains inequality.

Formal Equality:



Formal equality' is a frequently used term in the field of political discourse. The political scientists do not especially use this term but it is manifest from their analysis that the idea of formal equality is quite fresh in their minds. However, the idea of formal equality can be traced back to Aristotle and his dictum that equality meant "things that are alike should be treated alike". This is the most widespread understanding of equality today. Formal equality promotes individual justice as the basis for a moral claim to virtue and is reliant upon the proposition that fairness (the moral virtue) requires consistent or equal treatment. It is believed that formal equality is a legal form of legal equality. The inner idea

is that every citizen is a legal member of the state which is a legal association.

As a legal member of the legal association every person has certain claims to equality. There are two very important forms of legal or formal equality. One is equality before law and the other is the equal protection of law:-

- a. In the case of equality before law the legal member of the legal association (Barker calls a state a legal association) can legitimately claim that all the citizens (including him) must be treated equally by law and no discrimination is to be allowed.
- b. There is another type of formal equality and it is equal protection of law. It is the primary function of law to give protection to all citizens and while doing this it makes no distinction between rank, position and wealth. Legal or formal equality, to speak the truth, constitutes the very core of rule of law. In this sense the formal equality comes to be associated with equality.

Tenets of Formal Equality:

- i. It has been pointed out by **Heywood** that the formal equality is basically negative because the state authority takes special care in regard to the distribution of opportunities. The objective shall always be not to allow awarding special privileges to few persons. Naturally to attain this goal the state must impose restriction in one form or other upon the distributing machinery or the state must take policy to that extent.
- ii. Formal equality has received almost universal approval from conservatives, liberals and even socialists. It is absolutely irrational, unjustified and even bigotry to deprive some persons of their legitimate share in wealth, income and manifold privileges on the ground of accidental birth in poor families or in so called neglected religious groups.

- iii. Equality as formal equality has an important role in the law and policy of many countries with advanced equality and non-discrimination provisions. For instance, it forms the conceptual basis of the term “direct discrimination” utilized in the UK or the guarantee of ‘equal protection of the laws’ contained in the United States Constitution.
- iv. The formal approach to equality and non-discrimination supports the position that a person’s individual physical or personal characteristics should be viewed as irrelevant in determining whether they have a right to some social benefit or gain. The most important criteria of the support and defense of this model is the principle of merit. The liberal argument sets out that formal equality is necessary if the principle of merit is to be maintained in a democratic society.
- v. Libertarians further defend formal equality by arguing that it disfavors arbitrary decision-making processes – as when policies or people selectively disadvantage others due to a particular irrelevant trait. The value of formal equality is its ability to protect against defects being introduced into the decision-making process, and ensuring that irrational and unfair decisions based on arbitrary criteria are kept out.
- vi. Furthermore, it prevents the harm which may occur from any arbitrary decision-making process, by permitting the person the opportunity to secure a benefit which may otherwise have been denied and reducing any resultant psychological injury.

Drawbacks of Formal Equality: The formal concept of equality has been subject to criticisms because of its certain drawbacks: -

- i. Certain thinkers suggest that the supposed value of neutrality of formal equality is merely an illusion as it is questionable whether the law, legislature and the judiciary can claim to be truly neutral to all parties.

- ii. To this end, formal equality cannot adequately deal with certain types of laws. For instance, laws concerning issues that do not relate to choices between groups, as with licensing laws, or laws which appear to be based on *prima facie* neutral criteria but subsequently create a disparate impact for certain people. In this way formal equality, it is argued, confuses more than it clarifies.
- iii. By being disguised as an independent norm, formal equality blinds us to the real nature of substantive rights and creates a dichotomy between human rights and equality (or non-discrimination), wherein both principles appear to operate independently rather than in combination with one and other.
- iv. One well documented drawback to formal equality is that it requires comparison. The comparator predominantly applied in the UK in proving direct discrimination is white, male, Christian, able-bodied and heterosexual. This rule assumes the existence of a 'universal individual' which can neglect the variety and diversity of modern society.
- v. Modern society is rich in diversity. The approach of formal equality is to ignore the personal characteristics of an individual altogether.

Political Equality:

Political equality **means equality of political rights of the citizens.** This means that the right of representation in the decision-making bodies on the basis of equality i.e. following the rule of one man, one vote. This includes the idea that no one will be stopped to take political designation on the basis of birth, sex and religion. It is referred as equal opportunities for participation of all in the political process. This involves the concept of grant of equal political rights for all the citizens with some uniform qualifications for everyone. All citizens must possess similar political rights, they

should have similar voice in the working of the government and they should have equal opportunities to actively participate in the political life and affairs of the country. Political equality guarantees the enjoyment of similar political rights to all citizens. Universal adult franchise is a means to this end.

This means that there will be no privileged class in the society which will have the ruling right. Rulers will also not give special importance to the benefits or wishes of any group or individual in the society. The theory of political equality is based on the belief that “man himself is a sensible creature and has the political understanding despite the difference in the strength, intellect, education or wealth of different people”. There is a belief associated with it that when all the human beings will get equal political rights then they will be able to best express the common good and compel and influence the policy makers to make public policies in accordance with the universal welfare.

Demand for the political equality started with the demand for the legal equality. In the beginning there was no difference between the two. In the developed condition of the liberalist theory political equality was recognized as the democratic rights of the common men as the right of universal franchise, right to keep any political opinion without any fear or partiality and the right to make organization for the equal freedom to express it and to influence the political decision.

Political equality began in the form of a progressive idea. Its result came in the form of establishment of democracy in the Western World. But later on, it was experienced that this idea was not sufficient for the fulfillment of the hopes and expectations of the general public because of soon as the capitalism developed the social-economic inequalities increased in the society. In order to remove these socio-economic equality was demanded. Laski had gone to the extent of suggesting the abolition of privileges

of Lords in UK so that the concept of political equality is not denigrated.

Egalitarianism:

Egalitarianism or equalitarianism, is a school of thought within political philosophy that builds on the concept of social equality, prioritizing it for all people. . The word “egalitarianism” comes from the French word ‘*egal*’, meaning equal. Egalitarianism emphasizes equality and equal treatment across gender, religion, economic status, and political beliefs. One of the main tenets of egalitarianism is that all people are fundamentally equal. Everyone should be treated equally and have equal opportunities and access in society, no matter their gender, race, or religion. The Egalitarian doctrines have supported many modern social movements, including the Enlightenment, feminism, civil rights, and international human rights. Karl Marx used egalitarianism as the starting point in the creation of his Marxist philosophy, and John Locke considered egalitarianism when he proposed that individuals had natural rights.

Types of Egalitarianism: Philosophers break down egalitarianism into several types.

i. Economic Egalitarianism:

Advocates of economic egalitarianism believe that all wealth and income should be allocated evenly throughout society. Rather than just advocating equal opportunities, it promotes equality of outcomes. For example, footballers should not be paid more than nurses and minimum wage workers should receive pay in line with average pay. Economic egalitarianism has given birth to the idea of socialism which goes further and dictates that the means of production should be controlled by government. This has grown in popularity because the

capitalist structure is seen to promote inequality and do the opposite of economic egalitarianism.

ii. Legal Egalitarianism:

Another type of egalitarianism is legal egalitarianism, which is equal protection under the law by ensuring that people are subjected to these same laws equally. This means equal representation and fair punishment. Legal egalitarianism would dictate that those who have deep pockets should not be able to gain an advantage. Those who are of modest means should be able to receive legal representation no matter their background or income level. At the same time, it aims to achieve equal results as well as an equal starting position. All parties should be entitled to legal representation, but they should also receive similar sentences. This means that a criminal is sentenced to a universal period of time, no matter their age, gender, or race.

iii. Moral Egalitarianism:

Moral egalitarianism is the idea that all human beings must have equal respect and concern for everyone else. It is the idea that humanity is connected and that everyone deserves human rights.

iv. Political Egalitarianism:

Political egalitarianism advocate democracy, demanding that every person has equal standing concerning governmental power. Political egalitarianism believes that each individual has the same social power or influence over politics in work, government, and daily life.

v. Racial Egalitarianism:

Racial egalitarianism is the idea that everyone should have equal respect for one another no matter their race or ethnicity.

vi. Gender Egalitarianism:

Gender egalitarianism believes that men and women, no matter their gender, are equal and must be treated as such. Gender egalitarianism supports equal rights, roles, and responsibilities for men and women. It does not support the idea that there is “women’s work” and “men’s work” or gender-specific roles in business and the home.

Importance of Egalitarianism:

Egalitarianism is an important topic because it strikes at the heart of human nature. The vast majority of individuals want society and the economy to be fair. Unfair outcomes are often met with anger and resentment. For example, many consider CEO salaries excessive, and has led to a number of protests such as Occupy Wall Street – although its purpose was more wide reaching than just CEO salaries.

Egalitarianism is a way to make society fairer and reduce the tension between individuals in society. The egalitarian outlook has helped lead to important social and economic change in the form of civil rights, gay marriage, and in some countries, universal healthcare. The changes that have been made in response to creating an egalitarian society have largely been satisfactory. Depending on each individual’s point of view, these changes can be seen as either positive or negative. For example, the minimum wage and regulatory controls are two egalitarian measures that are hotly debated between both sides of the economic debate.

Nevertheless, egalitarianism has led to a number of advances to reduce inequalities. It has helped end racist segregation laws, grant individuals the legal right of representation, and expanded the voting rights to women and those of all races.

Differential Treatment:

The doctrine of egalitarianism which propagates the concept of equal opportunities for all and equal access in society irrespective of ones' gender, race, or religion has come under intense debate during the civil rights movements in USA. Certain group of scholars led by Edwin Sutherland began to argue that individuals with differences in physical, mental faculties, energies and skills should be given equal opportunities for the development of their personal qualities. According to them, justice demand the fact that the natural differences among humankind should be reflected in the way society treats them. The anti-egalitarian thinkers argued that egalitarian measures reduce market efficiency which in the long run upsets the economic wellbeing of all. As a result of this , the champions of egalitarianism have come up with the counter that while absolute equality is not desirable, the onus of efforts to preserve and accommodate variety should be on the state. It was felt that the idea of equality denotes the establishment of legal, political and social conditions where people having different physical traits, sex, talents, skills, attributes are able to enjoy equally worthwhile and satisfying lives. Equality, in other words, is not about blanket uniformity, but rather it is about 'levelling' those conditions of social existence which are thought to be crucial to human well-being. It advocates that all individuals should have an equal start to life or equal life chances. This very idea led to the emergence of the concept of differential treatment" or 'positive discrimination in political science.

Meaning of Differential Treatment:

The term "differential treatment" refers to policy measures that are consciously designed by the state to discriminate among the citizens by certain specified criteria to protect the interests of the weakest among them. It is a policy through which special privileges are granted to underprivileged sections of society who in the past or the

present have been the victim of social, caste or racial discrimination. These are affirmative action programs undertaken by the state to bring equity and justice among all sections of society. This principle of protective discrimination is also known as reservation, reverse discrimination, positive/affirmative action, preferential treatment etc. This concept of affirmative action evolved in United States of America after the civil rights movement to end the long history of injustices and to establish the equality and overcome from the model of discrimination-racism and gender. The main agenda for introducing differential treatment is to protect the weaker sections of society who have been socially and historically neglected and exploited and to free the disadvantaged sections of the society from the hegemony of the powerful and resourceful by way of creating ample opportunities for their participation in socio-political system of the country.

Indian Concept of Differential treatment :

India is one of the early states to implement the principal of differential treatment through affirmative action to deliver equal justice to all sections of the society. Due of sociological factors arising from the prevalent caste system, the Indian society witnessed rampant inequality and gross violation of the rights of certain sections of the society for a long period of time. A significant part of the population, of the country was plagued by discriminatory social practices practiced in the past which hampered their right to a dignified life and primary access to state resources. The eradication of such social evils from the Indian society required certain affirmative actions by the government in the form protective discrimination to provide a level playing ground to all sections of the Indian society so that all can avail the benefit development.

It is important to note that India had witnessed social and civil rights movement on the issue to caste system prevailing in the Indian society. In the early 20th century, most of the popular

movements in India were against the hierarchical nature of Indian caste system which was dominated by the 'Brahmins'. During the British colonial rule, they initiated certain affirmative measures to reserve some seats for non-Brahmins in some public services and educational institutions.

As has already been mentioned that India was one of the first countries in the world to level affirmative action policy with the different name called '**Reservation**'. Reservation provides for quats of reserved seats for the underprivileged sections. Some deprived sections of the Indian society are designated as Scheduled Castes and Scheduled Tribes under the Indian constitution who deprived due to inadequate opportunities of their development in the past. Through constitutional provisions of reservation, the marginalised and discriminated sections of the Indian society were given extra advantage to compensate the losses they suffered through the agers. The Indian constitution has devised explicit provision for affirmative action in the form of reservations for Scheduled Castes and Scheduled Tribes in Lok Sabha, Rajya Sabha and state and union territory assemblies, as well as in government sector jobs and public institutions education.

Democracy becomes meaningless without transforming vertical inequality into horizontal inequality. To remedy the situation and compensate for the past injustices perpetrated against the disadvantaged groups, preferential treatment in favour of these groups are made through special provisions in the Indian constitution. Some of such constitutional provisions are as follows: -

- i. **Article 17:** Abolition of "untouchability" and making its practice in any form a punishable offence.
- ii. **Article 46:** Promotion of educational and economic interests.

- iii. **Article 16 and 335:** Preferential treatment in matters of employment in public services.
- iv. **Articles 330 and 332:** Reservation of seats in the Lok Sabha and State Assemblies.
- v. **Article 16(6)** was introduced by the Constitution (One Hundred and Third Amendment) Act, 2019, which states that “No government authority or any other person or authority shall prohibit the state from making any laws related to the reservations of economically weaker sections; The laws made for their reservation should not exceed ten percent.

Therefore, it becomes clear that there are ample examples of differential treatment under the Indian constitution. Such affirmative actions by the Indian state are considered necessary to reduce the marginalization of groups that have historically suffered from discrimination, exclusion, or worse, and that are underrepresented in a society’s desirable positions. It is believed that it is only through such measures of protective discrimination, an egalitarian social system can be promoted which will serve the interests of all sections of the Indian society.

CHAPTER 3

IDEA OF JUSTICE

The concept of justice has been in the central role in political theory and behavior since ancient times. Through the ages, political thinkers have portrayed the ‘good society’ as a ‘just’ society. However, there has been far less agreement about what justice stands for. In everyday language, in fact, justice is used so imprecisely that it is taken to mean ‘fairness’, ‘rightness’ or, simply, that which is ‘morally correct’. Without doubt, justice is a moral or normative concept: that which is ‘just’ is certainly morally ‘good’, and to call something ‘unjust’ is to condemn it as morally ‘bad’. But justice does not simply mean ‘moral’. Rather, it denotes a particular kind of moral judgement, in particular one about the distribution of rewards and punishments. Justice, in short, is about giving each person what he or she is ‘due’. The relation of justice is associated with religion, morality, freedom, equality, rights, law, politics and economics etc.

The word “justice” is derived from the Latin word ‘Jus’ meaning 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 principles of justice as ‘not to harm or injure others’ and ‘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.

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.

Procedural Justice:

Procedural or 'formal' justice refers to the manner in which decisions or outcomes are achieved, as opposed to the content of the decisions themselves. 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. Contemporary liberal thinkers believe in this method of justice. The idea of procedural justice is very effective in the concept of law. Procedural Justice indicates towards the impartiality in that process which resolves the conflicts and allots the resources.

This idea is very popular and is the best guarantee of the impartial results. This justice is related to implementation and creation of the decisions by an impartial process. If this kind of processes are used then they consider people with respect and dignity and so people feel ensured to the law and so in this way it becomes easier to accept those result which are not liked by the people.

One aspect of the procedural justice is related to discussion of the administration of the law and details of the legal proceedings. This type of procedural justice is called in India "Procedure established

by law”, in America, “Due process of law’. Apart from it, the idea of procedural justice can be used in the non-legal context as well, where some processes are required to resolve the conflicts and to distribute the social profits and loss.

Theory of procedural justice opposes the any discrimination on the basis of caste, religion, place, area, breed, language or culture and accepts the equal dignity and equal importance of everyone in the society. John Rawls in his book ‘A Theory of Justice’ has classified three forms of justice. After finalizing the priorities of justice, Roles distinguishes three types of justice. These are: (i) Perfect procedural justice (ii) Imperfect procedural justice and (iii) Pure procedural justice.

- i. **Perfect procedural justice** is related to those circumstances where there is a free basis of unbiased distribution and there should be such a process through which unbiasedness can be finalized.
- ii. **Imperfect justice** means those circumstances where there is a free basis of the unbiased justice but also there is a lack of such a procedure through which it can be fixed. In such situation, we can say that to get the expected result from a particular procedure is just an expectation.
- iii. **Pure Procedural justice** is related to that condition where there is no free basis of the unbiased result. There is basis only of the unbiased procedures and processes.

Models of Procedural Fairness:

Theory of Procedural justice is little debatable from this view point that “What is unbiased procedure”. There are many answers given. We can distribute these in three categories. They are:-(i) Outcome model, (ii) Balance model and, (iii) Partnership model.

- i. According to the **Outcome model of procedural justice**, impartiality of any process depends upon its working procedure

which gives right outcome. For example, if it is a criminal case, then its right outcome will be to punish the criminal and free the innocent. If the process is legislative, then the limit of this impartial procedure will be till it makes the right law. It will be wrong till it makes incorrect law.

- ii. **Balance model is related to the expenses.** These procedures are very expensive. Balance model believes that it an appropriate and impartial procedure which can create a balance between the cost of the procedure and the profit obtained by the procedure. Thus according to the view point of the balance of the procedural impartiality in order to avoid the excessive expense one can be prepared to accept or tolerate the wrong decision.
- iii. According to the **Partnership model**, an impartial procedure is that process which allows even the terrified ones also to participate in the process of creation of judgement. For example, during a court case, partnership model exerts that defence should also get the opportunity to present their side, evidences and to ask questions from the evidence. Condition for any procedure to be impartial is that all the people related to that process should get the chance to participate in it. For this partnership minimum rights should be followed like sending a formal notice and giving him a chance to explain his side so that this procedure becomes impartial.

Drawbacks:

Critics of procedural justice are of the view that the biggest mistake of this judicial system is that they have presented the concept of justice in the context of individualism, not in terms of human social beings. The position of different individuals in society is abnormal. Therefore, in an uneven society, the procedural form of justice proves inconsistent.

Distributive Justice:

Distributive justice refers to the perceived fairness of an allocation or, more broadly, to how people judge what they receive. It lays stress on the fair allocation of resources among diverse members of a community. Distributive justice concerns the fair and equitable distribution of resources and burdens throughout a society. The principle of distributive justice says that every person should have the same level of material goods including burdens and services. The principle is most commonly justified on the grounds that people are morally equal and that equality in material goods and services is the best way to give effect to this moral ideal. Often contrasted with procedural justice, which is concerned with the administration of statutory law, distributive justice concentrates on social and economic outcomes. Aristotle is said to be the first thinker to have introduced the concept of distributive justice.

The basic principle of distributive justice is that equal work should produce equal outcomes and some people should not accumulate a disproportionate amount of goods.

Principles of Distributive Justice: There are different principles of distributive justice and all of them intersect in a variety of ways. American social psychologist Donelson R. Forsyth defined Five types of distributive norm. These are: -

- i. **Equality:** Regardless of their inputs, all group members should be given an equal share of the rewards/costs. It is also known as «Strict Egalitarianism».
- ii. **Equity:** Members' outcomes should be based on their inputs. Therefore, an individual who has invested a large amount of input e.g. time, money, energy, should receive more from the group than someone who has contributed very little. The principle is 'Equals should be treated equally and unequal, unequally'.

- iii. **Power:** Those with more power should receive more than those in lower-level positions.
- iv. **Need:** Those in greatest needs should be provided with the resources needed to meet those needs. These individuals should be given more resources than those who already possess them, regardless of their input.
- v. **Responsibility:** Group members who have the most should share their resources with those who have less.

Distributive Justice as a Better Philosophy to Bring Social Justice:

Social justice is a concept of fair and just relations between groups within society as opposed to justice for individuals. Distributive justice can provide a better platform for social justice :-

- i. Reservation policy was used in India to give special preference to sections of society who were earlier deprived of equality of opportunity for centuries. For example, reservation to SC/ST, Other Backward Classes, Transgenders, Persons with Disability, etc.
- ii. Rawls' difference principle allows for the greatest benefit to the least advantaged, which will allow the least advantaged social group to prosper at a faster rate.
- iii. Distributive justice targets towards balanced empowerment, such as, economic empowerment go along with political empowerment, which maintain harmony even during social changes.

Distributive Justice as an Inadequate Means to Bring Social Justice:

- i. There is no one fixed theory of distributive justice, which might create conflict in different social justices, i.e. feminists rights are sometimes in conflict with transgenders' rights.

- ii. While distributive justice concerns itself with the welfare of an individual, social justice concern itself with the welfare of a social group. Sometimes they both come in conflict. For example, poor from privileged class should be preferred according to distributive justice, but rich from underprivileged class should be preferred according to social justice.
- iii. Distributive justice concern about what society owes to a person. While social justice also includes legal justice and commutative justice

Therefore, a balanced approach is required to create harmony between social justice and distributive justice. While reservation based on social group should continue to provide social justice, the creamy layer should be introduced to prevent a section of underprivileged group to secure all benefits to provide distributive justice.

Theories of Distributive Justice:

As the subject of extensive study in philosophy and the social sciences, several theories of distributive justice have evolved. The most prominent among them are-(i) fairness, (ii) utilitarianism, and (iii) egalitarianism. These can be discussed in the following manner:-

(i) Fairness Theory of Distributive Justice:

In his book *A Theory of Justice*, American morality and political philosopher John Rawls outlines his classic theory of justice as fairness. Rawls' theory consists of three core components:

- i. All people should have equal individual rights and liberties.
- ii. All people should have equal and equitable levels of opportunity.

- iii. Attempts to mitigate economic inequalities should maximize the benefits of those who are the least advantaged.

In formulating a modern view on the social contract theory as first put forth by English philosopher Thomas Hobbes in 1651, Rawls proposes that justice is based on a “basic structure” forming the foundational rules of society, which shape the social and economic institutions, as well as the manner of governance.

According to Rawls, the basic structure determines the peoples’ range of life opportunities—what they can reasonably expect to accumulate or achieve. The basic structure, as envisioned by Rawls, is built on the principles of basic rights and duties that all self-aware, rational members of a community accept to benefit their interests in a context of social cooperation needed to realize the common good.

Rawls’ fairness theory of distributive justice assumes that designated groups of responsible people will establish “a fair procedure” for determining what constitutes a just distribution of primary goods, including freedoms, opportunities, and control over resources.

While it is assumed that though these people will naturally be influenced to an extent by self-interest, they will also share a basic idea of morality and justice. In this manner, Rawls argues that it will be possible for them, via a “nullification of temptations,” to avoid the temptation to exploit circumstances in ways to favor their own positions in society.

(ii) Utilitarianism Theory:

The doctrine of utilitarianism holds that actions are right and justified if they are useful or for the benefit of a majority of the people. Such actions are right because they promote happiness, and the greatest happiness of the greatest number of people should be the guiding principle of social conduct and policy. Actions which

increase the overall welfare in society are good, and actions that decrease overall welfare are bad.

In his 1789 book 'An Introduction to the Principles of Morals and Legislation', English philosopher, jurist, and social reformer, Jeremy Bentham argues that the utilitarianism theory of distributive justice is focused on the outcomes of social actions while remaining unconcerned with how these outcomes are achieved.

While the basic premise of the utilitarianism theory seems simple, great debate centres on how "welfare" is conceptualized and measured. Bentham originally conceptualized welfare according to the hedonistic calculus—a procedure for calculating the degree or amount of pleasure that a specific action is likely to induce. As a moralist, Bentham believed it was possible to add up units of pleasure and the units of pain for everyone likely to be affected by a given action and use the balance to determine the overall potential for good or evil of that action.

iii. Egalitarianism Theory:

Egalitarianism is a philosophy based on equality, namely that all people are equal and deserve equal treatment in all things. The egalitarianism theory of distributive justice emphasizes equality and equal treatment across gender, race, religion, economic status, and political beliefs. Egalitarianism may focus on income inequality and the distribution of wealth in the development of various economic and political systems and policies. In the United States, for example, the Equal Pay Act requires that men and women in the same workplace be given equal pay for equal work. The jobs need not be identical, but they must be substantially equal.

In this manner, the egalitarianism theory is more concerned with the processes and policies through which equal distribution takes place than with the outcome of those processes and policies. As American philosopher, Elizabeth Anderson defines it, "the positive

aim of egalitarian justice is ... to create a community in which people stand in relation of equality to others.”

Means of Distribution:

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Global Justice:

The concept of justice in international relations is relatively new one as ancient, medieval and early modern thinkers focused on justice within the state. Delivering justice was mainly the duty of the state and the international dimension of justice remained neglected. In the contemporary times, however, there is growing interest in international aspects of justice due to the revival of interest in normative political philosophy. since the 1960s, intensification of globalisation and a shift in how global politics is understood away from state-centric approach. There is a realisation that in an interconnected and globalised world, the problems and

their solutions have to be global. The ideas of global justice can mainly be found in the writings of Jhon Rawals, Thomas Pogge, Amartya Sen and David Held etc.

Global justice refers to the set of principles and norms aimed at ensuring fairness, equality, and respect for human rights in the interactions and arrangements among individuals, communities, and nations on a global scale. It seeks to address disparities, inequalities, and injustices arising from economic, social, political, and environmental factors, and strives to promote conditions conducive to the well-being and dignity of all individuals and groups worldwide. According to Richard Scapcott, ‘Global justice is a component in normative International Relations theory focusing on the moral obligation of the world’s rich to the world’s poor’ (Scapcott 2014). The key tenant is redistribution of wealth to reduce global poverty. Here, justice involves avoiding harm and establishing a fair system of governance within the constraints of international law.

Features of Global Justice:

Global Justice is concerned with addressing issues such as poverty, inequality, human rights violations, environmental degradation, and other injustices that transcend national borders. Some key features and components of global justice are as follows:-

- i. **Universal Principles:** Global justice is based on the idea that all human beings possess inherent dignity and rights, regardless of nationality, race, religion, or socioeconomic status. It emphasizes the universality of human rights and the importance of upholding these rights for everyone, everywhere.
- ii. **Fair Distribution of Resources:** A central aspect of global justice is ensuring equitable access to resources such as food, water, healthcare, education, and economic opportunities. This

involves challenging systems of inequality and exploitation that result in the concentration of wealth and resources in the hands of a few while others struggle in poverty.

- iii. Responsibility and Accountability:** Global justice requires holding individuals, corporations, governments, and international institutions accountable for their actions and policies that impact people's lives and the environment. It advocates for transparency, good governance, and mechanisms for addressing grievances and seeking redress for injustices.
- iv. Environmental Sustainability:** Recognizing the interconnectedness of environmental health and human well-being, global justice advocates for sustainable development practices that preserve natural resources, mitigate climate change, and protect ecosystems for present and future generations.
- v. Cultural Sensitivity and Diversity:** Global justice acknowledges the diversity of cultures, values, and perspectives around the world. It promotes dialogue, mutual understanding, and respect for cultural differences while advocating for fundamental human rights and freedoms that are universally applicable.
- vi. Global Cooperation and Solidarity:** Achieving global justice requires collaboration and solidarity among individuals, communities, and nations. It involves fostering partnerships, sharing knowledge and resources, and working collectively to address shared challenges and promote common goals.
- vii. Legal and Institutional Frameworks:** Building an infrastructure for global justice involves establishing international laws, treaties, and institutions capable of enforcing human rights standards, regulating transnational corporations, and resolving conflicts peacefully. This includes

supporting the work of organizations like the United Nations, International Criminal Court, and regional human rights bodies.

- viii. Empowerment and Participation:** Global justice seeks to empower marginalized and disadvantaged groups, including women, minorities, indigenous peoples, and refugees, ensuring their voices are heard and their rights are respected in decision-making processes that affect their lives.

Overall, global justice is a complex and multifaceted concept that addresses the interconnected challenges facing humanity in the 21st century. It requires a comprehensive approach that combines ethical principles, political will, and practical solutions to create a more just and equitable world for all.

Approaches of Global Justice:

Global Justice is a complex and multifaceted concept that concerns the fair and equitable distribution of resources, opportunities, and burdens among individuals and communities worldwide. Various approaches have been proposed to address issues of global justice, each offering different perspectives on how to achieve a more just and equitable world. Here are some of the main approaches:

- i. **Nationalism:** Nationalists like David Miller have a point that the tradition of required interpersonal responsibility is created by a special type of valuable community of nation. In nationalism, this feeling has been contained since the beginning, what would be the difference in moral duties inside and outside the nation. According to this approach, there is a fundamental difference in the internal and external moral duties. Its example is reflected in the fact that welfare benefits of a particular state are not available to the people beyond the boundaries of the state. They believe that the issue

of the distributive justice is in context to the people living in the state and not outside the states.

- ii. **Realism:** Realists like Morgenthau, Kenneth Waltz are of the opinion that there is no such notion as global justice. The states are the main actor in the present age, who always protects his interests. There is no obligation to help the poor, unless doing so helps to further a state's strategic aims.
- iii. **Particularism:** According to this approach, any kind of moral standards arise from mixed traditions. Because we all know that every society has its own norms and the residents living inside it are obliged to it. Communitarians believe that the easing of state boundaries increases the pressure on unemployment, education, health, transport, housing. As a result, reactions such as separatism, fundamentalism and blocking of public welfare are becoming serious problems. At the same time, the sovereignty of the state also pose a threat. As a result, there may be a decrease in security and self-determination capability.
- iv. **Cosmopolitanism:** Cosmopolitanism advocates for the recognition of common humanity and the idea that all individuals have equal moral worth regardless of nationality or other affiliations. According to this approach, global justice requires the protection of human rights, the promotion of global citizenship, and the establishment of institutions that can address transnational issues effectively.
- v. **Society of States Tradition:** In the Society of States Tradition approach the states go as a distinct individual entity who mutually agrees on their common interests and moral rules. Rawls, in his work 'The Law of Peoples' (1999) extended the notion of global justice in his first book, 'A Theory of Justice'. Under this, he said that such an arrangement will be chosen by the representatives of different countries, in which no one will know who they are representing. In other words, decisions

will be made on the basis of ignorance. They support Kant's notion of international morality. In which the main duty of the states is to follow the treaties and stop the war. But this does not exactly mean redistribution of assets globally. We can also say that the notion of global justice is limited to the system of independent states (mutual allies) which Rawls calls a 'realistic utopia'. Rawls believes that all individuals of world fraternity join the notion of justice by being human beings with each other, not by having the same race, religion or class.

The above discussed approaches are not mutually exclusive, and there is often overlap and dialogue between them in discussions about global justice. Ultimately, achieving global justice requires addressing a wide range of interconnected issues and adopting a holistic approach that takes into account the complex realities of our increasingly interconnected world.

Rawls Views on Global Justice:

Jhon Rawl's '*The Law of People*' is a book written on the international relation. In this book, Rawls has tried how the subject matter of justice in state can be taken out from the liberalist concept of justice which is like justice of fairness but is more elaborative than this. As on the national level, citizens are the partners of agreement, similarly on international level, there are many states which are given the name of 'Society of Peoples'. In this book Rawls has tried to clarify how various nations should understand about their moral duties and human rights. This is an extension of his first book 'A Theory of Justice' in which he established the theory of justice in a single state. This book focuses on a little difficult work of developing the international rules which will be implemented on an extreme, liberal and non-liberal societies. In order to create the international concept of justice, Rawls imagines a theoretical basic condition where the sensible representatives of liberalist society will collect and they will take a decision about 'Laws of Peoples'.

Basic Principles of Rawls theory of Global Justice:

Though Rawls' theory of global justice rests on similar principles as his domestic theory but adapted to the global context. Rawls himself acknowledged the need to consider justice on a global scale, especially with increasing globalization and interdependence among nations. The basic principles of his global justice include: -

- i. **The Society of Peoples:** Rawls posits that the international community consists of a “society of peoples,” where each nation is considered a legitimate member possessing its own internal political and social institutions. This perspective acknowledges the diversity of cultures, traditions, and forms of governance across the world.
- ii. **Principles of Justice for Peoples:** Rawls argues that the principles of justice that govern interactions between individuals within a society can't simply be applied to relations between nations. Instead, he proposes a set of principles tailored to the international context, which he calls “the Law of Peoples.”
- iii. **Basic Rights and Duties:** Rawls identifies a set of basic human rights that should be respected by all societies within the Law of Peoples framework. These include rights to personal security, freedom of speech and assembly, and protection against slavery and oppression. Additionally, he emphasizes the importance of adhering to duties of non-intervention and refraining from aggression against other nations.
- iv. **Just and Unjust Societies:** Rawls distinguishes between “liberal peoples,” which uphold basic human rights and democratic principles within their borders, and “decent hierarchical peoples,” which may have more traditional or hierarchical social structures but still respect the basic rights of their citizens. He argues that liberal and decent hierarchical

societies should be treated with mutual respect and cooperation within the international community.

- v. **International Cooperation:** Rawls advocates for cooperative arrangements between nations based on principles of reciprocity and mutual respect. He suggests that international agreements and institutions should be designed to promote peace, economic development, and the protection of human rights, while also respecting the sovereignty and diversity of member states.
- vi. **Duty of Assistance:** Rawls maintains that more advantaged nations have a duty to assist less advantaged nations in achieving a basic level of well-being, similar to his argument in “A Theory of Justice.” However, he acknowledges that the specifics of how this duty should be fulfilled may vary depending on the circumstances and capacities of different nations.

Rawls’ theory of global justice has been subject to various criticisms. Some argue that it doesn’t adequately address issues of historical injustice, colonialism, and global power imbalances. Others contend that it’s too idealistic and impractical for addressing real-world global challenges.

However, despite its limitations, Rawls’ theory continues to stimulate debate and inspire further research on global justice. Contemporary scholars have built upon Rawls’ ideas, proposing alternative theories and frameworks that account for the complexities of global interdependence and the diversity of values and interests among nations.

Amartya Sen on Global Justice:

Amartya Sen’s concept of global justice is developed across several of his writings rather than being confined to a single book. However,

one of the key works where Sen discusses his views on justice, inequality, and development, including their global dimensions, is his book titled “*Development as Freedom*,” published in 1999. Sen’s concept of global justice revolves around the idea of fairness and equality on a global scale, addressing issues such as poverty, inequality, and capabilities across nations. He argues that achieving global justice requires addressing not only material inequalities but also inequalities in capabilities and opportunities that hinder individuals from living flourishing lives. According to Sen, while thinking about the merits and demerits of globalization, viewed that it is necessary to think about the necessity of the justice. Many reasons can be given of the logic that globalization is a good objective but it is very difficult to remove the doubts of many people in the world about the fact that this is a blessing. But this doesn’t mean that globalization is a wrong objective but this means that some corrections should be made in it so that everyone likes it

Contrary to the ideas of Rawls, Amartya Sen talks about the redistributive justice by changing the present ideology of globalization. Though he is not in favour of the neo-liberalist world market economy, yet he believes that solution is not in finishing this market economy but by reforming the existing pattern of the market economy to ensure social security

According to him, reforms in market economy by ensuring social security can bring a downfall in the present level of inequality and poverty. There is no need to finish market economy for it. Results of the reformed market arrangement will be different from the present arrangement and then will depend upon the allotment of physical resources, types of law related to business and the arrangements for social security etc.

Core ideas of Amartya Sen’s Concept of Global Justice:

The basic ideas of Amartya Sen’s concept of Global justice can be

summarised as follows:-

- i. **Capabilities Approach:** Central to Sen's conception of global justice is his capabilities approach, which focuses on individuals' freedom to achieve valuable functioning such as being educated, healthy, or politically empowered. Unlike traditional approaches that solely emphasize income or utility, Sen's approach considers the diverse ways in which individuals can lead fulfilling lives. In the global context, this means addressing not only material poverty but also disparities in capabilities and opportunities across different societies.
- ii. **Multidimensional Inequality:** Sen argues that global justice requires addressing the multidimensional nature of inequality. While economic disparities are significant, Sen emphasizes that other factors such as access to education, healthcare, political freedoms, and social opportunities also play crucial roles in determining individuals' well-being. Thus, efforts to promote global justice must go beyond narrow measures of income or wealth and consider a broader range of capabilities.
- iii. **Entitlements and Agency:** Sen emphasizes the importance of individual agency and entitlements in achieving global justice. People should have the freedom to make choices and pursue their goals, which requires removing barriers that limit their capabilities. This involves not only providing basic goods and services but also empowering individuals to participate in decision-making processes and shape their own destinies.
- iv. **Global Interconnectedness:** Amartya Sen acknowledges the interconnectedness of the world and the shared responsibility of addressing global injustices. He highlights how decisions and actions taken in one part of the world can have far-reaching consequences for people in other regions. Therefore, achieving global justice requires cooperation and solidarity among nations, as well as addressing the root causes of global

inequalities, such as unfair trade practices, exploitation of natural resources, and systemic discrimination.

- v. **Ethical Foundations:** Sen's views on global justice are grounded in ethical principles such as fairness, equality, and human dignity. He argues that justice requires not only rectifying existing injustices but also preventing future ones. This involves promoting values of social justice, respecting human rights, and fostering a culture of mutual respect and cooperation among diverse communities and nations.
- vi. **Public Reasoning and Deliberation:** Sen emphasizes the importance of public reasoning and deliberation in addressing global injustices. He argues that fostering open and inclusive public debates is essential for identifying problems, exploring potential solutions, and building consensus around shared values and goals. This involves engaging diverse perspectives, promoting democratic governance, and empowering marginalized voices in decision-making processes.

Criticisms: However, Sen's concept of global justice is not without its critics-

- i. Some argue that his focus on capabilities is too broad and abstract, making it difficult to operationalize in practice.
- ii. Critics also point out that Sen's approach may overlook the role of institutions and power structures in perpetuating global injustices, focusing too much on individual agency.
- iii. Additionally, there are debates about the feasibility and desirability of achieving global justice in a world characterized by diverse cultural, political, and economic systems.

In conclusion, Amartya Sen's concept of global justice offers a valuable framework for understanding and addressing the complex challenges facing the world today. By emphasizing the importance

of capabilities, freedoms, and interconnectedness, Sen provides a convincing vision for creating a more just and equitable world. However, his approach requires further refinement and debate to address practical challenges and ensure that the principles of global justice are effectively translated into action.

Universality of Rights

Rights:

The idea of rights provides for an essential tool of analysis of the relations between individual and the state. One of the important works of the modern state has been related to redefining the relation between the individual and the state. All the ideologies before liberalism had sacrificed the individual on the state i.e., they took state as the devotion and the individual as the means. But liberalist on the contrary declared that state and society are for the individual means that they are just the means to fulfil the aims of the individual. Liberalism has stressed on absolute moral worth of the human individual and personal freedom. In order to strengthen this new individualism liberalism aimed the freedom of the individual and secured this freedom by keeping control over the power of the state as well as through the development of the concept of rights, equality, wealth, justice, democracy etc. As we have seen in the practice of citizens, with the rise of the modern democratic liberal state rights became the strong basis of the citizenship. The implementation of their rights, their working and their security became the measurement of the goodness or badness of a state. Today along with the rights of the citizen, we also talk about the rights of the women and children and rights of minority as well. In 1948, the universal declaration of Human rights by UNO popularized the concept of human right in the western countries which gradually spread Asian and African countries and has become a critical issue in the contemporary political dialogue.

Meaning of Rights:

Simply stated, a right is a claim of an individual recognized by the community and the state. An individual wants to develop his capabilities to the fullest extent so that he can realize himself and be happy. This calls for the existence of certain conditions in society. These conditions are called by the name of rights. Rights can be considered as sets of facilities and privileges offered by the state to its citizens despite all odds. Rights can also be defined as what is rightfully owed to an individual by the state. If democracy is to be government of the people, it has to exist for them. Such a democratic government can best serve the people if it maintains a system of rights for its people. Rights arise from society and from specific social conditions, and that is why rights are always social. To quote Laski "Rights are those conditions of social life without which no man can seek, in general, to be himself at his best." Dr. Beni Prasad observes, "Rights are nothing more nothing less than those social conditions which are necessary or favorable to the development of personality. Rights are in their essence, aspects of social life." In the words of T.H. Green, "This is that power of working of a man to achieve his objectives which is defined by the social community on the condition that he will do the welfare of the community also through these works." The view of Holland is that right is man's capacity of influencing the acts of another by means of the opinion and force of society. In fact, rights can exist only in a democratic state where liberty and equality exist. Without liberty people cannot aspire for these rights. Without equality also, discrimination persists. In this case, rights lose significance.

Thus the degree of enjoyment of rights rests on the degree of democratic perfection of the state. Rights are the products of our social nature, and as such, the result of our membership of the society. Rights are universal in the sense that they are assured to all without any discrimination. In short, rights are the favorable conditions and opportunities a person receives under the state

which helps him in self-development. Rights belong to the individuals, and therefore, they are not of the state. Rights are individuals' rights, and, therefore, they are conditions necessary for their development.

Nature of Rights:

The nature of rights is hidden in the very meaning of rights. On the basis of the above mentioned definitions, we can draw certain general conclusions regarding the nature of rights:-

- i.** Firstly, rights in their nature are the result and embodiment of the general system of right on which the state and its laws are based. Rights are a portion of right. One cannot have secured and guaranteed rights in the legal sense of the term apart from the law which is based upon the notion of rights. In short, the rights are the demands of the individual from the society which are secured by law and they are the conditions of the development of personality.
- ii.** Secondly, regarding the sources of rights, the origin of rights is something in the individual himself. Rights flow from the inherent fact of individual's own moral personality and his social nature. In this sense, we can say that rights are natural or human. One cannot possess the rights unless they are secured and enforced by the state. That is to say, the state is the immediate source of rights.
- iii.** Thirdly, the concept of rights is essentially about human relationship in the society. Hence enjoyment of rights involves respectful observation of certain fundamental rules of social welfare. The rights are never absolute and unlimited as they are governed by the society's interest. They impose moral responsibilities on every individual. While enjoying rights, man must be aware of the similar rights of others. Rights are given equally to all individuals in

the society. Whereas privileges and prerogatives are limited to a particular group, class or section of the society, rights are given to all irrespective of birth, caste, creed, economic status, religion etc.

- iv. Fourthly, with the socio-economic development, new demands of individuals continue to come into existence which struggle for social recognition. Such demands when recognized by the state through its laws become rights.
- v. And lastly while the rights are claimed universally, a great majority of rights are limited in time and space because they have a reality only in the context of a particular human society. For example, the rights possessed by the Indian people after independence did not exist before and may not be the same in the 21st century. Also, the content of a particular right-say right to property-may differ from country to country.

Universality of Rights:

Natural Rights:

By Natural rights we generally mean those rights that are not dependent on the laws or customs of any particular culture or government, and so are universal and inalienable. Natural Rights are those rights which were enjoyed by the people even before the origin of the state. These rights were enjoyed by the people in the state of nature. Many political thinkers regard the natural rights as the rights given to man by God. According to writers like Hobbes and Locke, natural rights were those which were enjoyed by the individuals in the state of nature. Natural rights are not given to man either by the society or the state, these are natural and essential parts of human nature and natural reason. According to Rousseau, natural rights were the ideal rights and they existed before the state came into existence.

However, the old view with regard to natural rights is not accepted today. The only sense in which the theory of natural rights is accepted that these are considered to be natural and essential for the individuals whether they are actually recognized or not. There are certain rights which must be recognized and guaranteed to every individual. No state can be considered to be civilized unless it guarantees these rights. Natural rights, are considered beyond the authority of any government or international body to dismiss. The 1948 United Nations Universal Declaration of Human Rights is an important legal instrument enshrining one conception of natural rights into international soft law. Natural rights were traditionally viewed as exclusively negative rights, whereas human rights also comprise positive rights.

Theory of Natural Rights: -

The principle of natural rights is first and foremost among the various theories related to the rights. This theory represents an early expression of the liberal perspective on rights. It was very popular in 17th and 18th century political thought. It treats the rights of man as an outcome of natural law. In other words, these rights are not granted by the state, but they come from the very nature of man, his own intrinsic being. This theory was broadly developed on two important bases: -i) the contractual basis and ii) the teleological basis.

I. Contractual Basis:

In the first place, the theory of natural rights is based on liberal theory of the origin of the state from the perspective of 'social contract'. According to this theory, certain rights were enjoyed by man in the 'state of nature', that is before the formation of civil society itself. These comprise the natural rights of man, which must be respected and protected by the state.

Among the exponents of the social contract theory, John Locke

(1632–1704) is the most ardent champion of natural rights. Locke, in his article ‘Second Treaties on Civil Government’, published in 1690, gave the most effective statement on natural rights. But before that the theory of natural rights was presented by Thomas Hobbes. His ideas related to natural rights can be understood by his concept called ‘natural state’. It refers to the state of human life in the absence of a systematic political institution and government. Rousseau (1712 – 1778), another exponent of the social contract theory, depicted natural rights in a different light. Rousseau draws a attractive picture of the state of nature and glorifies natural rights. He assumes that these rights become irrelevant in civil society.

The natural rights theory propounded by Locke other liberal thinker, declared that all men are born with certain inherent right. Rights here means to individual human being rather than in society or state.’ Rights, according to this theory, were attributed to the individual as they are the inherent property of man. Whatever right are granted to a man as citizen of this or that state, his natural rights go with him where he goes. The contractulaists assumed that man had certain natural rights before the origin of the state and he surrendered some of them to a superior authority i.e. civil society in order to safeguard the rest of them. Hobbes considered right to life as a natural right. Locke declared right to life, liberty and property as the natural rights whereas Rousseau has prioritized the rights of Freedom and Equality.

II. Teleological Basis:

Teleology signifies the doctrine of the final causes. The teleological view relates the rights of man with the purpose of human life. These rights do not originate from any institutional arrangements but arise from the very nature of man and serve the purpose of his life. Hence, they are termed as Natural Rights.

Paine’s view: Thomas Paine, in his “Rights of Man” enunciated the theory of natural rights on teleological basis. Paine did not accept

the doctrine of social contract which was eternally binding and an impediment in the way of progress. He stated that every generation should be free to think and act for itself.

Green's view :- T. H. Green invokes the teleological basis of rights. His view was that the rights of man do not originate from a divine law but came from the moral character of man himself. Rights depend on recognition which depends upon the moral consciousness of the community and not the state. Green was concerned not with legal rights but with ideal rights.

It may therefore be concluded that natural rights concept is a dynamic concept. As such, there cannot be fixed natural rights. Their interpretation can be discussed from the nature and degree of prevailing consciousness.

Criticism :- In spite of the historical significance of the theory of natural rights, there is a lot of criticisms:-

- i Critics point out that it is very difficult, if not impossible, to define the term natural. It is said that there is no commonly agreed list of natural rights. Some thinkers justified slavery as being natural, others condemned it. Some writers regard private property a natural right, others deny it. Some insist that men and women are equal by nature but others do not agree to it.
- ii. Another criticism is that natural rights conflict with one another. Liberty, Equality and Property are considered to be the natural rights. But when we begin to apply them, we are faced with difficulty. In no political system men can be given absolute liberty and equality because absolute liberty may lead to inequality. To ensure equality for all, restraints will have to be imposed on liberty. So the theory of natural rights fails to suggest a sure way of reconciling liberty to property. The same holds true of the right to property. The supporters of the

theory of natural rights have not clearly defined this right and its limit.

- iii. The supporters of this theory are hostile to the state and maintain that rights are pre-political. The legal theory of rights shows that without the protection of laws, enforcement by courts and guarantee by the constitution, rights are futile. Rights cannot be enjoyed in a vacuum. There must be some authority to protect and enforce them.
- iv. There can be no permanent and unchanging catalogue of rights. Rights are essentially dynamic and they keep on changing with the changing social needs. Most of the advocates of natural rights do not accept the logical relationship between rights and duties. The fact is that without duties, there cannot be any rights.

In spite of its shortcomings, the theory of natural rights played an important role against the absolutism represented by kings, the papacy and feudalism. It was a dynamic battle – cry of the rising middle class against the static socio – economic and political order of the 17th and 18th centuries. This theory gave rise to many valuable democratic principles like the doctrine of consent, power as trust, limited government and the right of resistance against the government. Although the theory of natural rights has been rejected in our times, its spirit still exerts considerable influence.

Theory of Moral Rights:

The Moral Rights theory is considered as one of important theories of rights. According to this theory, rights take their validity from the moral group in which the members of one particular group are mutually partners. According to this theory, moral rights are based on human consciousness and these are implemented by the inner-self of the man. The main propagators of this theory were Rousseau in France, Hagel in Germany, Bonsaquet and Green in England.

Though this theory of rights is associated with idealist thinkers. H. Green merged it with liberalism. The theory of moral rights traces the rights to that moral freedom which a person obtains as a member of society. Laski, like T. H. Green, develops his theory of rights on moral foundations. However, he is seriously concerned with the satisfaction of material needs of the masses. Laski is much ahead of Green in dealing with the flaws of the capitalist system.

According to Laski, rights are not concessions granted by the state. On the contrary, they are superior to the state, because they provide for a standard to judge the state itself. The moral theory linked rights with the achievement of moral freedom of man as member of the society. According to this theory, every right is derived from one basic right - the right to personality. Whether it is right to life, liberty, property, education or health, they are all rooted in and are governed by the development of the personality of the individual. So rights are those powers which a person demands from the society on moral grounds and which are implemented and secured by the state through its laws.

According to moral theory, the internal development of a person does not depend upon the state. This is a personal matter of a person and the function of the state is only to create those external circumstances in which an individual can obtain his moral freedom. Rights are the external circumstances of the internal development of a person which are secured by the state through its law. According to Green, Rights are the essential powers to fulfil the capabilities of an individual as a moral creature. Rights on one side are the demand of the intellectual nature of the individual so that he could realise his capabilities. Green viewed that there could be no right against state. The opposition of the state will give rise to anarchy and the destruction of state like this will ultimately be harmful for the individual. Before opposing state, it will be necessary to compare between the freedom of individual and the anarchy rising due to it.

Thus, according to moral concepts, the basis of rights is moral instead of being natural or legal rights are those demands which are helpful in bringing the personality of an individual to the highest position. As the development of the personality is the objective of every individual, so the question of the rights becomes social instead of being just personal and it becomes necessary to coordinate the rights of a person with the rights of the other persons also rights are the combination of personal and social welfare. The objectives of the rights is not the fulfilment of the selfish benefits of the individual but it is to raise his moral level. Rights have the recognition by the society and state implements them through its laws. There is no question of the existence of rights in the absence of society and state. By combining the personal benefits with social benefits the foundation of welfare state was laid down in twentieth century by the moral theory of rights.

Moral rights were first acknowledged in France and Germany, before they were included in the Berne Convention for the Protection of Literary and Artistic Works in 1928. Canada recognized moral rights in its Copyright Act. The United States became a signatory to the convention in 1989, and incorporated a version of moral rights under its copyright law under Title 17 of the U.S. Code. There are two major moral rights under the U.S. Copyright Act. These are the right of attribution, also called the right of paternity and the right of integrity.

Legal Theory of Rights:

In nineteenth century, the legal rights took the place of the natural rights. Legal rights are rights which are enshrined in law and are, therefore, enforceable through the courts. The idealist theory of rights which seeks to place rights as the product of the state can be, more or less, seen as another name of the theory of legal rights. Among the advocates of such theories, the names of Bentham, Hegel and Austin can be mentioned. According to this

theory, there can be no right in proper sense of the term unless it is so recognized by the state. No rights are absolute, nor are any rights inherent in the nature of man as such.' Rights are relative to the law of the land; hence they vary with time and space. Rights have no substance until they are guaranteed by the state.

Hobbes argued that the only fundamental right of the individual, viz. the right of 'self-preservation', is better maintained by the state than by the individual himself. Hence, man must depend on the state for the maintenance of his rights. He is free to do anything which is not restrained by the state. In other words, man can have no right against the state. Bentham rejected the theory of 'natural rights' which had been advanced by the early liberals. He describes the theory as metaphysical and a mixture of confusion and absurdity.

The legal basis of rights implies three things:

- (I) The state defines and lays down a bill of rights. Rights are not prior to the state but state is the source of rights.
- (II) The state lays down a legal framework which guarantees rights. It is the state which enforces the enjoyment of rights.
- (III) As the law creates and sustains rights never the content of the law changes, the substance of rights also changes. The legal theory of rights implies that there is no right where there is no power to secure the object of rights.

Legal theory believes that it is not necessary that the state should be the source of rights, but without of the recognition of the state, rights are not valid. Legal rights are implemented by the state. These rights can be enforced against individuals and also against the government. Legal rights are equally available to all the citizens. All citizens follow legal rights without any discrimination. They can go to the courts for getting their legal rights enforced. There are three types of legal rights:

- (i) **Civil Rights:** Civil rights are those rights which provide opportunity to each person to lead a civilized social life. These fulfil basic needs of human life in society. Right to life, liberty and equality are civil rights. Civil rights are protected by the state.
- (ii) **Political Rights:** Political rights are those rights by virtue of which inhabitants get a share in the political process. These allow them to take an active part in the political process. These rights include right to vote, right to get elected, right to hold public office and right to criticize and oppose the government.
- (iii) **Economic Rights:** Economic rights are those rights which provide economic security to the people. These empower all citizens to make proper use of their civil and political rights. This right represents the basic needs of every person in terms of food, clothing, shelter, and medical treatment. Without the fulfilment of these no person can really enjoy his civil and political rights. It is therefore essential, that every person must get the right to work, right to adequate wages, right to leisure and rest, and right to social security in case of illness, physical disability and old age.

Criticism of Legal Rights:

The legal theory of rights was also found deficient by the later writers in certain respects.

- i. The legal theory did not cover the whole range of rights. It explained the nature of only those rights which had been given legal recognition by the state. It was incomplete because it did not tell whether that which is guaranteed is actually rights or really needed recognition. The theory assumed that what is guaranteed by the state is right.

- ii. The legal theory did not take into consideration the rights of multiple associations in the society. For example, as Laski said, men enjoy rights not merely as members of the state but also a member of the society. He believed that to limit the rights to a single source i.e. the state is to destroy the personality of the individual and not to preserve it.
- iii. The state does not create rights but recognizes, maintains, protects and coordinates them. The rights exist whether they are recognized or not. Higher than law is our conception of right and wrong. Rights must have a foundation of right.
- iv. If the state and its laws are accepted as the sole source of rights, then there is no right against the state. The liberal writers like Green and Laski recognized the need to resist the state in certain circumstances. As Laski put it, the obedience to the state is limited and conditional. It is obedience to rights and not might, to justice and not to authority.
- v. The material source of rights is the community's sense of justice and not law. Law is nothing but the concretization of the feeling of the community. The legal theory is partly correct in asserting that rights are no rights until they are secured by the state.

Rights and Obligations:

Rights are the favorable conditions and opportunities a person receives under the state which helps him in self-development. On the other hand, obligations are duties or responsibilities that individuals or entities have towards others or society as a whole. The debate on the relationship between rights and obligations occupies an important place in the various discourse of political science. Understanding this relationship is crucial for maintaining harmony, justice, and order within societies.

It must be emphasised, that right have corresponding duties as well as obligation. The two are correlated. Rights and duties of citizens are two sides of the same coin. The relationship between them is two fold-

- i. Firstly, society functions on the principles of reciprocity. My rights involve a duty, on the part of others to respect my rights and also a duty on my part to respect the similar rights of others. Society works on the principle of, “he who takes gives and he who gives takes”. Indeed, my enjoyment of a particular right has to be conceived in terms of the similar claims of other citizens. My right is integrally related to the right of my fellow human beings. The one cannot exist without the other. A society, in which people care less for their own duties and more for their rights, sooner or later, disintegrates. In their frantic effort for the vindication of their own rights at the expense of fellow human beings, society will be reduced to the status of a jungle in which ultimately the law of might will prevail. In order that everyone enjoys his or her rights it is necessary that we recognise our obligation towards others. We cannot say that we shall be free while others will be bound with their obligation. Such a position is quite untenable and inhuman.
- ii. Secondly, logic of rights and duties also implies that if we have certain claims against the state, it is also our responsibility to contribute something towards its enrichment by doing a socially useful work. The state creates those conditions in which we can realise ourselves. In return for this, it is our duty to take advantage of these conditions and give our best to it. The best way in which we can contribute to the social stock is by following duties towards our nation, in recognising our social responsibilities and honestly respecting the similar rights of others. It should be the personality of every citizen to contribute our best towards the society. A citizen should make available valuable judgement on the various issues confronting

it. One must pay one's taxes to the state and must refrain from interfering with the similar rights of the other members of the society. So long as the state helps in fostering a climate conducive to happiness of the individuals, the citizens must also help it in maintaining law and order and must honestly perform their public duties. These obligations by being reciprocal in character do not impose restrictions on the rights of individuals; rather, they give them fuller and greater reality. To think that my rights can be separated from my duties is to be guilty of gross selfishness. It is only by performing a useful function in society that we contribute towards its enrichment.

A state in which citizens care more about their rights and less about their duties remains in a precarious situation. It would lead first to anarchy and then to its disintegration. In order to preserve my right it is necessary that I must convince my fellow human beings that in granting such a right they would be enabling me to participate in the good of society. I must show, that so far as the society does not secure me this right, it derogates me from the status of a human being and my capacity to make my contribution to social welfare. It is only in the apprehension of this equation between individual's function and social well-being by the members of society that a true theory of rights can be constructed and society can be built on stable foundations.

Three Generations of Rights:

Rights are those conditions of social life without which no man can seek, in general, to be himself at his best. With the rise of the modern democratic liberal state rights became the strong basis of the citizenship. The implementation of their rights, their working and their security became the measurement of the goodness or badness of a state. Today along with the rights of the citizen, we also talk about the rights of the women and children and rights of minority as well. In 1948, the universal declaration of Human rights

by UNO popularized the concept of human right in the western countries which gradually spread Asian and African countries and has become a critical issue in the contemporary political dialogue.

The rights of the men have developed through various stages to arrive at its present position. On the basis of their evolution, the rights are divided in to the various groups or categories. Karel Vasak, a distinguished and very well-known human rights scholar of France introduced the idea of three generations of rights of the men, which allows us to understand the types and evolution of rights better way. The division of rights into three generations was initially proposed by him in 1979 at the International Institute of Human Rights. These three generations of rights according to him are as follows: -

- i. **First-Generation Rights:** The first generation of rights includes the civil and political rights which are the initial form of natural rights. These rights developed during the English Revolution of the 17th century and the French and American Revolution of the 18th century. The key theme underlying these rights is liberty. The first generation rights include the right to life, the right to liberty, and the right to property and have expanded to include non-discrimination, freedom from arbitrary arrest, freedom of thought, freedom of religion, freedom of movement etc.

The first generation rights mainly match the Liberalism Tradition; because these are the inalienable rights of people which have immunity against aggression of common goods and state authority; the point emphasized by Liberalism. These rights are often seen as a manifestation of negative rights since they can be enjoyed only when there is a restriction upon others. The key documents to understand the content of the first generation of human rights are Article 3 to Article 21 of the UN Declaration and the International Covenant of Civil

and Political Rights of 1966 which came into force in 1976.

- ii. **Second Generation of Rights:** In the twentieth century, especially post World War II, second-generation rights began to earn a greater prominence. The economy of countries was torn by war and there was massive destruction as a result of the world wars. Therefore, the effort for economic, social and cultural rights developed during the twentieth century. The economic rights reflect the fact that a certain minimal level of material security is necessary for human dignity, and also the fact that, for example, a lack of meaningful employment or housing can be psychologically demeaning. The rights rely on socialist assumptions and the underlying theme is equality which is in contrast to first-generation rights and the notion of liberty. The second-generation rights include the right to work, the right to health care, the right to education, the right to social security etc. Therefore, these rights are seen as a manifestation of positive rights as they place a claim on the state and a duty to oblige for action, for example, welfare provisions. The key documents to understand the content of second-generation rights are Article 22 to Article 27 of the UN Declaration and the International Covenant of Economic, Social and Cultural Rights of 1966.
- iii. **Third Generation of Rights:** The establishment of the third generation is the result of new needs of human. The developing human, international, social procedure and moralizing the international rights and human rights and also weaknesses of the first and second generations led to appearance of the third generation of rights. The rights of third generation or unity rights do not talk about human; but put emphasis on the universal citizen. The third generation of rights emerged post-1945 and are referred to as solidarity rights. This is for the simple reason that these rights are concerned with social groups and society on the whole rather than an individual. They are

therefore seen as collective rights. The underlying theme of the third-generation rights is fraternity. Usually, these rights are shaped by the difficulties faced by the countries of the Global South. These rights include the right to development, the right to environmental protection, the right to self-determination, the right to peace etc. The Stockholm Convention of Human Environment of 1972 and the Earth Summit of 1992 at Rio can be analysed to understand these rights.

CHAPTER 5

Human Rights

The idea of human rights connotes fundamental and inalienable rights which are so essential to life as human beings. Human rights are referred to fundamental in the absence of which one cannot live as human being. Human Rights define relationships between individuals and power structures, especially the State. Human rights delimit State power and, at the same time, require States to take positive measures ensuring an environment that enables all people to enjoy their human rights. History in the last 250 years has been shaped by the struggle to create such an environment. Starting with the French and American revolutions in the late eighteenth century, the idea of human rights has driven many a revolutionary movement for empowerment and for control over the wielders of power, governments in particular.

Meaning of Human Rights:

Human rights may generally be defined as those rights which are inherent to our nature and without which we cannot live as human beings. They are essential because they help us to use and develop our faculties, talents and intelligence. These are moral claims which are inalienable and inherent in all individuals by virtue of their humanity alone, irrespective of caste, colour, creed, and place of birth, sex, cultural difference or any other consideration. Human rights are sometimes referred to as fundamental rights, basic rights, inherent rights, natural rights and birth rights.

The concept of human rights is inclined to variety of interpretations,

as different philosophers and thinkers define the concept in their own perceptions. For example, Joel Feinberg considers human rights as “moral claims based on primary human needs.” In the words of Justice Durga Das Basu, “Human rights are those minimal rights, which every individual must have against the State, or other public authority, by virtue of his being a member of human family irrespective of any consideration”. Durga Das Basu’s definition brings out the essence of human rights.

The Universal Declaration of Human Rights (UDHR), 1948, defines human rights as “rights derived from the inherent dignity of the human person.”. These rights include “the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education... and everyone is entitled to access to these rights, without discrimination. Human rights when they are guaranteed by a written constitution are known as “Fundamental Rights” because a written constitution is the fundamental law of the state.

Principles or Characteristics of Human Rights:

Human rights are inherent entitlements which come to every person as a consequence of being human. Some of the important principles of human rights are as follows:

- i. Inalienable:** - Human rights are conferred on an individual due to the very nature of his existence. They are inherent in all individuals irrespective of their caste, creed, religion, sex and nationality. Human rights are conferred to an individual even after his death. The different rituals in different religions bear testimony to this fact.
- ii. Essential:** In the absence of human rights, the moral, physical, social and spiritual welfare of an individual is impossible. Human rights are also essential as they provide suitable conditions for material and moral upliftment of the people.

- iii. **Promotion of Human dignity:** To treat another individual with dignity irrespective of the fact that the person is a male or female, rich or poor etc. is concerned with human dignity. For example, in 1993, India has enacted a law that forbids the practice of carrying human excreta. This law is called Employment of Manual Scavengers and Dry Latrines (Prohibition) Act.
- iv. **Irrevocable:** Human rights are irrevocable. They cannot be taken away by any power or authority because these rights originate with the social nature of man in the society of human beings and they belong to a person simply because he is a human being. As such human rights have similarities to moral rights.
- v. **Necessary for the fulfilment of Purpose of Life:** Human life has a purpose. The term “human right” is applied to those conditions which are essential for the fulfilment of this purpose. No government has the power to curtail or take away the rights which are inviolable and immutable.
- vi. **Universal:** Human rights are not a monopoly of any privileged class of people. Human rights are universal in nature, without consideration and without exception. The values such as divinity, dignity and equality which form the basis of these rights are inherent in human nature.
- vii. **Not Absolute Rights:** Man is a social animal and he lives in a civic society, which always put certain restrictions on the enjoyment of his rights and freedoms. Human rights as such are those limited powers or claims, which are contributory to the common good and which are recognized and guaranteed by the State, through its laws to the individuals. As such each right has certain limitations.
- viii. **Dynamic:** Human rights are not static, they are dynamic.

Human rights go on expanding with socio-eco-cultural and political developments within the State. Judges have to interpret laws in such ways as are in tune with the changed social values. For eg. the right to be cared for in sickness has now been extended to include free medical treatment in public hospitals under the Public Health Scheme, free medical examinations in schools, and the provisions for especially equipped schools for the physically handicapped.

- ix. Rights as Limits to State Power:** Human rights imply that every individual has legitimate claims upon his or her society for certain freedom and benefits. So human rights limit the state's power. These may be in the form of negative restrictions, on the powers of the State, from violating the inalienable freedoms of the individuals, or in the nature of demands on the State, i.e. positive obligations of the State. For eg. Six freedoms that are enumerated under the right to liberty forbid the State from interfering with the individual.

Three Generations Of Human Rights: Please see page number 79 in Chapter-4.

Landmarks in the Evolution of Human Rights:

Some of the important landmarks in the p of human rights are as follows:

i. The Magna Carta, 1215:

The Magna Carta, also known as the Great Charter, of 1215 is the most significant constitutional document of all human history. The main theme of it was protection against the arbitrary acts by the king. The 63 clauses of the Charter guaranteed basic civic and legal rights to citizens, and protected the barons from unjust taxes. The English Church too gained freedom from royal interferences. King John of

England granted the Magna Carta to the English barons on 15th June 1215. The king was compelled to grant the Charter, because the barons refused to pay heavy taxes unless the king signed the Charter.

ii. The English Bill of Rights, 1689:

The next source and avenue of the development of the philosophy of human rights is the English Bill of Rights, enacted on December 16, 1689, by the British Parliament. The British Parliament declared its supremacy over the Crown in clear terms. The English Bill of Rights declared that the king has no overriding authority. The Bill of Rights codified the customary laws, and clarified the rights and liberties of the citizens. It lays down the twin foundations, viz., the supremacy of the law, and the sovereignty of the nation, upon which, the English constitution rests.

iii. American Declaration of Independence, 1776:

The first colonies to revolt against England were the thirteen States of America. These states declared their independence from their mother country on 4th July 1776. The declaration charges the king with tyranny and affirms the independence of the American colonies. The declaration of independence has great significance in the history of mankind as it justified the right to revolt against a government that no longer guaranteed the man's natural and inalienable rights.

iv. The U.S. Bill of Rights, 1791:

The U.S. Constitution was enacted on 17th September 1787. The most conspicuous defect of the original constitution was the omission of a Bill of Rights concerning private rights and personal liberties. Madison, therefore proposed as many as twelve amendments in the form of Bill of Rights. Ten of these were ratified by the State legislatures. These ten constitutional

amendments came to be known as the Bill of Rights. The overall theme of the Bill of Rights is that the citizen be protected against the abuse of power by the officials of the States.

v. The French Declaration of the Rights of Man and of the Citizen, 1789:

The fall of Bastille and the abolition of feudalism, serfdom and class privileges by the National Assembly ushered France into a new era. On 4th August 1789, the National Assembly proclaimed the Rights of Man and of the Citizens. The Rights were formulated in 17 Articles. The Declaration of the Rights of Man and of the Citizen has far reaching importance not only in the history of France but also in the history of Europe and mankind. The declaration served as the death warrant for the old regime and introduced a new social and political order, founded on the noble and glittering principles. Further the declaration served as the basis for many Constitutions, framed in different countries, where the framers gave top priority to human rights.

vi. Declaration of International Rights of Man, 1929:

After World War I, questions about human rights and fundamental freedoms began to be raised. In 1929, the Institute of International Law adopted the Declaration of International rights of Man. The Declaration declared that fundamental rights of citizen, recognized and guaranteed by several domestic constitutions, especially those of the French and the U.S.A constitutions, were in reality meant not only for citizens of the states but for all men all over the world, without any consideration.

vii. The UN Charter, 1945:

The United Nations Charter was drafted, approved and

unanimously adopted by all the delegates of the 51 states, who attended the United Nations Conference at San Francisco. The UN Charter contains provisions for the promotion and protection of human rights. The importance of the Charter lies in the fact that it is the first official document in which the use of 'human rights' is, for the first time traceable and which also recognized the respect for fundamental freedom.

viii. The Universal Declaration of Human Rights, 1948:

The Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations on 10th December, 1948. The Declaration consists of thirty Articles and covers civil, political, economic, social and cultural rights for all men, women and children. The declaration however is not a legally binding document. It is an ideal for all mankind.

ix. International Covenants on Human Rights:

The Universal Declaration of Human Rights, 1948 was not a legally binding document. It lacked enforcements. This deficiency was sought to be removed by the U.N. General Assembly by adopting in December, 1966, the two Covenants, viz,

- (a) International Covenant on Civil and Political Rights and
- (b) International Covenant on Economic, Social and Cultural Rights.

The two International Covenants, together with the Universal Declaration and the Optional Protocols, comprise the International Bill of Human Rights. The International Bill of Human Rights represents a milestone in the history of human rights. It is a modern Magna Carta of human rights.

Debate: Human Rights- Universalism Vs Cultural Relativism

As we are aware, the Universal Declaration of Human Rights has been in existence since 1948 when it was adopted by the General Assembly of the United Nations, however, an important issue of the past few years has been the conflict between two rival ideologies of human rights popularly known as universalism and cultural relativism.

Universalism:

The Universalism or the universalities approach of human rights asserts that human rights are inherent to all individuals by virtue of their humanity, and therefore should be universally recognized and upheld without regard to cultural or national boundaries. Proponents of universalism such as Jhon Rawls, Amartya Sen and Mary Wollstonecraft etc. argue that certain rights, such as the right to life, liberty, and security, are fundamental and inalienable, applying to all human beings regardless of cultural or societal norms. Even the Universal declaration of Human Rights (UDHR) states that all humans are free and equal with no distinction given to their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Cultural Relativism:

However, in the non-Western countries, there are views against the universality of human rights. In contradistinction to this universal notion of human rights, the Oriental and African societies argued that that human rights are not universal, but culturally relative and cannot override cultural differences that exist between various societies around the world. Abdullah Ahmed An-Na'im (1991), Joanne R. Bauer and Daniel A. Bell (1999) point to the challenge posed by the cultural relativists to the universalists. The Proponents of cultural relativism argue that the norms and values of one culture

should not be evaluated using the norms and values of another. According to them, a single document in the form of UDHR cannot claim to represent all individuals in the world when their experiences are so different. Cultural relativism postulates that human rights should be understood and interpreted within the cultural, historical, and social contexts of specific communities or societies

Arguments in favour of Cultural Relativism:

There are various arguments used by the supporters of Cultural relativism approach to support that human rights are culturally relative. These are:-

- i. The individuals who were involved in the process of drafting the UDHR were cosmopolitans having international experiences and also had certain privileges in their societies. There is a difference in the way how cosmopolitans and ordinary people interpret human rights.
- ii. Human rights reflect Western values that put more emphasis on the individual and ignore units like social groups and families.
- iii. The national governments resist international norms that are against local cultural and social values or their domestic political interests. During the Cold War, the Soviet Union and many non-Western countries gave more importance to the International Covenant on Economic, Social and Cultural Rights while the Western countries were in favour of the International Covenant on Civil and Political Rights.
- iv. Some rights recognised by the UDHR, like marriage and religious freedom may be against cultural norms in some non-Western countries and the policymakers in these countries interpret certain rights as Western cultural impositions. Saudi

Arabia had refused to adopt the UDHR in 1948, saying that certain freedoms like rights of men and women to marry who they choose were against Islamic principles. The Cairo Declaration on Human Rights in Islam (1990) said that rights and all moral principles are based on divine authority instead of human authority.

- v. It is often argued that the developing countries often cannot afford human rights as the tasks of economic development and nation building are still unfinished in such countries. Hence, they argue that authoritarianism is more efficient in promoting economic growth and development. This is the main idea behind the case of Asian values which argue that economic growth in South-east Asia is attributable to values like obedience, respect for authority and order. The argument is that human rights can be sacrificed to attain economic prosperity.

Arguments in Favour of Universalism of Human Rights:

The universalists have countered the claims of cultural relativists on the following grounds:-

- i. Although the universalists agree that much of the world was not represented while the UDHR was formulated, however, they highlight representation from India, China, Chile, Cuba, Panama, Lebanon and Philippines to show that people from diverse cultures and backgrounds contributed while drafting the UDHR. Also, almost two-third of the endorsing votes for the UDHR came from the non-Western countries.
- ii. It is argued that the UDHR is not totally based on individual rights. The UDHR highlights spirit of brotherhood, community and society as well. It also recognises that an individual is constituted and sustained by relationships with others.

- iii. The tension between universal and local realities is not always contradictory and allows different kinds of change to emerge in certain cases.
- iv. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights are like Siamese twins – inseparable and independent, sustaining and nourishing each other. Many of the civil and political rights protect groups while many of the social and economic rights protect individuals.
- v. The culturally relative position is generally defended by authoritarian regimes to stay in power, but they do not hesitate to domestically crush their culture whenever it suits their interests. Rights are violated where there is coercion and violence. Such actions should be condemned irrespective of any traditional justification. So, the real culprit is not culture but coercion.
- vi. Lastly, Nobel laureate Amartya Sen has highlighted there is a general agreement on policies that help economic development – openness to competition, the use of international markets, high level of literacy and school education, successful land reforms and public incentives for investment, export and industrialisation – none of them requires authoritarian government and none of them is incompatible with human rights. He has further argued that the so-called Asian values often invoked to justify authoritarianism are not Asian in any sense as Asia is culturally diverse. He has highlighted that to achieve universal freedom of choice, capabilities like education are necessary. Cultural relativism will not be meaningful where it undermines the capabilities necessary to function.

In practice, the debate between universalism and cultural relativism often manifests in discussions surrounding specific human rights issues, such as gender equality, freedom of expression, or LGBTQ+

rights. Finding a balance between respecting cultural diversity and upholding fundamental human rights remains a complex and ongoing challenge for policymakers, international organizations, and advocates worldwide. Many contemporary approaches seek to reconcile elements of both perspectives, recognizing the importance of cultural sensitivity while upholding core universal principles of human dignity and equality.

CHAPTER 6

Globalization

Globalization is a process of global economic, political and cultural integration. It has made the world become a small village as the borders have been broken down between countries. The term *globalization* is derived from the word ‘*globalize*’, which refers to the emergence of an international network of economic systems. Globalization has become a worldwide system because it integrate people across their national boarders making the world operate as a village and therefore making free movements of goods, capital and information. Advances in transportation and in telecommunications infrastructure have been major factors in globalization, generating interdependence of economic and cultural activities among the people of the world.

Meaning of Globalization-

Globalization refers to the increasing interconnectedness and interdependence of countries and peoples around the world, facilitated by advancements in technology, communication, transportation, and international trade. It encompasses various aspects of human activity, including economic, social, cultural, and political dimensions. It is also used as a discourse in which the acceptance of Globalization is put forth as being inevitable, irresistible and irreversible. Anthony Giddens has described Globalization as the “intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice-versa”.

According to Jan Aart Scholte “Globalization is an ensemble of developments that makes the world a single place changing the meaning of importance of distance and national identity in world affairs”. Robertson defines Globalization as compression of the world and intensification of consciousness of the world as a whole.

From the above definitions we can infer three possible approaches to understand Globalization-

- A. First, it can be defined as intensification of global flows of goods and production factors, facilitated by modern transportation and communication means.
- B. Secondly, Globalization can also be seen as a compression of time and space in a way that events in one part of the world have instantaneous effects on distant locations.
- C. The third approach is to comprehend Globalization as a historical structure of material power. Globalization represents historical transformation in the economy, politics and culture.

Features of Globalization:

Globalization is a multifaceted phenomenon with several basic characteristics:

- i. **Free Trade:** Globalization has fostered an increase in trade volumes between nations without significant interference. This is due to the fact that governments are not involved in every detail of business transactions. Countries that have embraced Globalization have seen a substantial increase in their Gross Domestic Product (GDP), leading to increased prosperity. This has also resulted in improved cooperation between governments, further enhancing trade.
- ii. **Liberalization:** Globalization has improved the business environment for corporations. It has made it easier for

- entrepreneurs to establish businesses and conduct transactions both domestically and internationally. The rules and regulations for companies are relaxed significantly to allow for more trade between nations due to Globalization. Flexibility in trade regulations pushes governments to make further concessions to industries. Both Liberalization and Globalization are dependent on each other.
- iii. **Increase in Employment:** Industries generate both direct and indirect employment. When production increases, it positively impacts employment. Globalization enables companies to increase their production capacity and establish operations worldwide, boosting job opportunities in the countries where they operate.
 - iv. **Interdependence:** With the advent of Globalization, countries have become more dependent on each other. Businesses get the opportunity to import cheaper raw materials to produce their commodities. They are also being allowed to export to countries that have more demand for their finished goods. It has helped reduce trading barriers and build overall economic prosperity.
 - v. **Enhanced Connectivity :** Globalization has improved trade relations and increased interaction between nations, people, and businesses. Enhanced connectivity also strengthens a country's economy and improves the quality of life for its citizens
 - vi. **Cultural Exchange:** Improvement in people to people contacts have encouraged the intermingling of cultural practices and customs. It has allowed people to exchange ideas, behaviours and values with other countries. Communities are less isolated as a result of Globalization. For example, several American eateries have penetrated in to different parts of the world.

Similarly, cuisine from far off countries is now readily available in the United States.

- vii. **Urbanisation:** Globalization has led to an increase in urban centres. When numerous companies establish businesses in a specific area, it becomes an economic hub. The employees of these companies require infrastructure, such as housing, transportation, and shopping centres, leading to urbanisation around these industrial areas.
- viii. **Production Cost:** In a globalized world, companies are free to establish their operations in areas where the cost of production is low. The cheap availability of land, labour and raw materials has become very important. So it makes sense for companies to go where these resources are present in abundant quantities and at discounted rates. It helps them gain over their rivals by lowering costs and improving profit margins.
- ix. **Outsourcing:** Globalization allows companies to outsource specific processes to third parties from other countries. This step is taken to reduce internal costs, improve service quality, or both. Outsourcing has been a boon for countries rich in human resources, such as India and the Philippines, which have seen significant employment growth due to this practice.

In general it can be said that globalization is a dynamic and ongoing process that continues to shape the world in profound ways, affecting almost every aspect of human life.

Globalization: Its Alternative Perspectives

Globalization refers to the increasing interconnectedness and interdependence of countries and peoples around the world, facilitated by advancements in technology, communication, transportation, and international trade. It encompasses various aspects of human activity, including economic, social, cultural,

and political dimensions. It is also used as a discourse in which the acceptance of Globalization is put forth as being inevitable, irresistible and irreversible. Anthony Giddens has described Globalization as the “intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice-versa”. According to Jan Aart Scholte, “Globalization is an ensemble of developments that makes the world a single place changing the meaning of importance of distance and national identity in world affairs”. Robertson defines Globalization as compression of the world and intensification of consciousness of the world as a whole. From the above definitions we can infer three possible approaches to understand Globalization-

- A. First, it can be defined as intensification of global flows of goods and production factors, facilitated by modern transportation and communication means.
- B. Secondly, Globalization can also be seen as a compression of time and space in a way that events in one part of the world have instantaneous effects on distant locations.
- C. The third approach is to comprehend Globalization as a historical structure of material power. Globalization represents historical transformation in the economy, politics and culture.

Alternative Perspectives of Globalization:

Three theoretical perspectives on Globalization are debated by scholars under Realist, Liberal and Marxist views. These are as follows: -

- I. **Realist Perspective of Globalization:** For the Realists, the main actors on the world stage are sovereign states. Realist explanations of Globalization emphasise the relative distribution of power. For Realist, Globalization is a reflection of

great powers' struggle for supremacy. As a result, Globalization is just another context for struggle for hegemony. Realists rely on two core beliefs which shape their view on Globalization. First, they place the state in the centre of international politics. Secondly, they prioritise 'high politics' over 'low politics' i.e. preponderance of political and military issues over social and environmental issues in inter-state dialogues. Realist argue that Globalization is a critical factor because the changing structure of world production significantly increased the opportunity costs for being isolated from the world's political economy.

- II. **Liberal Perspective of Globalization:** For liberals, Globalization is seen as the end product of a long running transformation of world politics. Liberals are particularly interested in the revolution in technology and communications represented by Globalization. Liberals believe that Globalization brings social and political benefits. The free flow of information and ideas around the world widens opportunities for personal development and creates more dynamics and vigorous societies. For liberals, Globalization marks the end of nation states which are the dominant global actors otherwise. States has no longer sealed units and as a result the world looks more like a cobweb of relations. Liberals also argue that Globalization will inevitably lead to the dissemination of global political identity and then creation of a global civil society.
- III **Marxist Perspective of Globalization:** Marxists portray the essence of Globalization as the establishment of a global capitalist order. For the Marxist, Globalization is an uneven, hierarchical order between the rich and the poor, explained by world system theorist like Immanuel Wallerstein in terms of a structural imbalance between 'core', 'semi peripheral' and 'periphery' areas in the global economy. For them

Globalization deepens the existing world system, weakening of the democratic accountability and popular responsiveness due to increased activities of corporate power. Neo-Marxists highlight inequalities in the global capitalist system, through which developed countries operate or sometimes are operating through Transnational Corporations (TNCs) or linked to hegemonic powers such as the USA, who dominate and exploit developing countries. The revolution in information technology has changed the economic and political meaning of Globalization. This has brought imbalance between the nation states and within the nation itself.

Impact of Globalization in Developing Countries:

Globalization is a process of global economic, political and cultural integration. It has made the world become a small village as the borders have been broken down between countries. The process of globalization has great impact on developing the countries such as India, China, Africa and Jordan etc. both negatively and positively-

Positive Impact of Globalization in the Developing Countries:

- (i) With globalization the World Bank and International Management encourage developing countries to go through market reforms and radical changes through large loans. Many developing nations began to take steps to open their markets by removing tariffs and free up their economies. As a direct outcome of globalization, the developed countries were able to invest in the developing nations, creating job opportunities for the poor people.
- (ii) Globalization creates greater opportunities for firms in less industrialized countries to enter into more and larger markets around the world and vice-versa. China's rapid

economic growth over the past few decades has been largely attributed to globalization. Opening up to international trade and investment allowed China to attract FDI, access new markets, and integrate into global value chains, leading to unprecedented economic development and poverty reduction.

- (iii) Globalization allows businesses in less industrialized countries to become part of international production networks and supply chains that are the main channels of trade.
- (iv) Globalization facilitates the transfer of technology and knowledge, allowing developing countries to adopt more efficient production methods and improve productivity. This leads to technological advancements, improvements in infrastructure, and increased efficiency in production processes. Further, access to information and communication technologies (ICTs) can empower individuals, businesses, and governments to innovate and enhance economic competitiveness. Mobile technology, a product of globalization, has empowered individuals and small businesses, facilitating economic transactions and fostering entrepreneurship.
- (v) Globalization has facilitated the dissemination of medical knowledge, technologies, and resources to combat diseases such as HIV/AIDS, malaria, and tuberculosis in developing countries. Initiatives like the Global Fund and partnerships with pharmaceutical companies have improved access to healthcare and reduced mortality rates.

Negative Impact of Globalization:

- (i) Globalization can widen the gap between the rich and poor within developing countries, as well as between developed and developing nations. Multinational corporations may exploit

cheap labour and resources in developing countries, leading to unequal distribution of wealth and income. For example, while globalization has brought investment and employment opportunities to countries like Bangladesh, it has also led to the promotion of sweatshops where workers, often women and children, endure low wages, unsafe working conditions, and exploitation by multinational corporations seeking cheap labour.

- (ii) Developing countries often rely on foreign loans and investment to finance development projects. However, excessive borrowing, coupled with volatile global financial markets, can lead to debt crises and financial instability in the developing countries as seen in several countries in Sub-Saharan Africa in the 1980s and 1990.
- (iii) Global demand for agricultural products such as soybeans has driven deforestation in the Amazon rainforest, particularly in Brazil. Large-scale clearing of forests for agriculture, exacerbated by globalization, has led to biodiversity loss, habitat destruction, and contribute to climate change.
- (iv) Developing countries may become economically dependent on foreign aid, loans, and trade agreements, which can undermine their sovereignty and ability to pursue independent development paths. Some scholars argue that globalization undermines national sovereignty as multinational corporations and international organizations gain more influence and power, potentially limiting the ability of governments to regulate their economies and make decisions in the best interest of their citizens.
- (v) Globalization has facilitated the rapid spread of infectious diseases and health risks across borders, as people and goods travel more freely. This includes the spread of pandemics such as COVID-19, as well as the global transmission of diseases

such as HIV/AIDS , Bird Flu etc which were hitherto in the developing countries.

Multiculturalism and the Idea of Toleration:

The idea of multiculturalism only came about in the 1970s, in Canada and then in Australia when it was used to describe a new public policy in the concept of federalism. The term 'Multiculturalism' was first used by *Will Kymlicka*, a professor of Philosophy in the University of Ottawa in Canada. It was quickly adopted as official policy by most member-states of the European Union as a part of their policies to recognise the existing diversity of cultures in their countries. Apart of *Kymlicka*, some of the other prominent thinkers who have contributed immensely towards the concept of multiculturalism in recent times include *Charles Taylor*, *Bhikhu Parekh* etc.

Understanding Multiculturalism:

Multiculturalism is a socio-political philosophy that acknowledges and promotes the coexistence of diverse cultural communities within a society. It recognizes that modern societies are composed of individuals with varied ethnicities, religions, languages, and traditions. Rather than advocating for assimilation or the dominance of a singular culture, multiculturalism emphasizes the importance of preserving and respecting the uniqueness of each cultural group. According to *Kymlicka*, multiculturalism is " a supplement to, not a substitute for citizenship. One of the fundamental principles of multiculturalism is cultural relativism, which asserts that no culture is inherently superior to others. Instead, each culture should be understood within its own context, allowing for the appreciation of its customs, values, and norms. This approach fosters an environment of mutual respect and understanding, where individuals from different backgrounds can engage in meaningful dialogue and cooperation.

Factors leading to Emergence of Multiculturalism:

A multicultural society consists of several cultures or cultural communities with their own distinct systems of meaning and significance and views on man and the world. Today, most of countries accept multiculturalism as their official policy. Different factors are responsible for the emergence of multiculturalism: -

- i. **Decolonization:** The process of decolonization resulted in emergence of various new state in Asia and Africa. These post-colonial states were plural state. Post colonial theory challenge euro-centric values and emphasize the value system of these societies which were plural in nature. Thinkers like Franz Fanon described decolonization not merely a political process but it is birth of new species.
- ii. **Second World War:** The 2nd World War led to the problem of refugees specially in the fascist countries like Germany and Italy – minorities were forced to leave their own country and settle in other countries due to this, homogenous societies of Europe were confronted with problem of immigrants at international level, this problem was tackled by United Nations but at national level it was addressed by accepting multiculturalism.
- iii. **Globalization:** The process of globalization which encourage free flow of labour from one country to other also resulted in problem of immigrant in these countries. The integration different new cultures paved the way for the emergence of multicultural societies.
- iv. **Disintegration of USSR:** Due to collapse of USSR ethnic nationalism emerged victorious. Encouraged by the success of the ethnic groups of the former USSR some of the ethnic groups made demand for separate statehood as in Yugoslavia. This fear also forced various countries to accept multiculturalism.

- v. **Accommodation to Minority Groups:** Liberal democracy in the 20th century could not address problems of minority group properly. This dissatisfaction for democracy also strengthened demand for multiculturalism.

Basic Principles of Multiculturalism:

The fundamental principles of multiculturalism are as follows

- i. **Respect for Diversity:** Multiculturalism acknowledges the diversity of cultures, ethnicities, languages, religions, and traditions within a society. It recognizes that no single culture is superior to others and that each culture has its own unique value.
- i. **Equality and Social Justice:** Multiculturalism promotes the idea that all individuals, regardless of their cultural background, should have equal rights, opportunities, and treatment within society. This includes equal access to education, employment, healthcare, and participation in civic and political life. *Kymlicka* emphasizes the importance of fair distribution of resources and opportunities to address historical injustices faced by minority groups.
- ii. **Inclusivity and Integration:** Multiculturalism aims to create inclusive societies where individuals from diverse cultural backgrounds feel welcomed, valued, and included. It encourages the integration of different cultural groups into the mainstream society while also preserving their cultural identities.
- iii. **Tolerance and Acceptance:** Multiculturalism promotes tolerance, acceptance, and appreciation of cultural differences. It encourages individuals to be open-minded, respectful, and non-judgmental towards people with different beliefs, practices, and lifestyles. *Bhikhu Parekh* emphasizes the need to

recognize group rights as a means of safeguarding the cultural autonomy and integrity of minority communities

- iv. **Cultural Rights and Recognition:** Multiculturalism advocates for the recognition and protection of cultural rights, including the right to practice one's culture, language, and religion freely without discrimination or interference. It also calls for the preservation and promotion of cultural heritage and traditions. *Kymlicka* argues that multiculturalism can enhance national identity by enriching it with diverse cultural elements.
- v. **Equitable Policies and Practices:** Multiculturalism requires the implementation of policies and practices that address the specific needs and concerns of diverse cultural groups, ensuring that they are not marginalized or disadvantaged based on their cultural identity.

Different Aspects of Multiculturalism:

According to *Andrew Heywood*, there are three main models of multiculturalism. These are as follows: -

- I. **Liberal Multiculturalism:** Commitment to freedom and toleration are two hallmarks of liberalism. Toleration is a willingness to allow existence and expression of rival views. Liberalism gives an individual the right to choose his/her beliefs, cultural practices and way of life. Liberal multiculturalism views liberal democracy as only legitimate political system which ensures freedom. It supports toleration which means willingness to accept even those views with which one disagrees but liberal multiculturalism is unwilling to tolerate certain principles like forced marriage, *Parda*, female dress code etc. This category of multiculturalism differentiates between public of private life. In private life individuals are free to express their language, religious identities etc. But in public, there must be some shared civic values. *Will Kymlicka's* theory

on liberal multiculturalism is one of the most important, as he combines the liberal values of equality and autonomy with the value of cultural membership. His views are expressed in his books, *Liberalism, Community and Culture* (1989) and *Multicultural Citizenship* (1995).

- ii. Pluralist Multiculturalism:** Pluralist multiculturalism is different from liberal multiculturalism because it is based on value – pluralism which means to recognize various values therefore pluralist multiculturalism believes though the values of various cultures are different, all should be respected regardless of how different they are. *Isaiah Berlin* is one of the main proponents of the idea of pluralism. In this view, liberal views like personal freedom and democracy have no greater moral authority than their rival beliefs. This results in live and let live type of multiculturalism. However, Berlin was of the view that value pluralism can exist only within a society that respects individual freedom. Hence, he could not prove how liberal and illiberal cultures could coexist in the same society. *Bhikhu Parekh* has also given his views on pluralist multiculturalism. He argues that multiculturalism is neither a political doctrine nor a philosophical school. Instead, it is a perspective on the way of viewing human life. It has three central tenets.
- iii. Cosmopolitan Multiculturalism:** It reflects influence of globalization on culture. It believes culture is dynamic as globalization has resulted in integration of various cultures. Therefore, they believe that each culture learns from another culture and water tight compartments can not be made in various cultures. Cosmopolitan multiculturalism embraces the idea of multiple identity and hybridity. It is argued that irrespective of their different cultural origins, people share the same planet and are facing similar experiences and challenges.

Hence, global consciousness and the idea of cosmopolitanism is a running thread in this type of multiculturalism

Challenges and Criticisms of Multiculturalism:

Despite its ideals, multiculturalism faces several challenges and criticisms in practice:

- i. Thinkers like Samule Samuel Huntington, Roger Scruton and Douglas Murray etc. reject the idea of multiculturalism on the ground that cultural segregation and social fragmentation. Huntington criticized multiculturalism for undermining national identity and cohesion. Critics argue that by emphasizing cultural differences, multicultural policies may inadvertently reinforce divisions within society, leading to the formation of isolated ethnic enclaves.
- ii. Some of the critics question the probability of multiculturalism in societies characterized by deep-seated ethnic or religious tensions. They argue that promoting multiculturalism in such contexts may worsen conflicts rather than fostering harmony and integration. Moreover, concerns have been raised about the erosion of national identity and social cohesion in multicultural societies. Mark Steyn in his book “America Alone: The End of the World as We Know It,” expresses concerns about demographic shifts resulting from multiculturalism, particularly in Europe, and its impact on Western values and institution.
- iii. Furthermore, debates surrounding multiculturalism often intersect with issues of cultural annexation and authenticity. Thinkers like Slavoj Zizek argued that multiculturalism, particularly in its liberal form, often ends up imposing a superficial tolerance of different cultures while erasing their specificities and reducing them to consumerist commodities.

In an era of globalization, cultural exchange is inevitable, but questions arise regarding the appropriate boundaries between appreciation and exploitation. Striking a balance between cultural appreciation and respectful engagement remains a complex and ongoing challenge for multicultural societies.

The Idea of Toleration:

Toleration, closely tied with multiculturalism, encompasses the acceptance and accommodation of diverse beliefs, practices, and lifestyles within a society. It goes beyond mere tolerance, which implies a passive acceptance or indifference, and instead emphasizes active recognition and respect for difference.

The concept of toleration has deep historical roots, dating back to thinkers such as John Locke and Voltaire, who advocated for religious freedom and the separation of church and state. Of the prominent supporters of the concept of toleration in recent times include, Martha Nussbaum, John Rawls and Michael Walzer etc. The idea of toleration acknowledges the inherent plurality of human societies and recognizes that diversity is not only inevitable but also enriching.

Toleration operates on the principle of reciprocity, wherein individuals and groups extend tolerance to others in the expectation of receiving it in return. This reciprocal relationship forms the basis of a just and inclusive society, where individuals are free to express their beliefs and identities without fear of discrimination or persecution. Moreover, toleration requires a willingness to engage in dialogue and negotiation, even with those whose views may differ significantly from one's own. It encourages the cultivation of empathy and understanding, allowing individuals to transcend their own perspectives and appreciate the experiences of others. According to Michael Walzer, a tolerant society is one where

individuals and groups can coexist peacefully despite their divergent worldviews, recognizing the legitimacy of alternative ways of life.

Importance of Multiculturalism and Toleration:

In today's increasingly globalized world, multiculturalism and toleration are more relevant than ever due to the following reasons:

- i. **Promotion of Diversity:** Multiculturalism respects the richness of cultural, ethnic, religious, and linguistic diversity within societies. It acknowledges that no single culture or identity should dominate. Embracing multiculturalism enriches society by fostering creativity, innovation, and cross-cultural understanding.
- ii. **Social Harmony:** Tolerance is essential for maintaining social harmony in diverse societies. By promoting acceptance and understanding of others' beliefs, practices, and identities, tolerance helps to mitigate conflicts and divisions based on cultural, religious, or ideological differences. It encourages dialogue, cooperation, and collaboration among individuals and communities, contributing to a more cohesive and inclusive social fabric.
- iii. **Respect for Human Rights:** Multiculturalism and tolerance are closely linked to the protection and promotion of human rights. They affirm individuals' rights to freedom of expression, association, and religion, irrespective of their cultural background or identity. Tolerance fosters a culture of respect for human dignity and equality, challenging discrimination, prejudice, and intolerance in all its forms.
- iv. **Cultural Exchange and Understanding:** Multiculturalism and toleration facilitate cultural exchange and mutual learning, allowing individuals to engage with diverse perspectives and experiences. They promote inter-cultural dialogue and empathy,

breaking down stereotypes and misconceptions that can lead to prejudice and discrimination. By fostering understanding and appreciation of different cultures, multiculturalism and toleration promotes peace, cooperation, and solidarity across societies.

- v. **Democratic Values:** Tolerance is fundamental to the principles of democracy, which require the protection of minority rights and the accommodation of diverse viewpoints within the political process. Multiculturalism promotes democratic values such as pluralism, equality, and justice, ensuring that all members of society have a voice and representation in decision-making processes.

Thus, multiculturalism and tolerance are essential for building inclusive, resilient, and democratic societies that respect and celebrate the diversity of human experience. While they face challenges and criticisms, their ideals of diversity, respect, and dialogue remain invaluable in confronting the complexities of modernity. They provide the foundation for social harmony, human rights protection, and sustainable development in an increasingly interconnected and multicultural world.

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