

MAPOL 2.1



M.A. POLITICS
SEMESTER - II
REVISED SYLLABUS AS PER NEP 2020

POLITICAL THEORY - II

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POLITICAL THEORY-II
SYLLABUS

Course Objectives:

1. To introduce students to different theories of state
2. To acquaint students to debates around normative values
3. To widen the scope of the ideas like Rights, Equality and Justice

Module 1: Theories of State

- a) Liberal
- b) Marxist
- c) Feminist

Module 2: Rights

- a) Theories of rights
- b) Group based vs individual rights
- c) Critique and Debates around Rights

Module 3: Equality

- a) Meaning and Nature
- b) Types of equality
- c) Contestations around Equality

Module 4: Justice

- a) Procedural and Distributive
- b) Justice as Fairness (John Rawls), as Entitlement (Robert Nozick)
- c) Idea of Social Justice (Amartya Sen and Dr. B. R. Ambedkar)

Course Outcomes:

1. The students will be able to understand major approaches and paradigms to understand the political theory
2. It will enable students to build a strong theoretical foundation for research in the discipline of political science

Reading List:

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THEORIES OF STATE: LIBERAL, MARXIST AND FEMINIST

Unit Structure

- 1.0 Objectives
- 1.1 Introduction
- 1.2 Definitions, meaning and characteristics of state
- 1.3 Importance of State for Human and Society
- 1.4 Overview of old theories of state
 - Organic Theory of state
 - Divine Origin theory of state
 - Mechanistic theory of state
- 1.5 Liberal view of state
- 1.6 Late 20th Century: Challenges and Adjustments
- 1.7 Essential Elements of Contemporary Liberalism
- 1.8 Key Liberal Principles
- 1.9 Marxist Theory of State
- 1.10 Important Underpinnings of Marxist Theory
- 1.11 Historical Stages of Class Domination
- 1.12 The Concept's Foundations
- 1.13 Feminist State Theory of State: Evolution, Background and Principles
- 1.14 Early Feminist Thought Foundations
- 1.15 Summery
- 1.16 Questions
- 1.17 References

1.0 OBJECTIVES

The objective of this unit is to understand the meaning, definitions, characteristics of state followed by different theories of state. After studying this unit, you will be able to understand

- Basic meaning of state, its elements and characteristics
- Various theories of state
- Liberal, Marxist and Feminist views on state.

1.1 INTRODUCTION

The concept of state appears as a major subject of conventional political theory, R. G. Gettel described political science as the science of state', (Gaub, 2017) while J. W. Garner asserted that 'political science begins and ends with state. (Gaub, 2017) However, in the modern political theory prominence of idea of state has been varying for example some advocates of Behavioral approach have advised abolishing the concept of state altogether. Their fundamental issue was that state does not aid in comprehending political reality or political process because the concept of state is formal, however actual politics transcends this formal component. Secondly, the state usually conceived in terms of ends of the state which drags us to realm of moral philosophy which is far away from the real world of politics and thirdly, state is imagined as a particular type of organization which excludes top organizations of certain societies thereby introduces the idea of pre-state or stateless societies.(Gaub, 2017) Various traditions imagined state in different form, the hate for notion of state mostly emerged from exponents of liberal political theory, especially certain American political scientist. Marxist continued to designate state as a distinct form of political organization, today 'slave-owning state', capitalist state, feudal state and stateless society are the coins of Marxist political theory. In contrast to traditional notion of state as just institutional structure, it was reinterpreted as an active actor of constructing and altering societies.

1.1.1 Meaning of State:

Before you learn the meaning of the term "state," it is helpful to know where the word comes from. The word "state" comes from the old French word "estat," which comes from the Latin word "status," which means "a standing." The current definition of "state" may be traced back to Machiavelli, an Italian philosopher who proposed this notion in the 16th century. He defined "state" as "the power that has dominion over man." (Gaub, 2017). The state has developed as a political unit over time, and a variety of sorts of states have emerged, each of which has used a number of arguments to justify its existence, such as divine right and the idea of a social contract. The modern nation-state is the most common type of state that people are governed by today. (Andreas and Yuval, 2010) To put it simply, a state can be thought of as a political organisation that governs a group of people in a certain area and has its own set of laws. Alternatively the state can be viewed as a political body that has a definite territory, a permanent population, a government as a head of the state, and, most significantly, sovereignty, which is accepted both externally and domestically. Ex. India, Germany, Italy, etc.

1.2 DEFINITIONS OF STATE

1. "The state is a form of human association distinguished from other social groups by its purpose, the establishment of order and security; its methods, the laws and their enforcement; its territory, the area of jurisdiction or geographic boundaries; finally by its sovereignty."

2. R. M. MacIver & C. H. Page observed “The state is distinguished from all other associations by its exclusive investment with the final power of Coercion.”
3. Geoffrey K. Roberts tried to evolve working definition as “A territorial area in which a population is governed by a set of political authorities, and which successfully claims the compliance of the citizenry for its laws, and is able to secure such compliance by its monopolistic control of legitimate force.”

We now understand that a state is a political entity that sets laws, regulates behaviour, and establishes law and order for the people living in the territory covered by the authority. However, every state has some qualities that are comparable to one another. The growth of the state has been the main emphasis of political science and history, as indicated by the changes that have occurred in government systems, social organisations, and territorial control. The idea of the state, as it is understood now, arose over the course of centuries as a result of economic, social, and political factors

Early forms of state: The earliest state arose in Mesopotamia, Egypt, and the Indus Valley approximately 3000 BCE. These states were distinguished by their concentrated government, clearly defined territory, and administrative systems. The rise of agriculture and surplus output allowed urbanization and sophisticated governmental systems. The rule of early monarchs was justified by divine rights and religious philosophies. (Claessen & Skalnik, 1978)

Medieval States: During the Mediaeval period, primarily in Europe, feudal institutions ruled. Local lords possessed a lot of influence over land and people, although monarchs were often primarily for show. Power was split among numerous persons. However, the rise of commerce and towns slowly transferred power away from feudal lords into centralized monarchy. (Tilly, 1990)

Modern States: The modern state arose during the early modern period, formed by the peace of Westphalia (1648), which established the notions of sovereignty and non-interference in the affairs of other states. The industrial revolution further transformed states by fostering urbanization, economic expansion and centralized bureaucracy. (Giddens, 1985).

1.3 IMPORTANCE OF STATE FOR HUMAN AND SOCIETY

The state is a foundational institutional in human society, playing a key role in keeping order, offering essential services, and constructing the social, political, and economic framework. Its importance for society and people stems from its ability to organize and manage collective life while preserving individual freedoms and fostering social welfare. The state ensures societal stability by formulating and implementing laws, thereby building foundation for peaceful co-existence. Thomas Hobbes claimed that without state, human life would degrade into a state of nature typified by

chaos and strife. *Similarly*, the state provides vital public goods and services like as education, healthcare, infrastructure and security, which are crucial for societal growth and individual well-being. Likewise, state also plays crucial role in regulating economic activity to ensure fair practices, stability and growth. By managing budgetary policies, the state shelters individuals from economic uncertainty and promotes an atmosphere conducive to achievement. Crucially speaking, the state is a guardian of individual rights and freedoms, as entrenched in constitutions and international human rights frameworks. John Locke maintained that the state exist to preserve life, liberty and property, emphasizing its role in safeguarding human freedoms while preventing encroachment by others. Through numerous policies and programs, the state addresses socioeconomic inequities and promotes equity. Welfare states, as characterised by Esping-Anderson (1990), strive to redistribute resources, support marginalized groups, and offer safety nets, such as unemployment compensation and healthcare, to provide a basic quality of living for all. The state develops a feeling of national identity and unity frequently through shared symbols, values and institutions. These are some of the essential aspects which link state with people and society.

1.3.1 Characteristics of State

The concept of state is shaped by a number of characteristics, which are covered here.

1. **Territory:** A state's territorial jurisdiction serves as a means of identification or definition. The state always uses its authority over a specific area.
2. **Sovereignty:** A state has absolute control over its people and territory since it is always sovereign in that area.
3. **Law:** A state upholds a set of laws, typically consisting of common law, statutes, regulations, and a constitution.
4. **Government:** To enact and implement laws, a state needs a governing body or organisation. The government delivers public services, upholds law and order, and guarantees security.
5. **Recognition:** A state can operate successfully and efficiently in the international community if other states recognise it. While this is not a prerequisite for statehood, it is essential for conducting diplomatic relations.
6. **Permanent Population:** A state's population is steady, in contrast to other entities like tribes or nomadic groups. The legal connection between the state and its citizens is defined by citizenship.
7. **Monopoly on the use of force:** In the sake of maintaining social harmony and order, a state has the sole right to employ or is permitted to employ physical force inside its borders.
8. **International relations:** A state can sign treaties, join international organisations, and establish relationships with other states.

As covered in the section on state development, with the "Peace of Westphalia," the modern nation-state came into being. It brought an end to the European War of Thirty Years in 1648. The tenets of territorial sovereignty, state equality, and non-interference in internal matters were established by this pact. As nationalism grew in the 18th and 19th centuries, the concept of a nation-state gained popularity. The precise alignment of political boundaries with cultural, ethnic, or linguistic limits is what defines a nation-state. Events like the American Revolution (1776) and the French Revolution (1789), which placed a strong emphasis on the concepts of national identity, popular sovereignty, and self-determination, helped to create the idea of a nation-state. Similar to this, the idea of a nation-state was further cemented in the 19th century by movements for national independence (Greece & Latin America) and unification (Germany & Italy). Notwithstanding obstacles like globalisation, regional integration (the European Union), and transnational problems like climate change, terrorism, and the expanding power of multinational corporations, the nation-state continues to be the predominant political paradigm in use today. Different viewpoints exist, nevertheless, on the state's roles, the makeup of political power, and the development of its institutions. These viewpoints are recognised as state theories that made a precise effort to define the role, analyse authority and power, comprehend political beliefs, and design policies, among other things. People can participate in governance and society more intelligently by learning more about the political structures that impact their lives via the study of these theories. It is true that no theory provides a flawless explanation, but they serve as a framework for how the state operates.

1.4 OVERVIEW OF SOME OLD THEORIES OF STATE

The organic theory of state, also known as the organismic theory, is regarded as the first theory to explore the nature of the state. Gauba (2017). According to this idea, the state is comparable to a living body or organism, or to a person and his organs. According to O. P. Gauba, this theory suggests two things: just as the existence and value of the organs depend on the existence of the organism, so too do the existence of the state and the existence of the individual depend on each other. Second, whereas different organs are suited to carry out distinct tasks inside the body, some are inherently better than others. Similarly, certain social groups and communities are superior and destined to carry out better tasks for the sake of society. The foundation of this theory is the notion that the state is a naturally occurring entity that develops, changes, and operates in a coordinated and interdependent way. The organic theory of state holds that the state is a naturally occurring institution. It maintained that without the existence of a state, it is impossible to envision a man as a civilised entity. According to the ancient Greek city-state, a state exists for the sake of life and persists for the sake of a decent life. Aristotle's opinion, which states that "One who lives without state is, either a beast or a god," is pertinent in this context. The state exists for the sake of life and persists for the sake of

a good life, reflecting the notion that the state helps people not only survive but also ensure a high quality of life. Man's life is morally influenced by the state in this way as he fulfils his obligations and enjoys his rights. However, the differentiation of functions is the ethical basis of the state as envisioned by the organic theory.

Key aspects of theory: According to the theory, people and institutions within a state are interconnected, just as the organs in a body are dependent on one another to survive. Because the state operates as a single, cohesive entity, it cannot be broken down into its constituent citizens. Development is viewed as a natural and evolutionary process since the state is born, grows, develops, and may decline or die, much like a live entity. According to this idea, the state's various components, like its organs, each have distinct functions. *For instance*, the economy could be compared to the circulatory system and the government to the brain. Together, these components contribute to the overall well-being. Since the person is viewed as a component of the greater organism, the state is valued above the individual. Here, the state's interests take precedence over those of the person.

Divine Origin Theory of State, The Divine genesis theory of state is one of the oldest hypotheses explaining the origin of political authority. Its historical roots is strongly ingrained in ancient civilizations and theocratic regimes, where religion and governance were linked. Theory hinges on two essential premises first, state is creation of god and second, monarch is the representative of god. Theory of divine right of the king states that the state is a divine institution, founded and directed by the will of God. This belief claims that kings acquire their authority directly from heavenly sanction making their rule sacred and unquestionable. (Sabine, 1973) According to this view the state's genesis resides in the divine intervention, and allegiance to rulers is a religious responsibility, as resisting them would imply defying God's will. (Filmer, 1980)

Features of Divine Origin Theory:

1. **Divine will as the source of authority:** Legitimacy of rulers is anchored in divine choosing or command. (Mukherjee & Ramaswamy, 2011)
2. **Religious Sanctity of Rule:** This view thought the ruler's power as sacrosanct, sometimes strengthened by religious institutions like the Church or priesthood. (Sabine, 1973)
3. **Moral Duty of Obedience:** Citizens are compelled to observe norms, as their power is considered as God-driven.
4. **No right to rebel:** This argument condemns opposition to ruler on the ground that resistance to ruler is an act of defiance against divine will, making rebellion both political and theological transgression.

Some examples of Divine Origin of state:

Theories of State: Liberal,
Marxist and Feminist

- a) Ancient Egypt: Pharaohs were considered gods or intermediaries between the divine and the earthly realms (Sabine, 1973)
- b) Medieval Europe: The divine right of kings were utilised to support monarchical authority, with monarchs like Louis XIV of France declaring themselves God's chosen representatives. (Filmer, 1680)
- c) Hindu Philosophy: If we consider, Hindu philosophy in India we have the evidences in the shape of scriptures that described the king as a divinely anointed defender of Dharma or (Cosmic order).

Mechanistic Theory of State, During the Enlightenment (17th and 18th centuries), the Mechanistic theory of state developed in opposition to previous views that attributed the state's formation to natural law, organic theory, or divine power. It illustrates the shift in thought from religious and feudalistic perspectives to logical, secular, and scientific ones. According to the notion, the state was established as a man-made entity primarily for the preservation of individual rights, security, and order. Sabine (1973) According to the notion, the state was established with specific goals in mind, most notably the defence of property, liberty, and life. It sees the state as an impartial arbitrator or instrument intended to control interpersonal relationships and settle disputes. This perspective emphasises the state's manufactured and utilitarian nature, rejecting the notion that it is a divine or natural institution.

Important intellectuals who hold similar opinions about the role and operations of the state:

Thomas Hobbes, Hobbes contended in "Leviathan" that people established the state to flee the anarchy of the "state of nature," where existence was "nasty," barbaric, and fleeting. To maintain peace and security, the state acts like a mortal god. *John Locke*, Locke's Second Treaties of Government saw the state as a legally binding organisation created to defend the three fundamental rights of life, liberty, and property. He highlighted the utilitarian and constrained role of the state. *Rousseau*, Rousseau defined the state in the Social Contract as an agreement between people to jointly uphold the common good and the public will.

Mechanistic theory characteristics include,

1. The state as a construct: The state was purposefully established by humans to meet the requirements of society, especially the upholding of justice and order. Ramaswamy and Mukherjee (2011)
2. Instrumental Role: According to this idea, the state is a tool or mechanism rather than an end in and of itself. Serving its residents is its main duty.
3. Limited Government: Mechanistic theorists support minimal government involvement to prevent the state from going too far.

4. Individual-centric approach: The idea highlights how each person contributes to the establishment and maintenance of the state by emphasising human self-interest and reason.

1.5 THE LIBERAL THEORY OF THE STATE: BACKGROUND, DEVELOPMENT, ELEMENTS AND PRINCIPLES

Protecting and advancing individual liberty and rights within a framework of limited government is the central tenet of liberal philosophy of the state. As long as people don't hurt other people, the state is viewed as an essential institution to protect these liberties, guaranteeing that people can follow their own interests free from excessive interference. There are two schools of liberal thought: classical liberalism and modern liberalism. From the 17th century to the enlightenment and the present, classical liberalism—a fundamental political and economic ideology—has experienced substantial evolution. Numerous philosophers, economists, and political thinkers have contributed to its development, helping to shape its tenets of free market, limited government, individual liberty, and the rule of law. Some significant turning points in the evolution of classical liberalism or liberal perspectives on the state are listed below.

Theory of Social Contract

The evolution of social contract theory is where classical liberalism got its start. John Locke and Thomas Hobbes played a key role in developing the theoretical foundation for comprehending the interplay between the state and the individual. Under his book *Leviathan* (1651), Thomas Hobbes posited that life would be lonely, impoverished, cruel, and brief under the natural state. In order to avoid this, people agree to cede some liberties to a governing body in return for safety and law. Hobbes' work established the foundation for succeeding liberal philosophers by highlighting the importance of the social contract, despite his support for a powerful, centralised authority. In contrast to Hobbes, John Locke maintained in his 1690 *Two Treatises on Government* that every person has the inalienable right to life, liberty, and property, all of which the state is obligated to defend. Locke placed a strong emphasis on limited government, government by consent, and the right to revolt against oppressive rulers.

Religious and Political Context, The political unrest and religious disputes of the English civil war and the great revolution of the 17th century led liberal intellectuals to support constitutionalism and the defence of individual liberties against totalitarianism.

Enlightenment and the 18th Century, with its focus on reason, science, and individuality, the Enlightenment era was essential to the development of classical liberal ideology.

The Separation of Powers and Montesquieu, Baron de Montesquieu (1689–1755): To avoid tyranny, Montesquieu proposed the division of

governmental authority into separate parts in the *Spirit of Laws* (1748). This idea encouraged checks and balances within the state and had an impact on the constitutional frameworks of numerous liberal democracies (Montesquieu, 1748).

Adam Smith and Economic Theory, Smith promoted free markets, minimal government involvement, and the "invisible hand" directing economic progress in *The Wealth of Nations* (1776), which established the groundwork for classical economics. His theories of laissez-faire economics became central to the economic aspect of classical liberalism.

Freedom of Expression and Voltaire, as a fervent supporter of civil freedoms, Voltaire fought for the separation of church and state, freedom of expression, and freedom of religion. His works supported the liberal emphasis on individual liberties by criticising despotism and fostering tolerance.

Jean-Jacques Rousseau, Rousseau's notions of the general will and popular sovereignty, which emphasise the role of the citizen in governance, impacted liberal ideology, although frequently being linked to more collectivist concept. The 19th Century: Development and Growth Classical liberalism was further developed and broadened throughout the 19th century in response to social transformations, political upheavals, and industrialisation.

Jeremy Bentham and utilitarianism, Bentham popularised utilitarianism, which promotes laws that minimise suffering and increase enjoyment for everybody. Although utilitarianism is largely an ethical philosophy, its emphasis on consequentialist and logical approaches to governance had an impact on liberal legal and political ideas.

Liberal Individualism and John Stuart Mill, In 'On Liberty' (1859), Mill made the case that people's liberties should be shielded from social and political intervention. He highlighted the value of individual liberty, freedom of speech, and the harm principle, which states that people's acts should only be restricted in order to protect others from harm.

Democratic Institutions and Alexis de Tocqueville, Tocqueville examined the advantages and disadvantages of democratic institutions in *Democracy in America* (1835), emphasising the value of local government, civil society, and the defence of individual liberties within a democratic system.

David Ricardo and classical economic theory, Ricardo's contributions to free trade and comparative advantage strengthened traditional liberal economic theories. His theories backed up the notion that international trade and open markets promote economic growth and efficiency.

1.5.1 Practice and Criticism of Classical Liberalism in the Late 19th and Early 20th Centuries

Classical liberalism's emphasis on individual liberty, limited government, free markets, and the defence of private property dominated its practice and

critique throughout the late 19th and early 20th centuries. As civilisations struggled with industrialisation, social inequality, and political upheavals, classical liberalism saw both substantial uses and escalating criticisms throughout this time. In actuality, classical liberal ideas shaped laws supporting constitutional government, laissez-faire economics, and little government interference. In many Western countries, it promoted the growth of democratic institutions, civil freedoms, and the rule of law. Efforts were made during this time to encourage free trade and restrict state influence over economic activity, which aided in the expansion of the economy and the integration of the world. But these policies frequently ignored the needs of workers and marginalised groups in favour of industrial capitalists. Because of its alleged incapacity to solve the social and economic injustices made worse by industrial capitalism, classical liberalism came under fire. Unregulated markets, according to socialists and progressives, resulted in exploitation, subpar working conditions, and wealth concentration. Classical liberalism was criticised by feminists for its exclusive emphasis on male landowners, which denied women and other oppressed groups access to political and economic rights. Proponents of reforms to broaden liberal ideals to encompass social justice and community welfare included thinkers such as John Stuart Mill. The emergence of labour movements, the extension of the right to vote, and discussions around imperialism also brought attention to classical liberalism's shortcomings in meeting more general societal demands. The growth of welfare states and new political philosophies in the 20th century was made possible by critics who said that its rigid dedication to individuality and free markets ignored structural inequality and the common good.

1.5.2 The Late 20th Century and Neoliberalism

Neoliberalism, which built upon classical liberal ideals while modifying them to address modern global issues, became the preeminent political and economic ideology in the late 20th century. Neoliberalism, which positioned itself as a reaction to the perceived shortcomings of Keynesian welfare economics and the economic crises of the 1970s, promoted free markets, deregulation, privatisation, and a diminished role for the state in economic matters. Leaders like Ronald Reagan in the US and Margaret Thatcher in the UK popularised neoliberalism by enacting laws meant to increase market efficiency, decrease government intrusion, and cut public spending. By focusing on personal accountability, entrepreneurship, and the strength of market forces, these reforms aimed to address problems like inflation, stagnation, and dwindling competitiveness. International organisations that supported structural adjustment plans in poor nations, such as the World Bank and the International Monetary Fund (IMF), were likewise impacted by the concept. In order to receive financial aid, recipient countries have to implement neoliberal policies such as trade liberalisation, state-owned firm privatisation, and fiscal austerity. Neoliberalism's detractors contend that it increased inequality, jeopardised social welfare, and consolidated power and wealth in the hands of a select few. The focus on market efficiency frequently resulted in a reduction of labour rights, environmental damage, and important public services. Neoliberalism's proponents, however, attribute the removal of trade and investment obstacles to the promotion of globalisation, economic growth, and

innovation. Neoliberalism dominated world politics by the late 20th century, influencing both rich and developing countries' policies. However, growing dissatisfaction with inequality, financial crises, and the social costs of market-driven policies caused its dominance to start to decline in the early 21st century, sparking discussions about the need for a more balanced approach between state intervention and markets.

1.5.3 Libertarianism and Classical Liberalism

Since both libertarianism and classical liberalism support individual liberty, limited government, and free markets, they have a lot in common. Classical liberalism, which has its roots in Enlightenment philosophy, places a strong emphasis on defending fundamental rights like life, liberty, and property by limiting the scope of government to the consent of the governed and the rule of law. Similar to this, libertarianism maintains similar ideas but frequently goes further in criticising state power, aiming to reduce or even do away with government involvement in private and economic affairs. Both ideologies place more value on voluntary contacts and individual liberty than on coercive power. Libertarians oppose almost all types of government regulation, taxation, and welfare programs, emphasising the superiority of market processes for resource allocation both morally and practically. They frequently frame this in absolute terms. Classical liberals often accept a limited state to provide necessities like infrastructure, defence, and law enforcement, but they are generally cautious about expansion. Their interpretations of the role of the state are where they disagree. While libertarians may consider the state to be intrinsically coercive and look for alternatives like private governance or voluntary associations, classical liberals often view a limited government as an essential institution to preserve justice and defend rights. Notwithstanding this distinction, the two have a shared intellectual history and still have an impact on discussions concerning markets, freedom, and the appropriate size of the state.

1.5.4 Current Issues and Discussions

Classical liberalism is still relevant today when discussing economic policy, individual rights, government control, and striking a balance between freedom and security. Its tenets form the basis of debates on globalisation, democratic government, and human rights. Its continued effect on political and economic philosophy is demonstrated by the evolution of classical liberal theory of the state. Classical liberalism has influenced the ideas of individual liberty, limited government, and free markets that form the basis of many modern societies, starting with its early roots in social contract theory and natural rights and continuing through its development during the Enlightenment and application in contemporary governance. The fundamental ideas of classical liberalism still influence and motivate discussions about justice, freedom, and the role of the state in guaranteeing a successful and just society in spite of changing objections and difficulties.

1.5.5 The Evolution and Historical Context of Contemporary Liberal Theory of the State

The intellectual, economic, and political upheavals that have moulded modern societies have had a fundamental impact on the evolution of contemporary liberal state theory. Its historical backdrop illustrates the

interaction of concepts from the Enlightenment, the Industrial Revolution, and the problems brought by authoritarianism, inequality, and globalisation. Liberal philosophy emerged during the Enlightenment of the 17th and 18th centuries, supporting ideals such as individual liberty, reason, and the rejection of absolutist power. Thinkers such as John Locke and Montesquieu advocated for constitutional government, the separation of powers, and the protection of individual rights, providing the framework for classical liberalism. This early type of liberalism was concerned with restricting state power, defending private property, and supporting free-market ideas. It viewed the state as a "necessary evil," entrusted with safeguarding individuals from both external and internal threats, while minimally intervening in their personal lives. The industrial revolution of the nineteenth century brought about major economic and social upheavals, prompting a reconsideration of liberal concepts. Classical liberalism's emphasis on laissez-faire economics was increasingly criticised for creating economic disparities and failing to address social inequities. This resulted in the rise of social liberalism, a movement that attempted to reconcile individual freedom with group welfare. Thinkers such as John Stuart Mill and subsequently T.H. Green claimed that the state plays a role in fostering conditions for individuals to reach their full potential by encouraging education, healthcare, and labour rights. This time saw the transition from a minimalist to a more interventionist state, with an emphasis on positive freedom—individuals' potential to attain self-realisation through state support and chances. In the early twentieth century, liberal thought was put to the test. The Great Depression of the 1930s exposed the flaws of unfettered capitalism, resulting in the emergence of Keynesian theory. Liberal states began to implement policies aimed at promoting economic stability, welfare, and social security. The horrors of totalitarian regimes during World War II reaffirmed liberalism's emphasis on human rights, democracy, and the rule of law. Many Western democracies consolidated the welfare state in the post-war period, demonstrating a commitment to both individual liberty and social fairness. However, in the later half of the twentieth century, there was a backlash against what was believed to be excessive state intervention. The neoliberal movement, led by Friedrich Hayek and Milton Friedman, revitalised classical liberal values by promoting free markets, deregulation, and privatisation. Neoliberalism emphasised the hazards of state overreach as well as the role of market processes in promoting innovation and economic growth. It rose to popularity in the 1980s under leaders such as Ronald Reagan in the United States and Margaret Thatcher in the United Kingdom, changing the liberal state into one based on efficiency and competition. Contemporary liberal thought is constantly evolving in response to new issues such as globalisation, environmental disasters, and digital disruption.

Globalisation has called into question the role of the state in regulating multinational firms and defending domestic interests, while environmental concerns have generated arguments over state intervention to combat climate change. The digital age has brought new worries about privacy, surveillance, and technology company regulation, putting the balance between individual rights and societal security to the test. Scholars such as John Rawls and Martha Nussbaum have broadened liberal philosophy to incorporate concerns about justice, equality, and human potential, pushing

for an inclusive state that respects variety and addresses systemic injustices. In essence, the evolution of modern liberal ideology displays a dynamic and adaptable discourse that has continually struggled with the contradictions between individual liberty and communal prosperity, market efficiency and social fairness, and governmental power and personal autonomy. Its historical trajectory demonstrates a continuing endeavour to reconcile liberalism's objectives with the realities of modern life, making it a continually relevant framework for understanding the state in a quickly changing world. A positive view of freedom was stressed by theorists like as John Dewey, Leonard Hobhouse, and T.H. Green. Modern liberalism championed freedom as the capacity to realise one's potential (positive liberty), as opposed to only freedom from interference (negative liberty). True liberty, according to T.H. Green (1836–1882), is the capacity to act in ways that advance social well-being and self-realization rather than just the lack of restraint. Green's theories introduced the idea that the state has a role in establishing the conditions required for people to exercise their freedoms, which marked a break from the traditional liberal emphasis on individualism. While restricting government authority was the main goal of early modern liberals, they also recognized that the state must get involved in certain fields, such as public health, education, and poverty alleviation, in order to advance both individual welfare and society advancement. In terms of education, they promoted government-backed programs to guarantee access to fundamental knowledge since they thought that knowledgeable citizens were necessary for both economic productivity and democratic governance. Although they placed a strong emphasis on personal accountability, they believed that education was a public good that required some degree of government involvement. Early modern liberals understood the need to address social inequality in the context of poverty, but they favored approaches that did not rely on government assistance. They suggested actions including encouraging economic independence and establishing chances for independence through work and market access. They did, however, advocate for public aid or limited safety nets to reduce extreme poverty while promoting individual effort. Early modern liberals in the field of public health emphasized the role of the state in resolving widespread health emergencies and guaranteeing a minimal level of well-being.

They believed that in order to keep a population healthy and productive, the state should take action in areas like public health education, immunization, and sanitation. Overall, their suggestions struck a compromise between acknowledging collective obligations in important areas of society development and minimizing state intrusion. A major contributor to the growth of social liberalism, Leonard Hobhouse promoted a balance between social responsibility and individual liberty. He maintained that in order for there to be actual freedom, circumstances that allowed people to reach their full potential had to exist in addition to the lack of coercion. According to Hobhouse, this entailed tackling the economic and social injustices that classical liberalism had disregarded and that impeded personal freedom. Hobhouse thought that the government had a right to promote social welfare and guarantee equality of opportunity. In order to build a more just society,

he backed changes including public education, progressive taxation, and labour rights. However, he disapproved of overbearing government control, stressing that government action should strengthen people rather than curtail their liberties. The concept of social harmony, which held that the interests of society and individuals were interrelated, was fundamental to Hobhouse's social liberalism. He maintained that people had responsibilities to the community in exchange for the advantages they had, viewing rights and duties as reciprocal. Hobhouse's liberal philosophy aimed to strike a balance between individual freedom and the benefit of the group, establishing the groundwork for contemporary welfare states and social justice movements. Keynesian economics, introduced in *The General Theory of Employment, Interest and Money* (1936), provided a theoretical foundation for government intervention in the economy. Keynes argued that state policies, such as public spending, could address unemployment and stabilize economic cycles.

The Era Following World War II

The Welfare State: After World War II, many countries adopted welfare state models inspired by modern liberalism. These models aimed to ensure universal access to healthcare, education, and social security. The Beveridge Report (1942) in the UK laid the groundwork for the establishment of the National Health Service and expanded social insurance schemes. Modern liberalism played a central role in the development of international human rights frameworks, such as the Universal Declaration of Human Rights (1948), which emphasized equality, dignity, and social welfare.

1.6 LATE 20TH CENTURY: CHALLENGES AND ADJUSTMENTS

In the latter half of the 20th century, liberal theories of the state had to adapt to new social, political, and economic problems. Liberal intellectuals were forced to reevaluate conventional notions of the function of the state in light of the growth of global capitalism, economic disparity, environmental damage, and changing cultural norms. Classical liberalism, which had defended free markets and limited government, came under fire for ignoring the widening income disparity and the breakdown of social safety nets. Unrestricted markets, according to critics, resulted in environmental damage, exploitation, and the concentration of power in the hands of a select few. Liberals responded by changing their perspective on the role of the state to one that was more welfare-orientated and interventionist. Social liberalism rose to prominence by supporting government participation in social justice, economic fairness, and the provision of public services, including welfare, healthcare, and education. In addition to political freedoms, the concept of the state as a protector of individual rights grew to encompass economic and social rights. Traditional liberal viewpoints were also called into question by the emergence of neoliberalism. Influenced by economists such as Milton Friedman and Friedrich Hayek, neoliberal intellectuals advocated for a return to deregulation, limited government, and

free-market principles, contending that market forces were the most effective way to advance individual freedom and wealth. In many nations, this resulted in the privatization of state-owned businesses and a decrease in government expenditure on social programs. Liberal thought also has to change to meet the problems of globalization. Liberals had to deal with the effects of migration, global institutions, and international trade. A more cosmopolitan understanding of state sovereignty that prioritized international cooperation, environmental preservation, and human rights was necessary due to the world's growing interconnection. All things considered, liberal theory of the state changed throughout the latter half of the 20th century to strike a balance between the needs of social justice, individual liberty, and economic efficiency, reflecting the shifting reality of a more complex and linked world.

1.6.1 21st-century contemporary or modern liberalism

In the twenty-first century, contemporary modern liberalism sees the state as an active and vital institution for advancing social justice, combating inequality, and assuring people's well-being. Modern liberals believe that the state should balance individual liberties with communal obligations, utilising its authority to regulate markets, provide public goods, and protect vulnerable populations from economic and social disadvantage. This viewpoint emphasises the necessity of a welfare state in providing healthcare, education, social security, and environmental protection while assuring equitable opportunities and increasing the quality of life for all. Modern liberals support progressive taxation to redistribute wealth and eliminate inequality while remaining committed to democratic governance and individual liberties. In today's globalised and technologically advanced society, modern liberalism frequently addresses issues such as climate change, digital privacy, and global economic interdependence. It encourages state-led international cooperation to address these concerns while also promoting human rights, multiculturalism, and diversity. The modern liberal conception of the state represents a pragmatic approach that strives to balance individual liberty with the common good in an increasingly interconnected and complicated world. Economically, Progressive taxation, universal healthcare, and social safety nets are still supported by contemporary liberal intellectuals and policymakers, who aim to strike a balance between these ideas and economic restraint. Similarly, Modern liberalism has adopted the "capabilities approach," which emphasises social opportunities, health, and education in order to improve people's capacity to live meaningful lives. This approach was influenced by Amartya Sen and Martha Nussbaum.

1.7 ESSENTIAL ELEMENTS OF CONTEMPORARY LIBERALISM

1. Positive Liberty: The ability to realise one's potential, which necessitates social and financial assistance from the government, is referred to as freedom.

2. **The State's Expanded Role:** The state is viewed as a means of fostering equality, lowering poverty, and supplying public goods.
3. **Social Justice:** In contemporary liberalism, equitable distribution of resources, opportunities, and privileges within a community is emphasised.
4. **Economic Regulation:** Modern liberalism promotes regulation to correct market imperfections, guarantee fair competition, and safeguard workers, even as it supports markets.
5. **Human Rights and Globalisation:** To address global issues, it promotes global governance, multilateral collaboration, and universal human rights.

In order to respond to the difficulties and constraints of classical liberalism, modern liberalism changed to reflect the social, political, and economic realities of the contemporary world. Its phases—from changes in philosophy in the late 19th century to institutionalisation in the 20th century and its current emphasis on global issues and inclusivity—showcase its versatility and applicability. Modern liberalism has changed the role of the state by including social justice and economic intervention into its framework, guaranteeing that liberty is a lived reality for everyone rather than just a theoretical idea. Following a discussion of the liberal theory of state's history, foundations, and evolution, we may now comprehend its core principles as follows:

1.8 KEY LIBERAL PRINCIPLES

Individual freedom, limited government, and the defence of rights are the cornerstones of the liberal conception of state. Individual dignity and the establishment of a state that acts as a mechanism to guarantee justice, equality, and the defence of fundamental rights are given top priority. Some key principles of liberal theory of state are listed below.

1. **Individual Freedom:** Liberalism places a strong emphasis on the importance of individual liberty as the foundation for human growth and dignity. The purpose of the state is to uphold and defend individual liberties, such as the freedom of expression, speech, and religion.
2. **Rule of Law:** The state must function in accordance with the rule of law, guaranteeing that everyone is governed by the same set of laws, including public servants. In order to stop the arbitrary use of authority, laws must be fair, open, and applied consistently. (Locke, 1689)
3. **Limited Government:** To avoid authoritarianism, the state's authority should be kept to a minimum. Its responsibilities are limited to upholding law and order, safeguarding individual rights, and supplying public goods like infrastructure and defence. Liberal

theorists like Adam Smith and John Locke support a minimal state that steps in only when required.

4. **Social Contract:** According to liberal ideology, the state exists because of the social contract that exists between people. According to thinkers like Thomas Hobbes, John Locke, and Rousseau, people agree to establish a state in order to avoid the unpredictability's of the natural state; hence, the legitimacy of a state is derived from the consent of the governed.
5. **Separation of Powers:** According to liberal theories of state, state authority must be divided into three separate branches—executive, legislative, and judicial—in order to avoid concentration of power and its misuse. Individual freedom is safeguarded and responsibility is guaranteed by this system of checks and balances.
6. **Private property protection:** The liberal state places a high priority on private property protection because it sees it as crucial to both economic growth and individual freedom. Adam Smith connected property rights to society advancement and market efficiency, while Locke believed that property was an inherent right.
7. **Market Economy:** Individuals are free to participate in economic activities in a market-based economy, which is typically supported by liberal theorists. The state's responsibilities include addressing market failures, preventing monopolies, and providing a legal foundation for market operations. Thinkers like Adam Smith and David Ricardo have a tight relationship with this economic liberalism.
8. **Universal Rights and Equality:** Liberal thought maintains the idea that all people have the same rights and opportunities under the law, irrespective of their social standing, race, or religion. Liberal democracies are predicated on this idea, which holds that all citizens should be treated justly and equally by their governments.
9. **Democracy and Representation:** Generally speaking, liberal states emphasise elected representatives for governance. Voting allows citizens to participate in decision-making and keeps the government answerable to the people. Thinkers like John Locke and later liberal Democrats supported this idea.

Criticism to Liberal Theory:

1. Liberal philosophy is frequently criticised for being unduly idealistic, presuming a neutral, logical state that fairly reflects the will of all citizens. Critics contend that the reality of power, inequality, and society divisions are disregarded by this abstract ideal.
2. *Individualism:* Liberal thought prioritises individual liberties and rights, frequently at the price of group and communal requirements. It is claimed to ignore how community and social relationships shape people's identities and well-being.

3. **Class Bias and Inequality:** According to Marxist theory, the liberal state serves as a tool for class dominance, sustaining economic disparities. Structural disparities in wealth and power are disregarded by the liberal premise of equality before the law.
4. **Limited Scope of Freedom:** Opponents contend that substantive freedoms like access to education and freedom from poverty are not guaranteed by the liberal emphasis on formal freedoms like the right to vote and freedom of speech.
5. **Eurocentrism:** Liberal ideology is frequently charged as being Eurocentric, presuming that ideas like as democracy, the rule of law, and individualism are applicable everywhere without taking into account various historical and cultural situations.
6. **Absence of Social Justice Emphasis:** Liberalism is criticised for not giving social justice and redistribution enough attention. It frequently overlooks results in favour of procedural fairness, which permits systematic injustices to continue.
7. **Overconfidence in Rationality:** Liberal ideology makes the assumption that people are logical beings who can act in their own best interests. This disregards the impact of emotions, social conditioning, and institutional biases, according to critics from behavioural economics and critical theory.

1.9 MARXIST THEORY OF STATE: DEFINITION, BACKGROUND, INCEPTION, AND EVOLUTION OF THE MARXIST THEORY OF STATE

The historical, economic, and philosophical circumstances of the 19th century are fundamental to the Marxist conception of the state. It began as a critique of capitalism's political and economic systems and was influenced by European intellectual traditions, political revolutions, and the Industrial Revolution. Examining the historical events, intellectual influences, and socioeconomic circumstances that shaped Karl Marx and Friedrich Engels' writings is necessary to comprehend the context of Marxist theory. Karl Marx and Friedrich Engels, who saw the state as an instrument of class dominance in a capitalist society, are the founders of the Marxist theory of the state. Marxist theory holds that the state serves as a tool to uphold the supremacy of the ruling class—those who control the means of production—over the working class, or proletariat, rather than as an impartial arbiter of society's interests. Marxists contend that the state was established historically to control class strife and uphold the ruling class's advantageous economic system. The state upholds institutions, laws, and policies that safeguard capital accumulation, defend private property, and quell revolutionary uprisings in capitalist nations. It accomplishes this by upholding social order that benefits the capitalist class by the use of its coercive forces, including the military, police, and judiciary. By influencing public opinion, the state also acts as an ideological machine that upholds

the capitalist system. The state propagates ideas that normalise inequality, defend exploitation, and obfuscate the working class's capacity to fight against oppression through institutions like the media, education, and religion. This procedure guarantees that the supremacy of the ruling class is upheld by both consent and coercion. Marx and Engels believed that in a communist society, the state would eventually "wither away" as a transient institution. They maintained that the state would no longer be required if class conflicts were eliminated by overthrowing capitalism. A classless and stateless society run by the people themselves, free from centralised power and coercion, would take its place. This concept was later developed by Marxist intellectuals like Vladimir Lenin. Lenin highlighted the necessity of a "dictatorship of the proletariat" as a period of transition during which the working class would repress counter-revolutionary forces and destroy capitalist structures by using state power. Lenin believed that this stage was crucial to the development of socialism and, eventually, communism. By examining how the contemporary capitalist state uses force and consent to uphold its legitimacy, neo-Marxist academics such as Antonio Gramsci and Nicos Poulantzas advanced the idea. While Poulantzas examined the relative autonomy of the state and contended that it occasionally acts against individual capitalist interests in order to maintain the system as a whole, Gramsci developed the idea of cultural hegemony, in which the beliefs of the ruling class dominate social norms. All things considered, the Marxist theory of the state offers a critical framework for comprehending the relationship between political power and economic systems, highlighting the state's role in maintaining inequality and imagining its ultimate eradication in a communist society. The evolution of Marxian theory of state was influenced by a number of issues, including

1.9.1 The 18th and 19th century Industrial Revolution

Industrial capitalism emerged as a result of the profound economic and technological transformations brought about by the Industrial Revolution. Urbanisation and industrialisation defined this age. The proletariat, a new working class reliant on wage labour, was brought about by the expansion of factories and metropolitan areas. The bourgeoisie, or capital owners, amassed wealth as workers endured low pay, hard hours, and unfavourable working conditions. Social inequality resulted from capitalism's exacerbation of wealth disparity and the glaring divisions between the ruling and working classes. Second, the 1789–1799 French Revolution The fall of feudal systems and the emergence of capitalism and democratic ideas were symbolised by the French Revolution. But according to Marx and Engels, the revolution only brought about the bourgeoisie's replacement as the governing class, replacing the aristocracy. They believed that the state repressed the working class's demands for true equality and justice as a tool of bourgeois dominance. Since demands for political freedom, national independence, and workers' rights propelled the worldwide revolutions of 1848, the European political upheavals of that year also contributed to the formation of Marxist theory. As participants in these struggles, Marx and Engels saw how the bourgeoisie appropriated revolutionary endeavours in order to keep power. These encounters strengthened their conviction that the state machinery must be overthrown by a proletariat revolution. Marx's

conception of the state was also impacted by intellectual works like Georg Wilhelm Friedrich Hegel's Hegelian Philosophy (1770–1831). According to Hegel, the state is the incarnation of morality and rational freedom. Marx, however, disapproved of Hegel's idealism, which placed an emphasis on concepts rather than physical circumstances. Marx created historical materialism by adopting Hegel's dialectical approach and applying it to material circumstances. Marx believed that class fights resulting from material disputes produced the state rather than it being a rational force (Avineri, 1971). In a similar vein, David Ricardo and Adam Smith's Classical Political Economy also aided in the development. Marx read the writings of classical economists who elucidated the workings of labour value and capitalism. He criticised their views for failing to recognise the fundamental inequalities and exploitation of capitalism production. Marx maintained that these exploitative economic systems were maintained in large part by the state (Capital, 1867). Socialists who advocate utopia To combat inequality, theorists such as Henri de Saint-Simon, Charles Fourier, and Robert Owen suggested community societies. Although they valued their criticisms of capitalism, Marx and Engels disapproved of their lack of scientific research and emphasis on real-world change (The Communist Manifesto, 1848).

Materialism in History, According to Marx and Engels, the stages of human history are determined by the systems of production (such as capitalism, socialism, and feudalism). Class tensions are created by every form of production, and these tensions lead to revolutionary shifts. At every point in history, the state, as a political entity, represents the economic interests of the dominant class.

1.9.2 Social and Economic Background

The Rise of Capitalism and Its Inconsistencies, The dominant economic system in Europe by the middle of the 19th century was capitalism. Contradictions between concentrated riches and pervasive poverty became more apparent. *Second, Worker Movements and Class Struggles*, Marx recognised these tensions as the primary cause of class conflicts and the ultimate demise of capitalism. Organised labour movements that demanded improved pay, working conditions, and political representation arose as a result of the working class's explosive development. Through their active participation in these movements, such as the International Workingmen's Association (First International), Marx and Engels were able to express their belief that the state serves as a vehicle for class oppression. *Third, Imperialism and colonialism* European nations exploited colonised countries for labour and resources as they grew their colonial empires throughout this time. Marx maintained that by defending capitalist growth overseas while retaining authority over oppressed people at home, the state enabled imperialism.

1.10 IMPORTANT UNDERPINNINGS OF MARXIST THEORY

Theories of State: Liberal,
Marxist and Feminist

1. **Domination of Class:** Karl Marx's critique of capitalist society and his historical theory are based on the Marxist idea of class rule. It asserts that class disparities are maintained and perpetuated by the state and other social institutions acting in the interests of the ruling class. Class domination, according to Marxist theory, is the authority and control that a certain social class exercises over others, resulting in inequality, exploitation, and the continuation of the capitalist system. The fundamental tenet of Marxist philosophy is that social classes are created in societies according to how such societies relate to the resources and equipment utilised to create products and services. The economy's structure, especially with regard to ownership and control over productive assets, defines the character of class relations. The physical and intangible resources (land, factories, technology, etc.) required to generate commodities and services in a community are known as the means of production. The organisation of production and the resulting production relations—that is, the interaction between owners and employees—are referred to as the mode of production. A class is a collection of individuals who have similar views about the means of production.

There are two major classes in a capitalist society:

The *capitalist class* that controls the means of production—factories, land, capital, etc.—is known as the Bourgeoisie. And the *working class* that must sell its labour power to the bourgeoisie in order to receive wages is known as the proletariat.

- a) **The function of the state and class conflict:** Marx maintained that there is an inherent exploitative relationship between the bourgeoisie and the proletariat. The proletariat must sell its labour in order to subsist, and the bourgeoisie controls the means of production. The amount of labour needed to produce goods and services determines their worth, but workers only get a portion of the value they generate. Marx called this discrepancy "surplus value," which the bourgeoisie appropriates as profit. Marx argues that the state, as a tool of class dominance, is essential to preserving this unequal power structure. The state is not an impartial organisation that promotes societal well-being. Rather, it serves to uphold the interests and authority of the bourgeoisie, the dominant class in a capitalist society.
- b) **The State's Role in Class Domination:** Marx's idea of class society is closely related to his conception of the state. He believed that the state was a tool used to uphold and enforce the conditions of class exploitation. This comprises: Law and Order: The government upholds the rules that safeguard individual property and the capitalist system. In order to preserve the current social order and safeguard the bourgeoisie's wealth, the law is not impartial but rather biased in their

favour. Police and Military: To quell proletarian revolt, the state employs force and brutality. Protests, uprisings, and class conflicts that pose a challenge to the ruling class's authority are put down by the police, military, and court system. Marx held that, by enforcing ideological control, the state also contributes to the continuation of class dominance. Marx maintained that the governing class shapes the prevailing ideologies of a community by promoting beliefs that support their control through the media, education, and religion, among other channels (e.g., the belief in the naturalness of social hierarchies and inequalities). Marx's theory of class dominance is a component of his larger theory of historical materialism, which holds that class conflicts and material economic forces have shaped human history. Marx argues that the economic basis, or the method of production, and the class relations that result from it determine the structure of society at every given period.

1.11 HISTORICAL STAGES OF CLASS DOMINATION

Primitive Communism: Resources were shared and private property was scarce in early human communities, which were classless and communal.

Feudalism: The aristocracy (landowners) dominated the feudal method of production, while peasants (serfs) toiled on the land. The feudal lords' authority was enforced by the state.

Capitalism: The bourgeoisie rules over the proletariat in a capitalist society. The state ensures the continuous extraction of surplus value from workers by acting as a vehicle for enforcing capitalist relations of production.

Socialism/Communism: According to Marx, the state will initially adopt a new role in establishing a "dictatorship of the proletariat" following a revolutionary battle in which the proletariat overthrows the capitalist. The working class would use the state to end class distinctions during this brief period. The state would eventually "wither away," creating a world without classes and states as class conflicts subsided.

Class dominance in capitalism has multiple purposes: *Economic exploitation*, the extraction of surplus value is the main purpose of class dominance. Although the proletariat receives wages for their labour, the value they produce outweighs their compensation. The bourgeoisie interprets the disparity as profit. *Social Control* Controlling social unrest is another aspect of class dominance. The state employs its authority to quell popular movements or provide modest reforms in order to appease the working class and avert revolution. *Reproduction of Class Relations*, The state contributes to the perpetuation of the conditions of class dominance through its media, educational system, and other organisations. While the bourgeoisie uses ideology and culture to justify their domination, workers are socialised to accept their inferior status in society.

Marx's Vision of Class Domination's End: According to Marx, class dominance was not a permanent aspect of human society. He maintained

that the proletariat's revolution will eventually result from the tensions inherent in capitalism, including growing inequality, exploitation, and economic crises. Class distinctions and, eventually, the state itself would be eliminated once the proletariat took control and outlawed private property and the capitalist system of production. A socialist society, in which the means of production were owned and controlled collectively, would be established as part of this shift. The state would be utilised to deconstruct the bourgeois state machinery and stop counter-revolutionary forces from regaining power during the transitional period known as the dictatorship of the proletariat. Class divisions would eventually fade away and the state would become superfluous, giving rise to a communist society without states or classes. A cornerstone of Marx's theory of politics, economics, and society is the idea of class dominance. It argues that the state, whether it be the bourgeoisie in capitalism or the aristocracy in feudalism, is not an impartial entity but rather a tool for upholding the power of the ruling class. The state serves to uphold private property rights, enforce the exploitation of the working class, and perpetuate the social order in a capitalist society. According to Marx, the state would dissolve and a classless, stateless communist society would be established after class dominance was eliminated.

A fundamental component of Karl Marx's theory of historical materialism is economic determinism. It asserts that the superstructure, which includes political structures, social institutions, ideologies, and culture, is determined by the economic foundation of society, which is the mode and relations of production. Marx maintained that historical evolution, social connections, and power dynamics within society are all essentially shaped and driven by economic variables, especially the ownership and control of the means of production.

The Economic Determinism Foundations: Marx's materialist view of history is the foundation of his economic determinism. According to him, the main forces behind social change are material circumstances, particularly how society is organised economically. In *A Contribution to the Critique of Political Economy* (1859), his thoughts are most lucidly presented: "It is not the consciousness of men that determines their existence, but their social existence that determines their consciousness" (Marx, 18 1959). This claim emphasises Marx's view that human ideas, beliefs, and institutions are shaped and preceded by material (economic) facts.

Important Elements of Economic Determinism are The Superstructure and Base Model

Marx separated society into two primary parts:

1. *Economic Base*, This comprises the production relations and forces. The resources, labour, technology, and knowledge required to create commodities and services are known as the forces of production. *Relations of Production*, The power dynamics and social ties that underlie production, especially the relationship between the

bourgeoisie, or owners of the means of production, and the proletariat, or workers.

2. *Superstructure*, This comprises the institutions of politics, law, culture, and ideology that are erected on top of the economic foundation. The purpose of these organisations is to uphold and defend the current economic system. Marx argues that shifts in the economic foundation cause changes in the superstructure. For instance, the shift from feudalism to capitalism required new political and social structures due to changes in economic production.

Materialism in History

A fundamental component of Marx's historical materialism, which sees history as a sequence of events influenced by economic and material forces, is economic determinism. Marx maintained that the mode of production and the resulting class conflict characterise each historical period.

Historical Development Stages:

1. **Primitive Communism:** A collective, classless society founded on resource ownership.
2. **Slavery:** A production method in which the ruling class takes advantage of slave labour.
3. **Feudalism:** Serfs enslaved to the land, and land-based economic production governed by a feudal elite.
4. **Capitalism:** A system in which the proletariat is exploited and the bourgeoisie controls the means of production.
5. **Socialism:** A period of transition in which the working class dominates production and class divisions eventually disappear.
6. **Communism:** A society with no states and no classes in which the means of production are owned jointly. The dominant mode of production establishes particular class structures and social interactions at each level, defining the nature of political and cultural institutions.

Class Conflict and Economic Disagreement: One of the fundamental tenets of economic determinism is class conflict. Marx maintained that the struggle between the oppressed class, which supplies labour, and the ruling class, which controls the means of production, shapes history. The conflict in feudalism was between serfs and feudal lords. The bourgeoisie and the proletariat are at odds in capitalism. According to economic determinism, social and political transformation are fuelled by these conflicts, which result from inconsistencies in the mode of production.

Feudalism's Transition to Capitalism: Marx used the fall of feudalism and the emergence of capitalism to demonstrate economic determinism: Agricultural output was the foundation of feudalism, with serfs providing

labour and feudal lords controlling the land. A capitalist economy based on industrial production emerged as a result of feudal production being disrupted by technological developments (such as the plough and irrigation) and the expansion of trade. Changes in the superstructure, such as the enactment of democratic institutions, the rule of law, and market-oriented ideologies, were required by this economic transition.

The Inconsistencies of Capitalism: The bourgeoisie owns the means of production under capitalism, while the proletariat is compelled to sell its labour. Marx found that this system had built-in contradictions. Exploitation occurs when workers generate more value than they are compensated, resulting in surplus value that the capitalist can benefit from. Economic downturns are caused by overproduction and under consumption. Workers are calling for reforms or revolution as they increasingly oppose their exploitation. Marx predicted that these inconsistencies would ultimately cause capitalism to fail and socialism to emerge. Marx's theory of economic determinism offers a framework for comprehending how societal structures and economic systems interact. It emphasises how historical change, cultural values, and political institutions are shaped by economic pressures. Economic determinism is nevertheless a fundamental component of Marxist theory and a potent prism through which to examine the processes of power, inequality, and social change, despite criticism of its reductionist inclinations.

The State's Declining: Karl Marx's idea of the "withering away of the state" is essential to his vision of a communist future. Marx argues that class society produced the state, which exists to uphold one class's supremacy over another. In a communist society, the state would become unnecessary and eventually vanish after class conflicts are settled. Marx's theory of historical materialism and his larger critique of capitalism serve as the foundation for this concept.

1.12 THE CONCEPT'S FOUNDATIONS

Marx's examination of the following fundamental concepts is linked to his view of the state's demise:

- a.) **Class Domination:** through the State Marx maintained that the state is not an impartial body but rather a tool used by the ruling class to stifle dissent and preserve its hold on the means of production. By defending private property and upholding laws that support the capitalist system, the state in a capitalist society acts in the bourgeoisie's best interests. *Secondly*, Marx's historical materialism hypothesis describes how various forms of production, such as capitalism, socialism, communism, and feudalism, have shaped human history. Material circumstances and class conflicts give rise to the state, which is a reflection of society's economic foundation. The state and its function change along with the economic foundation.
- b.) **A society without classes:** Class divisions will be eliminated in a communist society where the means of production are owned jointly.

The state, which is in place to uphold class dominance, will cease to be required in the absence of classes.

The Transition to Proletariat's Dictatorship

Marx recognised that following a revolution, the state could not be overthrown right away. Rather, it would experience a period of transition known as the "dictatorship of the proletariat." This platform acts as a link between communism and capitalism. The working class takes over the state machinery during the dictatorship of the proletariat and uses it to repress the remaining members of the bourgeoisie. Reorganise society by enacting socialist economic principles and outlawing private property. Consequently, collectivising the means of production lays the groundwork for a society without classes. When the means of production are privately owned and excess value is extracted, exploitation results. Under communism, exploitation is eradicated by community resource ownership, which lessens the need for judicial, military, and law enforcement agencies.

c.) The breakdown of political authority:

In a society without classes, political power—which Marx defined as the organised force of one class oppressing another—will become irrelevant. Coercion will give way to voluntary cooperation and self-administration in a communist society.

d.) The Formation of a Classless, Stateless Society: The state will cease to be a tool of dominance in the latter phase of communism. Rather, the tenets of free association, group decision-making, and mutual help will govern society.

Nature's Temporary Character: It is believed that the proletarian state is simply a short-term institution that will be required until class distinctions and capitalist exploitation are eliminated. As soon as these objectives are met, the proletarian state will "wither away."

The state's deterioration

The following phases comprise the state's "withering away":

Elimination of Class Differences

Economic equality will be attained as the proletariat state redistributes wealth and guarantees common ownership of the means of production. The need for a coercive state to uphold social order will vanish if there is no longer an economic foundation for class distinctions. Marx envisioned a society free from coercive authority, class conflict, and exploitation, which is reflected in his idea of the state's withering away. Its foundation is the conviction that in a communist society where economic equality and collective ownership are the norm, the state—which currently serves as a weapon of class dominance—will become obsolete. The concept is still a potent critique of capitalism and a tenet of revolutionary socialist groups,

despite criticism for its utopian nature and practical difficulties. To sum up the theory, Marx has described the nature and role of the state, how class and state have changed over time, how capitalists have used it, and how to stop the exploitation of the labour class.

Criticism of Marxist Theory:

1. **Economic Determinism:** Marxist theory is frequently charged with economic reductionism, which reduces all facets of society and the state to class conflict and economic ties. Critics contend that this ignores the nuanced political, cultural, and ideological elements that shape state policy.
2. **Oversimplification of Class Struggle:** The idea that society is split into two groups—the bourgeoisie, or capitalists, and the proletariat, or workers—is regarded as being too straightforward. Critics contend that the functions of small property owners, middle classes, and other social groups are not sufficiently taken into consideration by Marxist theory.
3. **State Autonomy Is Neglected:** According to Marxist ideology, the state is merely a tool of the ruling class. Critics point to instances where state policies conflict with capitalist objectives as evidence that the state can operate autonomously and seek its own interests.
4. **Failure to Predict State Evolution:** Historical attempts to put Marxist principles into practice have failed to produce the "withering away of the state" that Marxist predictions predicted would inevitably occur under communism. Rather, authoritarianism and the growth of state power have been hallmarks of many Marxist nations.
5. **Historical Inaccuracy:** The Marxist conception of the state as a merely repressive entity is called into question by historical developments like the rise of welfare states and social democracies. Contrary to the notion of unidirectional capitalism supremacy, these states frequently redistribute money and offer social benefits.
6. **Lack of Attention to Non-Class Oppressions:** Marxist theory frequently overlooks other types of oppression, such as those based on gender, race, ethnicity, etc., in favour of class conflict.

1.13 FEMINIST STATE THEORY OF STATE: EVOLUTION, BACKGROUND AND PRINCIPLES

The feminist theory of the state questions standard understandings of state authority and governance by highlighting the role of gender and patriarchy in determining state structures, policies, and practices. Feminists contend that the state is not a neutral organisation but is deeply impacted by patriarchal standards that perpetuate gender inequality. Feminist theorists consider the state as both an instrument of oppression and a possible weapon for liberation. They contend that the state traditionally fosters male

domination through laws, policies, and social conventions that marginalize women and uphold traditional gender roles. For instance, regulations regarding property, marriage, and labour historically disadvantaged women, reflecting the patriarchal structure of state government. Feminist thoughts on the state differ across ideological lines. Liberal feminists focus on altering state institutions to guarantee equality through legal rights and representation. They argue for policies like affirmative action, reproductive rights, and equal pay, emphasizing the role of the state in fostering individual freedoms and gender equality. Marxist and socialist feminists critique the capitalist state, saying that it fosters both class and gender oppression. They show how the economic structures of capitalism are interwoven with patriarchy, marginalizing women, notably in labour and unpaid domestic duties. They urge for the restructuring of both state and economic systems to achieve true gender equality. Radical feminists consider the state as intrinsically patriarchal and say that it cannot be altered to serve women's interests adequately. They stress eliminating repressive organisations, especially the state, to develop alternative forms of government free from patriarchal authority. Postmodern and intersectional feminists dispute universal ideas about gender and the state, highlighting the various experiences of women based on race, class, ethnicity, and sexuality. They claim that the state's involvement in sustaining inequality is diverse and must be studied through the prism of overlapping identities. Feminist theory also addresses the role of the state in issues such as violence against women, reproductive rights, and representation in political decision-making. It analyses how state policies often fail to address systemic gender-based violence and reproductive justice while emphasizing the importance of women's voices in determining government. Overall, the feminist theory of the state offers a critical lens to explore how power, gender, and politics connect, arguing for transformative changes to establish a more equal society. The evolution of feminist theory of the state over time can be separated into several stages that were impacted by both scholarly advancements and larger feminist movements. The central claim of the feminist theory of state is that the state is a vehicle that upholds and legitimises gender inequality rather than being an impartial entity. Feminist theorists examine how the state marginalises women and other oppressed groups, institutionalises traditional gender roles, and upholds patriarchy. The theory offers avenues for change and reform while criticising the composition and operations of the state.

1.14 EARLY FEMINIST THOUGHT FOUNDATIONS

Liberal Feminism and Enlightenment

An intellectual and cultural movement known as the Enlightenment, which peaked in Europe in the 17th and 18th centuries, placed a strong emphasis on reason, individualism, and defiance of established authority. With intellectuals promoting the application of reason and the scientific method to all facets of life, including politics, society, and morality, it was a period of radical questioning of long-held ideas and institutions. Prominent thinkers including Voltaire, Immanuel Kant, John Locke, and Jean-Jacques Rousseau promoted the value of equality, individual liberty, and the rule of

law. These Enlightenment ideas helped to shape political and social philosophy in the decades that followed and served as the cornerstone of contemporary liberalism. The fundamental tenet of the Enlightenment was that people should be allowed to pursue their own happiness since they were capable of rational thought. This gave rise to the ideas of natural rights and the equality of all people, irrespective of their origins or social standing. The idea that reason could triumph over superstition and ignorance led to demands for changes in social structures, education, and government. These concepts would have a significant impact on following movements, such as liberal feminism. Enlightenment principles, especially those pertaining to equality, individual rights, and the value of education, were major influences on liberal feminism as it developed as a separate ideological movement in the 19th century. Early liberal feminists, such as Mary Wollstonecraft, who is frequently considered one of the movement's pioneers, maintained that women ought to have equal access to political, economic, and educational opportunities. The groundbreaking book *A Vindication of the Rights of Woman* (1792) by Wollstonecraft chastised the educational and social structures that kept women in subordinate positions. She maintained that women were simply the victims of socialization that prevented them from advancing their moral and intellectual potential, not intrinsically less capable than males.

Liberal feminists argued that women should have the same freedom to choose, pursue occupations, and participate in public life as men. They did this by building on the Enlightenment's principles of equality and individual liberty. They felt that in order to protect women's rights, especially with regard to voting, marriage, and property ownership, legal reforms were required. Thus, liberal feminism promoted women's rights to education, employment, and equal participation in democratic processes, with an emphasis on attaining gender equality through legal and political methods. The movement was founded on the idea that women ought to have the same chances as men to advance their careers and make valuable contributions to society. It called for a society where women could actively engage in all facets of life, including politics, economics, and culture, rejecting the notion that women were primarily suited for domestic responsibilities. By doing this, liberal feminism tried to question deeply rooted social and cultural conventions that sustained gender inequality in addition to attempting to elevate the status of women. Liberal feminism's emphasis on reason, education, and legal rights as means of bringing about social change is indicative of its Enlightenment philosophical influence. The feminist demand for gender equality was ideologically underpinned by the belief that people are best fitted to govern themselves and that individual liberties should be upheld. Furthermore, female activists who aimed to overthrow oppressive structures and create a more just and equitable society found great resonance in the Enlightenment's emphasis on progress and conviction in the potential for human improvement via reason and education.

1. Feminism's First Wave (19th–early 20th Century)

The first wave of feminism, which occurred in the nineteenth and early twentieth centuries, was largely concerned with legal concerns and women's fundamental civil rights, including suffrage, property rights, and education. It was a reaction to the limited societal roles that women were permitted to

play, and its primary purpose was to protect women's rights within the limits of a male-dominated social and political structure. The first wave evolved within the backdrop of bigger social and political movements at the time, such as abolitionism and the growth of liberalism, both of which campaigned for individual rights and equality. Mary Wollstonecraft was a pioneer of the first wave of feminism, arguing for women's intellectual and educational equality in her seminal essay *A Vindication of the Rights of Woman* (1792). While Wollstonecraft did not identify as a feminist in the contemporary sense, her support for women's education and rationality paved the way for subsequent feminist movements. The first wave, however, gained traction in the mid-nineteenth century, when women began to formally organize for their rights. The Seneca Falls Convention of 1848, held in New York, constituted a watershed moment in the first wave of feminism. It was organized by women such as Elizabeth Cady Stanton and Lucretia Mott, who wrote the Declaration of Sentiments, which explained how women were oppressed by existing social and legal structures and demanded equal rights, including the ability to vote. The event signaled the start of a more organized and loud movement for women's rights in the United States, notably in terms of suffrage and legal equality.

As the movement grew throughout the Western world, suffrage became the primary focus of the first wave. Women began to advocate for the right to vote, feeling that political involvement was an important step towards achieving equality. Women like Susan B. Anthony and Emmeline Pankhurst became household names in the fight for women's suffrage. Pankhurst, who led the suffrage movement in the United Kingdom, used more violent tactics, whilst others in the United States, including Stanton and Anthony, relied on lobbying and peaceful rallies. These efforts culminated in the early twentieth century, when women were granted the right to vote in various countries, most notably with the ratification of the 19th Amendment to the United States Constitution in 1920. Along with suffrage, the first wave of feminism aimed to redress other legal injustices. Women fought for the ability to own property, make contracts, and receive education on the same terms as men. The legal constraints imposed on married women, which frequently stripped them of legal status and property rights, were a major concern. The movement fought for changes to marriage, divorce, and property laws, attacking patriarchal norms that kept women confined to the domestic realm. While the first wave won significant triumphs, including the right to vote in many Western countries, it was also chastised for focusing solely on middle-class white women's issues, frequently overlooking the concerns of working-class women and women of colour. The early feminist movement was not always inclusive, and its aims reflected the interests of the most privileged members of society. These weaknesses would be remedied in subsequent waves of feminism. The first wave of feminism was a fundamental movement aimed at ensuring women's legal rights and social equality. It paved the way for future feminist groups by emphasizing suffrage, property rights, education, and the legal recognition of women as equals with men. Despite its shortcomings, notably in terms of inclusivity, the first wave made enormous contributions to transforming society's perception of women's rights and establishing key concepts that continue to influence feminist discourse today.

2. 1960s–1980s Second Wave Feminism

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The second wave of feminism, which began in the 1960s and lasted into the 1980s, was a broad and complex movement that tried to address a variety of social, political, and economic issues impacting women. Building on the first wave's accomplishments, particularly women's suffrage, and the second wave broadened its focus to include a wider range of gender-based disparities, such as those in jobs, family, education, and sexual interactions. It was influenced by a number of social movements, including the civil rights movement, anti-war activism, and the sexual revolution, all of which helped shape its goals and techniques. Second-wave feminism was founded on the premise that women's liberation required more than just legal equality; it required a revolution of societies deeply ingrained social and cultural systems. Feminists of this era began to criticize the systematic basis of gender inequality, stating that women's subordination was perpetuated by pervasive societal norms and institutions rather than isolated acts of discrimination. This criticism spanned all aspects of life, from the private domain of family and home to the public spheres of politics, law, and work. One of the second wave's central themes was the fight for reproductive rights. The movement pushed for access to birth control, abortion legalization, and a greater acceptance of women's autonomy over their own bodies. Feminists of this era felt that control over reproduction was critical to women's ability to fully participate in society and attain equality. This fight gained traction with the legalization of birth control and the landmark *Roe v. Wade* Supreme Court decision in 1973, which legalized abortion in the United States. Another key topic for second-wave feminists was the struggle for job equality. Feminists questioned the structural inequality that women experienced in hiring, pay, and promotions. They battled for workplace regulations prohibiting gender discrimination and equal compensation for equal effort. Women began to seek equal educational opportunities, defying gendered stereotypes that limited their access to specific professions and fields of study.

The movement advocated for policy improvements regarding maternity leave, sexual harassment, and the opportunity to fully participate in professional and public life. Second-wave feminism also aimed to challenge established gender roles and stereotypes, notably those concerning marriage and the family. Feminists challenged the traditional notion that women's major roles were as wives and mothers, advocating for greater flexibility in defining gender identities and family structures. They emphasized the unequal power dynamics in heterosexual partnerships and called for greater recognition of women's rights in marriage, such as the ability to divorce, access to financial resources, and shared responsibility for domestic labour. The second generation of feminist theorists and activists emphasized the intersectionality of women's oppression, though the phrase did not appear until later. Women of colour, working-class women, lesbians, and others who had previously been marginalized within the mainstream feminist movement began to highlight how race, class, sexuality, and other issues exacerbated their oppression. Figures such as Bell Hooks, Audre Lorde, and Angela Davis contributed to the expansion of feminist philosophy by emphasizing the importance of addressing sexism as well as other types of

social inequality. Culturally, the second wave aimed to challenge and reinvent the representation of women in media, literature, and art. Feminists criticized objectification and stereotypical representations of women, and they strove to promote more diverse and powerful images of women in society. The movement resulted in an increase in women's literature, film, and art that reflected women's realities and encouraged them to reinvent their own identities. While the second wave made significant advances in women's legal and social rights, including the passage of important legislation such as the Equal Pay Act of 1963, Title IX of the Education Amendments of 1972, and the establishment of sexual harassment laws, it was also criticized for its lack of inclusivity. Many women of colour, working-class women, and lesbians believed that the mainstream feminist movement frequently prioritized the issues of white, middle-class, heterosexual women while failing to address their specific challenges. The second wave of feminism was a transformative movement that broadened feminist concerns and tried to confront the long-standing social, political, and economic systems that maintained gender inequality. Its accomplishments in reproductive rights, employment equality, education, and legal safeguards were a significant step forward in the fight for women's rights, while the movement itself laid the framework for future, more intersectional feminist approaches.

3. Welfare State Criticism by Feminists

Feminist critiques of the welfare state focus on how, although being created to give social support and promote equality, these institutions frequently reinforce gender disparities and fail to address women's specific needs and experiences. Feminists contend that patriarchal beliefs have created conventional welfare states, which have historically mirrored male-centric views on work, family, and citizenship. These critiques highlight how welfare programs have frequently marginalized women's labour, notably unpaid domestic and caregiving work, while maintaining women's reliance on male breadwinners or the state itself. One of the main points of feminist criticism is that the welfare state has historically been built around a masculine paradigm of the worker. Welfare policies have always emphasized full-time, male-dominated employment and the notion that a family's primary breadwinner is a man. This paradigm fails to recognize or appreciate the unpaid work that women do in the home, such as childrearing and caregiving, which is critical to the operation of the economy but is sometimes overlooked in welfare policy. As a result, women, particularly mothers, have been either denied welfare payments or driven into secondary positions that increase their reliance on their husbands or the state. Furthermore, feminists contend that the welfare state frequently assumes a nuclear family structure, with women shouldering the majority of caregiving tasks. This assumption ignores the variety of family arrangements and women's experiences, such as single parenting or same-sex relationships. Feminists reject the idea that families should be the primary source of care and social security, instead advocating for the socialization of caregiving, the recognition that care work should be shared more equally between men and women, and the state's more active role in supporting carers.

The feminist critique also emphasizes how welfare systems frequently overlook the intersectional character of women's oppression. Women of colour, working-class women, and immigrants, in particular, have distinct experiences with the welfare state compared to middle-class white women. These populations may encounter extra challenges to receiving benefits, such as discrimination, language barriers, and a disregard for the unique forms of employment and caregiving that they perform. For example, migrant women may be denied some social benefits due to their immigration status, and women of colour may face radicalized prejudices in their dealings with welfare organizations. Furthermore, feminists have criticized welfare states for emphasizing paternalistic, top-down methods of social welfare, which frequently portray women as dependent and in need of state assistance. This strategy may maintain traditional gender roles by portraying women as recipients of charity or aid rather than active citizens with equal access to resources, opportunities, and rights. Feminist scholars have advocated for a more participatory approach to welfare, one that includes women in decisions and acknowledges the importance of their contributions to the economy and society. In response to these criticisms, some feminists have campaigned for the implementation of measures that directly address gendered inequities, such as paid family leave, subsidized day care, and guaranteed wages that recognize domestic work. They suggest that such measures would enable women to balance their responsibilities as workers and carers, resulting in a more balanced division of paid and unpaid labour. Feminists also advocate for a rethinking of welfare state models to better represent women's experiences and to guarantee that welfare systems help all individuals, regardless of gender, colour, or class, in ways that actually promote equality and empowerment. To summarize, the feminist critique of the welfare state emphasizes how traditional welfare systems are based on assumptions that maintain gendered divisions of labour, frequently marginalizing women and failing to address their specific needs. Feminists argue that welfare governments should be reorganized to give more comprehensive support for caregiving and domestic labour, as well as policies that are inclusive and equal to women from all backgrounds and experiences. Feminists advocate for a welfare system that actually promotes social justice by emphasizing gender equality and acknowledging the full range of women's contributions to society.

4. Intersectional Feminism's Development

Intersectional feminism emerged as a critical response to the limits of previous feminist movements, which focused primarily on the experiences of white, middle-class women. It arose in the late twentieth century, and the term "intersectionality" was coined by scholar Kimberlé Crenshaw in 1989. Crenshaw, a legal scholar and activist, coined the term to describe how various types of oppression—based on race, class, gender, sexual orientation, ability, and other factors—intersect and compound to produce unique discriminatory experiences. Her work demonstrated that classic feminist analysis, which frequently concentrated on gender as the major axis of oppression, ignored the ways in which women of colour, working-class women, and other marginalized groups faced numerous, linked systems of oppression. The civil rights movement, Black feminist thinking,

and critical race theory all had a significant impact on the formation of intersectional feminism, highlighting the need of understanding race and racism as fundamental components in the social structures that affect people's lives. Black feminists such as Bell Hooks, Audre Lorde, and Patricia Hill Collins, who had long criticized the mainstream feminist movement for excluding race and class, helped shape intersectional feminism. They contended that Black women's experiences—and those of other women on the periphery of numerous identities—cannot be comprehended by focusing solely on one type of oppression. Rather, the intersecting consequences of race, gender, and class must be examined collectively in order to completely comprehend how these women face discrimination. Intersectional feminism questions the assumption of a universal female experience, recognizing that women confront different difficulties and possibilities. It emphasizes that gender oppression is influenced by various social identities, including race, class, sexuality, disability, and nationality. This feminist approach tries to highlight and address the disparities experienced by the most marginalized groups while also highlighting the intricate ways in which power systems such as patriarchy, racism, capitalism, and colonialism interact and reinforce one another. As intersectionality gained traction, feminist rhetoric changed towards a more inclusive and comprehensive framework that took into account how overlapping systems of privilege and oppression affected people in various ways. Intersectional feminism also had an impact on activism by advocating for a politics of inclusion that recognizes the voices and struggles of those who have been marginalized in mainstream feminist spaces, such as transgender people, queer people, and women from working-class and Indigenous communities. In addition to focusing on race and class, intersectional feminism began to examine problems such as disability, immigration status, and sexual orientation, broadening the discussion of how various kinds of social identity and power relations overlap. Intersectional feminism has influenced policy, academic research, and activism by embracing a more inclusive and comprehensive perspective of oppression, advocating for more nuanced approaches to social justice that acknowledge and address the diverse realities that people confront.

5. Postcolonial and Global Feminism

Postcolonial global feminism is an intellectual and activist paradigm that examines and reimagines feminist thought and practice using postcolonial theory. It focusses on how colonialism and imperialism's legacy formed global gender hierarchies and power structures, emphasising the interdependence of gender, race, class, culture, and geopolitical location. This viewpoint tries to challenge Western feminist paradigms by emphasising the perspectives, experiences, and knowledge systems of women and marginalised communities from the Global South or previously colonised territories. At its foundation, postcolonial global feminism criticises the universalising tendencies of mainstream Western feminism, which frequently presume a uniform experience of femininity. This examines the ways in which Western feminist rhetoric has historically ignored or rejected women's unique lived realities in various cultural, social, and historical contexts. It investigates how Western feminist ideals

reproduce colonial power relations by pushing Western values, norms, and solutions on non-Western civilisations. This approach strives to dismantle the binary of "developed" and "developing" countries and questions the idea of a singular female trajectory. Postcolonial global feminism emphasises the need to understand oppression from multiple perspectives. It highlights how interlocking power systems—such as patriarchy, racism, capitalism, and neo-colonialism—work together to affect the experiences of women and other marginalised communities. This viewpoint calls for intersectionality as a framework for analysing and addressing various forms of prejudice. Furthermore, postcolonial global feminism emphasises the agency and autonomy of women in the Global South. It recognises the value of local knowledge, traditions, and resistance techniques, believing that genuine feminist practice must develop from each community's unique socio-political and cultural settings. This strategy supports transnational solidarity and collaboration while emphasising equitable relationships that respect differences rather than imposing Western hegemonic ideals. Postcolonial global feminism expands the scope of feminist activism and scholarship by tackling the long-term impacts of colonialism, such as economic injustice, cultural erasure, and political marginalisation. It advocates for an ethical engagement with global concerns such as climate justice, migration, labour exploitation, and human rights, using a feminist lens that is inclusive and mindful of historical and geopolitical imbalances. Ultimately, postcolonial global feminism aims to build a more inclusive and just feminist movement that values and elevates the diversity of women's voices and challenges around the world.

Present-Day Feminist State Theories

Feminist theories of the state today examine potential change or transformation while analysing how state behaviours, policies, and structures uphold gender inequality. These theories contend that the state reflects and upholds patriarchal authority, challenging conventional ideas of the state as neutral. Liberal feminist views advocate for equal participation in political institutions, legislative reforms, and policy changes in order to achieve equality within the current state frameworks. Through equality of rights and inclusion, they aim to combat gender discrimination. According to radical feminist views, the state serves as a patriarchal instrument that maintains male authority. They stress the necessity for alternative structures that put women's autonomy and emancipation first and fight for the destruction of patriarchal systems ingrained in state institutions. Marxist and socialist feminist ideas emphasise the state's role in upholding capitalist systems that exploit both gender and class by examining it through the prism of economic power and class. In order to fairly share power and resources, they support systemic improvements. The idea of a fixed or unified state is contested by poststructuralist feminist theories, which highlight the ways in which institutions and rhetoric are used by power to create and control gendered identities. These theories investigate how social hierarchies are created and maintained by governmental policies. The state is criticised by intersectional feminist theories for upholding several overlapping types of oppression, such as those based on sexual orientation, gender, race, and class. They stress the necessity of laws and procedures

that deal with these intertwined disparities. Postcolonial feminist ideas concentrate on how the state, especially in the Global South, maintains neo-colonial and imperialist power structures. They criticise how state policies frequently perpetuate global hierarchies while marginalising women and other marginalised groups. The state's involvement in environmental degradation and its effects on women, especially in underprivileged communities, are examined by ecofeminism perspectives. They demand that governmental policies combine gender equity and environmental sustainability. The necessity of addressing structural power disparities, promoting inclusive governance, and opposing the ways in which state mechanisms uphold oppression are all emphasised by contemporary feminist views of the state. The goal of these theories is to rethink the state as a possible location for justice and change.

The Feminist Critique of Neoliberalism

The feminist critique of neoliberalism focuses on how neoliberal policies and ideology reinforce and intensify gender disparities. Individualism and profit are prioritised over collective welfare under neoliberalism, which is defined by market-driven policies, privatisation, deregulation, and limited state intervention. Feminist researchers believe that this approach disproportionately affects women, particularly those from marginalised groups. Neoliberalism commodifies feminist ideas by emphasising "empowerment" and "choice" in ways that are consistent with market logic while frequently neglecting underlying disparities. For example, it highlights individual success stories of women breaking through glass ceilings while ignoring systemic challenges such as unpaid care work, wage disparities, and labour exploitation. Women are typically pushed into precarious, low-wage, and informal jobs that neoliberal systems frequently fail to regulate or value. Furthermore, neoliberalism transfers responsibility for social welfare from the state to people, increasing the pressure on women, who have traditionally been expected to undertake unpaid caregiving. It also undermines collective feminist efforts by emphasising competitiveness over solidarity, portraying success as an individual accomplishment rather than a community struggle against structural oppression. Feminist critics argue that neoliberalism not only fails to address but actively intensifies intersecting inequalities based on gender, race, class, and location. They advocate for alternatives that prioritise social justice, collaborative care, and the redistribution of wealth and power. Wendy Brown and other feminists criticise how neoliberalism has changed the state by prioritising market logic above social welfare, which disproportionately hurts women and other marginalised groups.

International Relations and Feminist Engagement

Feminist approaches to international relations (IR) question standard IR theories that prioritise state-centric, military, and masculine viewpoints. Feminist IR criticises the marginalisation of women and gender from dominant interpretations of global politics, emphasising how international systems perpetuate gendered power relations. Feminist researchers emphasise the significance of investigating how global concerns such as

war, diplomacy, trade, and migration impact women and marginalised groups differently. They investigate the importance of gender in shaping state behaviour, international institutions, and policies, including the gendered effects of conflict, peacebuilding, and development. Feminist IR also criticises the masculinisation of notions such as security and power, calling for a broader definition that incorporates human security, economic fairness, and social equity. It emphasises the importance of incorporating various voices and viewpoints into global governance while also criticising patriarchal and colonial processes within international organisations. This approach advocates for a more inclusive and equitable understanding of international relations, addressing the overlapping oppressions of gender, race, class, and geography. Feminist international relations promotes global justice and equity by challenging the field's fundamental assumptions and practices.

In short, from early calls for equality to more complex criticisms of the ways in which the state upholds structural injustices, feminist theory of the state has developed over time. Feminists have broadened our understanding of how the state shapes power relations by looking at the intersections of gender, class, racism, and other identities. Feminists acknowledge that although the state has frequently been a source of oppression, it can also be a force for positive change.

1.15 FUNDAMENTAL PRINCIPLES OF FEMINIST THEORY

1. **The State as an Institution of Patriarchy:** According to feminists, the state serves as a tool to institutionalise and uphold patriarchal standards rather than being neutral. Laws, regulations, and cultural customs that marginalise women and give preference to male authority are all rooted in patriarchy. Legal systems that have traditionally denied women the ability to own property, vote, or control their bodies are examples.
2. **The Character of Power by Gender:** State power is used in ways that favour men and oppress women, according to feminist theorists. According to Kate Millett (*Sexual Politics*, 1970), the state upholds male domination through social structures like marriage, the family, and religion, which is the foundation of political power.
3. **The State's Function in Maintaining the Gender-Based Division of Labour:** By believing that males should be responsible for providing for their families and women should be responsible for providing care, the state perpetuates traditional gender norms. Welfare programs, tax regulations, and labour laws frequently undervalue the unpaid household work that women perform. The state's marginalisation of women's economic freedom is criticised by feminists such as Nancy Fraser, who portray caring as a personal, unpaid duty.

4. **How Oppressions Are Intersectional:** According to feminist theory, women's experiences are shaped by the intersections of gender, race, class, sexual orientation, and other characteristics. The idea of intersectionality, first proposed by Kimberlé Crenshaw in 1989, emphasises how the state disproportionately affects marginalised groups, including poor women, women of colour, and LGBTQ+ people.

For example, minority women are disproportionately targeted by welfare and criminal justice programs, which frequently penalise single mothers.

5. **The State as a Social Control Mechanism:** Through laws pertaining to sexuality, reproduction, and family, the state regulates women's bodies and upholds gender stereotypes.

Examples include laws that penalise sex work, which disproportionately affects women, and prohibitions on divorce, abortion, and contraception.

6. **The Welfare State is criticised:** Welfare systems are criticised by feminists for portraying women as carers rather than independent people, which perpetuates reliance. Welfare states frequently assume that women are dependent on male breadwinners, which perpetuates conventional family patterns. By ignoring women's economic independence, welfare programs perpetuate gender inequality, according to feminists like Gøsta Esping-Andersen.

7. **Opposition to State Violence and Militarism:** The state's involvement in sustaining violence, war, and militarism—all of which disproportionately hurt women—is criticised by feminist philosophy. Issues like gender-based violence and the exploitation of women in crisis areas are frequently overlooked by the state's focus on militarised security.

8. **The State as a Possible Reform Location:** Feminists view the state as a place for resistance and change, despite the fact that it is frequently criticised as an instrument of oppression. Through feminist advocacy, the state can pass progressive laws pertaining to equal pay, reproductive rights, and anti-discrimination.

9. **State Criticism from a Neoliberal Perspective:** Wendy Brown and other feminists contend that neoliberalism has changed the state, affecting women disproportionately by putting market rationality ahead of social wellbeing. Women are further marginalised by neoliberal policies that commodify caregiving, privatise necessary services, and widen economic disparities.

Criticism of feminist theory of state:

1. **Overgeneralisation of Patriarchy:** According to critics, feminist theory frequently overgeneralises patriarchy as the main or exclusive

explanation for governmental structures and policies, neglecting other elements such as economic systems, class, and race.

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2. **Absence of a Unified Theory:** There are many different feminist perspectives on the state, including postmodern, radical, socialist, and liberal feminism. Critics contend that inconsistent and perhaps contradictory assessments result from the absence of a cohesive framework.
3. **Neglect of the State's Positive Role:** Although feminist ideas frequently depict the state as fundamentally oppressive, they fall short in recognising its capacity to promote gender equality through social policies, public initiatives, and legal reforms.
4. **Essentialism:** Essentialist perspectives on men and women are a point of criticism for some feminist conceptions of the state, especially radical feminism. This strategy runs the danger of neglecting the diversity among gender identities and perpetuating gender binaries.
5. **Class and Race Blindness:** Early feminist views have come under fire for largely concentrating on the experiences of middle-class, white women while ignoring the ways in which race, class, and ethnicity overlap to influence how women interact with the government.
6. **Excessive Focus on the Oppressive Character of the State:** Radical feminist ideas in particular tend to present the state as merely an instrument of oppression, which can result in a deterministic perspective on gender relations. This viewpoint can undervalue the ability of state systems to evolve.
7. **Ignorance of Global and Transnational Issues:** Feminist conceptions of the state have come under fire for largely concentrating on the state within the framework of nation-states while ignoring the ways in which transnational companies, international organisations, and globalisation affect gendered power relations.
8. **Focus on Legal and Political Equality:** Liberal feminist theories are criticised for concentrating too much on attaining political and legal equality at the expense of more fundamental structural disparities in social norms, culture, and the economy.

1.15 SUMMERY

The various theories of the state reflect different ideologies on power, governance, and social structures. For example, liberal theory regards the state as a neutral entity that protects individual rights and freedoms through the rule of law; Marxist theory interprets it as a tool of class oppression, serving the interests of the ruling class while perpetuating inequality; and feminist theory criticises the state as fundamentally patriarchal, arguing that

it reinforces gender inequality and needs to be restructured to achieve gender justice.

1.16 QUESTIONS

1. Discuss the Meaning, nature and elements of state.
2. Explain the characteristics of State.
3. Compare and discuss the Liberal and Marxist theories of state.
4. Discuss important underpinnings of Marxist theory of state.
5. What is feminist theory of state? Explain its main tenets.
6. Discuss the phases in the development of liberalism.
7. Discuss the first wave of Feminism.
8. Discuss fundamental principles of feminist theory of state.

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RIGHTS: THEORIES OF RIGHTS

Unit Structure

- 2.0 Introduction
- 2.1 Meaning and Definition
- 2.2 Nature
- 2.3 Kinds
- 2.4 Rights: Theories
 - 2.4.1 Natural Theories of Rights
 - 2.4.2 Legal Theories of Rights
 - 2.4.3 Historical Theory of Rights
 - 2.4.4 Social Welfare Theory of Rights
 - 2.4.5 Laski Theory of Rights
 - 2.4.6 Theory of Human Right
- 2.5 Summary
- 2.6 Questions
- 2.7 References

2.0 INTRODUCTION

Rights can be understood as social claims that empower individuals to develop their personalities. A democratic form of government is uniquely positioned to guarantee and enforce these rights. When a society grants rights to its members, the state becomes responsible for maintaining a social and political system that upholds those rights.

Rights are not abstract concepts; they emerge from the social conditions and realities of a society. From this perspective, rights can be viewed as both individual and inherent, meaning they are intrinsic to a person from birth.

2.1 MEANING AND DEFINITION OF RIGHTS

The rights have been defined by different thinkers and writers, differently,

According to Laski:

“Rights, in fact, are those conditions of social life without which no man can seek in general to be at his best. ”

Green said:

“Rights is a power of acting for his own ends, secured to an individual by the community on the supposition that it contributes to the good of the community. ”

Barker defines:

“Rights are the external condition necessary for the greatest possible development of the capacities of the personality. ”

These definitions of rights revealed that no right can be given to a man or a woman against the social interest. Rights are given to any individual who lives in the society. Such rights are not given to those who live alone on secluded places like islands. Rights cannot be antisocial.

The relationship between individuals and the state is of paramount importance. The concept of rights has undergone significant evolution throughout history, debated extensively by numerous political philosophers. A central point of contention among these thinkers has been the question of primacy: whether the individual or the state holds greater significance.

For example, Plato believed that only the state could guarantee justice for individuals, and he emphasised the importance of individuals fulfilling their duties to the utmost of their abilities. In contrast, philosophers like John Locke advocated for a different perspective, arguing that the state exists primarily to serve the interests of individuals. This perspective underscores the inherent value and inviolability of individual rights.

When rights are inherited by the individuals, they are not state rights but individual rights. Which they create favourable conditions for their development. Right are the product of social values as such, a result of being a member of society.

Rights are, in fact, the claims, but every claim is not a right in case the claim is not recognised or not enforced, so that is not a right.

Rights are not only claims, but every claim is not a right in case the claim is not recognised by the society.

It means that claims that are social in nature are rights. Society comes into existence with the presupposition of rights as social claims. In the absence of rights, there would be no society.

Rights as social claims have been based on certain necessary conditions. There must be a required environment for maintaining, enforcing, and protecting the rights. In this regard, the state has to play a significant role. The state provides the framework of rights in the society. By providing rights to one and all, it is the responsibility of the state to protect the individual rights in their interest and also ensure the protection against invasion by executive or other individuals and groups of individuals.

While rights are considered social claims, they are distinct from power. It's crucial to differentiate between these two concepts. Every individual possesses some inherent power to fulfil their needs. In simpler terms, power can be understood as a natural ability or capacity. However, a system of rights cannot be solely based on physical strength.

For instance, possessing power alone doesn't guarantee someone rights. Rights are only truly obtained when an individual becomes a member of a society and participates as a social being. As individuals or groups within a society, we possess both power and rights. However, isolated individuals, those not part of a social structure, lack rights because they are not considered social beings.

Being a member of society ensures our rights. Rights are only considered valid when recognised by others, implying that these individuals within the society have the power to acknowledge them as social rights for the benefit of individuals.

2.2 NATURE OF THE RIGHTS

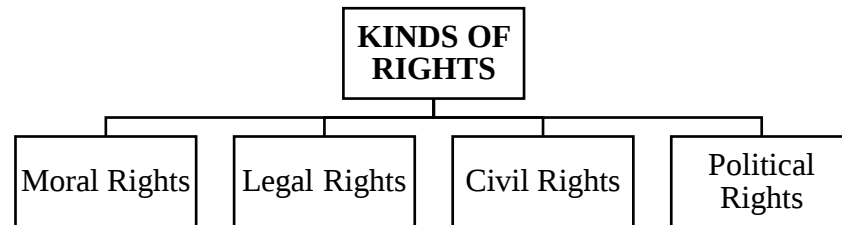
As pointed out earlier, rights are necessary for the growth of human personality from ancient to modern times. Few people have had certain entitlements for enjoying privileges; such privileges are not called rights. Neither rights are privileges, nor the entitlements. Rights are universal in terms of being assured to all, whereas privileges are not universal. It is interesting to note that rights can be provided to all without any sort of discrimination. However, privileges can be given to some or the selected few. Rights are there as a matter of right, while privileges are patronage. Rights derive in democratic societies, while privileges exist as a feature of undemocratic societies.

Holland affirmed that rights are a social claim, whereas Wilde gives a more casual treatment to the social aspect, stating that "Rights are a reasonable claim to freedom in the exercise of certain activities." Laski explains rights as "those conditions of social life without which no man can seek, in general, to be himself at his best." Laski's emphasis lies in providing opportunities for individuals to develop their personalities.

Rights are not prior to the above society, and they are not antisocial. In order to develop individuals, personality as a moral as well as social being, man must have the opportunities and free environment for his/her development. If the government goes against individuals, requisite conditions for the development of the individuals would not be created.

Political theorist Harold Laski aptly observed that "the state is known by the rights it maintains." However, the state does not grant rights; it merely upholds them. The concept of duties is equally important, predating the concept of rights. This inherent relationship places limitations on the nature and exercise of rights. It is essential to recognise that no right is absolute.

2.3 KINDS OF RIGHTS



- A) Moral Rights:** These are rights that are based on societal recognition and ethical conscience, but they haven't been legally recognised by the state and can't be enforced by law. A child's right to be fed, a wife's right to be treated affectionately, a teacher's right to be respected. These rights are crucial for social harmony and human progress, even though they aren't legally binding. While not legally enforceable, moral claims are supported by the prevailing ethical conceptions of society.

In essence, moral rights are those that society recognises as essential for ethical behaviour, but they lack legal backing.

- B) Legal Rights:** These are privileges that are recognised, sanctioned, and enforced by the state. Leacock defines them as "a recognised privilege enjoyed by a citizen as against his fellow citizens granted and upheld by the sovereign power of the state. " Legal rights are backed by the force of law and can be legally enforced in a court of law. The Indian Constitution includes the Right to Constitutional Remedies among the Fundamental Rights, which guarantees the right to judicial recourse for its enforcement.

Legal rights can be further classified into civil rights and political rights.

In essence, legal rights are those rights that have legal backing and can be enforced through the legal system.

- C) Civil Rights:** The text discusses civil rights, focusing on the right to life. Civil rights are essential for a civilised society and are granted to all individuals. They protect and allow for the enjoyment of life and property.

This is considered the most fundamental of all rights. It means the state must protect individuals from external threats and internal dangers, including suicide.

The right to life includes the right to use reasonable force in self-defence, but this force must be necessary and justified.

The right to life is not absolute. During times of war or national emergency, the state may require citizens to serve, even through conscription. The importance of the right to life as a cornerstone of civil rights and explores the various aspects of this right, including its limitations and the duty to protect oneself and others.

- D) Political Rights:** Political rights empower citizens to participate in and influence the governance of their state. These rights include the right to assemble peacefully, petition the government, vote, run for office, and hold public office. Political rights are fundamental to democracy, and their existence is contingent on a democratic system. In dictatorships or absolute monarchies, political rights are often restricted or nonexistent. The importance of political rights for a functioning democracy highlights the relationship between political rights and the type of government in place.

2.4 THEORIES OF RIGHTS

There are a large number of theories of rights that have been offered by thinkers from time to time.

2.4.1 Liberal Individualist Theory of Natural Rights

Liberal rights theory is considered a foundation of natural rights. 17th- and 18th-century liberal thinkers, driving forces behind both classical and modern liberalism, championed tenets like freedom of thought and political liberty. These liberal principles, such as freedom of thought and action, profoundly influenced the concept of rights.

The liberal individualist theory of natural rights, while rooted in ancient Greek thought, emerged prominently in the 17th century. This idea posits that certain rights are inherent to human beings by virtue of their nature, existing independently of societal or political institutions. These natural rights are considered self-evident truths, inalienable and bestowed upon individuals at birth.

Key figures like Thomas Hobbes, John Locke, and Jean-Jacques Rousseau, proponents of social contract theory, further developed the concept of natural rights. They argued that these rights are pre-political and, in some interpretations, pre-social, applicable universally. Locke famously asserted that all men are born free and rational, with God granting no authority to one person to compel another. He emphasised the natural, inalienable, and sacred nature of these fundamental rights.

Despite its ancient roots, the theory of natural rights gained significant recognition through the works of social contract theorists. It exerted considerable influence on political movements, notably the American and French Revolutions. The Virginia Declaration of Rights exemplifies this influence, proclaiming that all men are inherently free and independent, possessing inalienable rights to life, liberty, and the pursuit of happiness.

2.4.2 Theories of Legal Rights

Proponents of the theory of legal rights, such as Hobbes, Bentham, Hegel, and Austin, contended that rights are granted by the state. Hobbes, in particular, emphasised the inseparable link between rights and authority, asserting that rights cannot exist without the presence of an authority to enforce them.

Bentham famously declared, 'Rights are the fruits of law and of the law alone. There are no rights without law—no rights contrary to the law, no rights anterior to the law.' This perspective posits that rights are entirely a creation of state law. Individuals possess only those rights that the law grants them, and no rights exist beyond or against the law. This view contradicts the concept of natural rights, which advocates for inherent and absolute rights.

Furthermore, this theory asserts that individuals have no rights against the state. The notion of an individual possessing rights against the state is considered contradictory, as it implies the individual ultimately has no rights.

Finally, this perspective, drawing influence from Hobbes's social contract theory, recognises the fundamental right of self-preservation for every individual. However, it argues that the state is better equipped to safeguard this right than individuals acting alone.

2.4.3 Historical Theory of Rights

The historical theory of rights, synonymous with the perspective theory, posits that the state emerges from a long historical process, primarily shaped by tradition and customs. This theory emphasises that rights are the product of history itself. They originate from customs that have proven practically useful in society and have been passed down through generations. These customs, over time, become recognised as rights.

For example, the right to walk on a public road is essentially a customary right. Similarly, if an individual consistently receives a birthday gift from a friend for many years, they may begin to expect it as a matter of right. What was initially a gratuitous act evolves into a customary expectation. This perspective, championed by Edmund Burke, contrasts with the French Revolution (1789), which was founded on abstract rights of man. In contrast, the English Revolution (1688) was grounded in the customary rights of Englishmen.

The Historical School of Jurisprudence in the 19th century included prominent figures like Edmund Burke, Sir Henry Maine, and Burgess. Edmund Burke, a leading proponent of the historical theory of rights, strongly advocated for the perspective theory.

Social justice and social welfare theory of rights:

2.4.4 The Social Welfare Theory of Rights

Coined by utilitarian's like Bentham and Mill in the latter half of the 19th century, underwent a significant transformation in the 20th century, notably through John Rawls' 1971 work, *A Theory of Justice*. This shift emerged from the limitations of individualistic philosophies, which struggled to reconcile individual self-interest with the broader societal good and failed to address the exploitation and dehumanisation prevalent in society.

This theory posits that rights are socially constructed and serve the purpose of maximising social welfare. Consequently, laws, customs, and even natural rights should be evaluated based on their social utility and their ability to promote the "greatest happiness for the greatest number. "

The rise of social welfare theory coincided with the growing demands for social justice by the downtrodden. These demands, initially met with charity and the limited freedoms of negative liberalism, eventually gave way to positive liberalism, which emphasises the government's role in actively promoting social welfare.

Rawls' A Theory of Justice, a product of the Civil Rights Movement and a growing awareness of poverty and social injustice, advocated for a more activist and interventionist government, not just to protect individual liberties but also to ensure greater social and economic equality.

Rawls' emphasis on social equality and distributive justice resonated with the socialist and labour movements, contributing to their relative success in achieving compromises and concessions from dominant economic powers.

2.4.5 Laski's Theory of Right

Harold Laski (1893-1950), a prominent political thinker, defined rights in his seminal work, *The Grammar of Politics* (1925). He viewed rights as emerging from social conditions that enable individuals, as members of society, to flourish and develop their full potential. These social conditions are essential for individuals to achieve their "best selves. "

Rights occupied a central place in Laski's political theory. He championed human rights yet grappled with the complexities of rights from both liberal and socialist perspectives. As a socialist, he advocated for social and economic equality, believing it crucial for a just society. However, he also staunchly defended individual liberty against state encroachment, reflecting his liberal leanings.

This duality is evident in his pluralistic approach, where he advocated for decentralised governance as a prerequisite for upholding individual rights. Simultaneously, he supported the nationalisation of industries to achieve social and economic equality, highlighting the inherent tensions within his thought. While inconsistencies are undeniable, Laski's unwavering belief in human personality and his passionate advocacy for personal, political, social, economic, and cultural rights remain significant contributions to political theory.

Laski famously asserted that "every society is known by the rights it maintains. " He emphasised that individuals owe allegiance to the state only insofar as it respects their rights. He further argued that individuals possess the right to challenge the state when their rights as citizens are violated.

Laski recognised the inextricable link between rights and duties. He contended that rights are not mere entitlements but require individuals to fulfil their corresponding obligations. In essence, rights depend on the responsible exercise of duties and functions by individuals within society.

2.4.6 Theories of Human Rights

Human rights are fundamental moral and legal principles designed to protect all individuals from severe abuses by governments and institutions. These rights, enshrined in international law, encompass a wide range of freedoms and protections, including:

- I) Security Rights: Protection from violence, torture, and other forms of physical harm.
- II) Liberty Rights: Freedom of thought, expression, association, religion, and movement.
- III) Political Rights: The right to participate in political processes, including voting, protesting, and holding public office.
- IV) Due Process Rights: Fair treatment under the law, including the right to a fair trial and the presumption of innocence.
- V) Equality Rights: Equal treatment before the law and protection from discrimination based on factors like race, gender, or religion.
- VI) Welfare Rights: Access to basic necessities like education, healthcare, and social safety nets.
- VII) Group Rights: Protection for specific groups, such as ethnic minorities, from discrimination and genocide.

The Universal Declaration of Human Rights (UDHR), adopted in 1948, serves as the cornerstone of modern human rights law. It outlines a comprehensive list of rights that all individuals are entitled to, regardless of their nationality, race, gender, or any other status.

Human rights are not merely moral ideals; they are legal obligations that governments are bound to uphold. International treaties and domestic laws provide the framework for implementing and enforcing human rights protections.

The philosophy of human rights addresses fundamental questions about their existence, nature, universality, and justification. It explores how these rights can be applied in diverse contexts and how they can be best protected and promoted.

Human rights are fundamental freedoms and entitlements that all individuals possess simply by virtue of being human. They apply to everyone, regardless of nationality, race, gender, religion, or any other status.

To qualify as a human right, a claim must generally relate to something essential for human dignity and well-being. This could include things like the right to life, freedom from torture, freedom of expression, and the right to education.

While human rights primarily focus on protecting individuals from state overreach, they also play a role in regulating private behaviour. For

instance, rights against discrimination aim to prevent both government and private actors from treating people unfairly based on characteristics like race or gender.

Not every social or political issue qualifies as a human rights concern. While poverty or lack of access to education is serious problems, they might not necessarily violate fundamental human rights.

There is on-going debate about which issues should be considered human rights. This can lead to what's known as "human rights inflation," where the term is used too broadly, potentially diluting its meaning and impact.

2.5 SUMMARY

The discussion on theories of rights involves a comprehensive exploration encompassing various concepts, ideas, and theories. Briefly, rights—as social claims—are essential for an individual's holistic development. While they are inherent by nature and granted by society, the state bears the responsibility of safeguarding them. As society evolves, so too do rights, transforming in character and content. Moral, legal, and natural rights theories, among others, provide the foundational framework for understanding rights.

2.6 QUESTIONS

- 1) State the meaning and nature of rights.
- 2) Discuss the Theory of natural rights.
- 3) Elaborate the Social welfare and justice Theory of rights.
- 4) Elucidate Harold Laski's theory of rights.
- 5) What are the different kinds of rights?

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RIGHTS: GROUP-BASED VS. INDIVIDUAL RIGHTS

Unit Structure

- 3.1 Introduction: Meaning and Nature of Group-Based and Individual Rights
- 3.2 Difference Between Group Rights and Individual Rights
- 3.3 Theoretical Debates Over the Group Rights
- 3.4 Summary
- 3.5 Questions
- 3.6 Reference

3.1 INTRODUCTION: MEANING AND NATURE OF GROUP-BASED AND INDIVIDUAL RIGHTS

Group rights are rights that belong to a group as a whole, rather than to each individual member separately. This is different from individual rights, which are held by people as individuals. An example of a group right is the right of a nation to self-determination.

There is a debate about whether groups can actually hold rights. Some people believe that groups are like individuals and can have their own rights. Others believe that group rights are just a way of talking about the rights of the individuals who make up the group.

There are different natures of group rights. Some are called "corporate" rights, which are held by the group as a single entity. Others are called "collective" rights, which are shared by all members of the group.

There are also concerns about how group rights might affect individual rights. Some people worry that group rights could be used to justify discrimination against individuals. However, others argue that group rights and individual rights can exist together and even complement each other.

The idea of group rights is complex, and there are many different viewpoints on the topic. It is an important issue to consider, especially in societies with diverse populations.

Group rights are rights held by a group as a whole, rather than by individual members. They are different from individual rights, which belong to individuals. Examples of group rights include the right of a nation to self-determination, the right of a cultural group to preserve its culture, and the right of a religious group to practice its faith freely.

Group rights can be legal or moral. Legal group rights are recognised and protected by law, while moral group rights are based on ethical principles. A group may have both legal and moral group rights.

Group-differentiated rights are rights that are given to a particular group within a larger society. These rights may be given to the group because of its special status or because of its vulnerability. Examples of group-differentiated rights include the rights of an indigenous minority, like ethnic groups, tribes, and scheduled castes.

Group rights, which are rights held by a group of people rather than individuals. To be considered a group with rights, it needs a strong sense of unity and identity. This is often called "integrity. "

two thinkers, Peter French and Dwight Newman, who both explain different types of groups. French talks about "aggregate collectivises" (like a crowd), which are not structured formally, but their nature is highly superficial; they exist temporarily, and "conglomerate collectivises" (like a company). Which are structured, well defined with aims and objectives, and stand permanently? Newman talks about "sets" (groups with changing identities) and "collectivities" (groups that keep their identity even with new members). Both thinkers emphasise that a group's ability to maintain its identity is crucial for it to have rights.

The idea of group rights is controversial. Many people disagree on whether groups can have rights and which groups should have them. However, it is argued that understanding group rights is important for creating fair legal, political, and social.

3.2 DIFFERENCE BETWEEN GROUP RIGHTS AND INDIVIDUAL RIGHTS

Individual rights apply universally to all people, while group rights are specific to certain collectives. Individual rights aim to safeguard personal freedoms, whereas group rights seek to address historical injustices and promote equality for specific communities. Individual rights are often more universally recognised in legal frameworks, while group rights may vary significantly by country and context.

3.3 THEORETICAL DEBATES OVER THE GROUP RIGHTS

Background in the United States, there's a big debate about how to achieve justice for people who have been treated unfairly because of their race or ethnicity. This debate is happening everywhere—in the government, media, and different organizations. It's about what it means to be fair to groups that have faced discrimination in the past. The Challenge, In 1964, when the Civil Rights Act was passed, it seemed like ending discrimination would be easy. People thought they could easily spot unfair acts and punish those who did them. But now, it's clear that it's much more complicated than that. The

debate is about whether to focus on individual rights or group rights. Some people believe that everyone should be treated equally as individuals, regardless of their race or ethnicity. Others argue that because of past discrimination, it's necessary to have special programs and policies to help disadvantaged groups catch up. This debate is important for all countries with diverse populations, as it raises questions about how to achieve fairness and equality for everyone. The text highlights the complexities of achieving justice for groups that have a history of discrimination. It suggests that while the goal of equality is shared, the ways to achieve it are still being debated. The challenges of getting social justice by using laws that are meant to stop discrimination against individuals. It says that often, discrimination happens to groups of people, not just one person. However, the laws we have mostly focus on protecting individuals from discrimination. This makes us wonder if these laws can really solve the bigger problems that lead to discrimination against groups. if it's possible to overcome the effects of past discrimination on groups by just dealing with cases of discrimination against individuals. It questions whether this way is enough to give the whole group that has been affected by discrimination a sense of justice and fair compensation.

The issue raises concerns about the possible negative consequences of using solutions that focus on groups, like quotas. It argues that these kinds of measures could lead to reverse discrimination, where people from groups that haven't been discriminated against are denied opportunities because of their group membership.

In the end, it can be pointed out that the difficulty of achieving social justice is due to the discrimination. It highlights the need to find a balance between protecting the rights of individuals and addressing the bigger issues that lead to discrimination against groups. (Nathan Glazer, in Edited By Gurpreet Mahajan)

The challenges and concerns surrounding group rights, particularly in the context of involuntary groups based on ethnicity, culture, or language, are significant. While the idea of groups having rights might seem straightforward, it raises complex issues when these groups have the power to make decisions that affect their members.

One concern is that group rights can lead to oppression, especially within involuntary groups. Members of these groups might not be able to easily leave if they disagree with the group's decisions or find its way of life intolerable. This is because their membership is often seen as an inherent part of their identity (Will Kymlica: 1995).

Another concern is that granting group rights might empower conservative elites within the group who may prioritise tradition and conformity over individual freedom and well-being. This could lead to the suppression of dissent and the marginalisation of minorities within the group.

They are highlighting the debate over whether group authority is preferable to state authority for members of these groups. Some argue that group self-governance can better address the unique needs and concerns of the group,

while others believe that state intervention is necessary to protect individual rights and prevent oppression.

Overall, it emphasises the complexities and potential pitfalls of group rights, particularly in the context of involuntary groups. It highlights the importance of careful consideration and a nuanced approach to ensure that group rights do not come at the expense of individual freedom and well-being.

3.4 SUMMARY

In short, the recent debate, such as those surrounding group rights—ethnic, religious, racial, marginal caste groups, and various other groups—empowered securing the rights of individuals. But particularly in the context of involuntary groups, there is a possibility of losing the sight of individual freedom and well-being.

3.5 QUESTIONS

- 1) State the meaning and nature of Group Rights.
- 2) Comment on “Group rights and individual rights are complementary each other “.
- 3) Write the difference between Group right and individual right.
- 4) Discuss the challenges of Group rights.

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RIGHTS: CRITIQUE AND DEBATE OVER RIGHTS

Unit Structure

- 4.1 Introduction
- 4.2 Liberalism-Communitarianism Debate
- 4.3 Libertarianism Debate over Group Justice
- 4.4 Multicultural Perspective of Group Right
- 4.5 Criticism of the Liberal Individualist Theory of Natural Rights
- 4.6 Critique on Legal Theory of Rights
- 4.7 Critique of Social Welfare Theory of Rights
- 4.8 Summary
- 4.9 Questions

4.1 INTRODUCTION

In recent years, communitarianism has emerged as a challenge to liberalism and individualism, emphasising the importance of society over the individual. This school of thought prioritises the collective good and argues that individuals find meaning and purpose within their communities.

On the other hand, libertarianism stands in opposition to communitarianism, championing the primacy of the individual. Libertarians believe in individual self-reliance, merit, and strength, advocating for strong protections for individual rights.

Furthermore, the debate is enriched by the multicultural perspective that recognises the significance of group rights. This perspective acknowledges the importance of protecting the rights of diverse communities within society.

Finally, it's important to recognise that conventional theories of rights, such as natural rights, legal rights, and the social welfare theory of rights, have all been subject to critique.

4.2 LIBERALISM-COMMUNITARIANISM DEBATE

Communitarians argue that individuals are deeply intertwined with their cultures. They emphasise the importance of group identity, believing that an individual's community or group should be considered alongside the individual. This contrasts with liberalism, which focuses on individual rights and freedoms.

Liberalism, with its emphasis on individual rights, often overlooks the impact of community and group identity. Michael Sandel, in his influential work "Liberalism and the Limits of Justice" (1982), critiques liberalism for its flawed assumptions:

- I) Universal Justice:** Sandel argues that claims of justice are not absolute or universal, but rather context-dependent.
- II) Individualistic Self:** He contends that individuals cannot fully define their identities independently of their social and cultural contexts.

Communitarians argue that a "politics of common good" should supplement the liberal focus on individual rights. They acknowledge the importance of rights and justice but believe that liberalism misinterprets justice as an external, historical criterion that applies equally to all societies.

Sandel, a prominent communitarian thinker, argues that political values like justice, rights, and freedom should be rooted in specific cultural and social contexts. He emphasises the social as prior to the political, criticising Rawls's theory of justice for presupposing an "unencumbered self"—an individual detached from their cultural and social commitments.

Communitarianism vs. Liberal Individualism

The communitarian perspective emerged prominently in the 1980s, following the publication of Sandel's "Liberalism and the Limits of Justice." Key communitarian thinkers include Alasdair MacIntyre, Michael Walzer, Charles Taylor, and William Galston, all influenced by the ideas of Aristotle, Hegel, and Rousseau.

Communitarianism challenges the core tenets of liberal individualism, which prioritises individual rights and autonomy. Communitarians argue that the "common good" of the community should be paramount. This debate centres around fundamental questions:

- 1. Shaping Political Reality:** Is political reality shaped primarily by individual decisions or by the social and cultural contexts within which individuals exist?
- 2. Focus of the Just State:** Should the just state prioritise individual well-being or the well-being of the community?

Liberals view individuals as autonomous agents, while communitarians emphasise the significance of social relationships and community bonds. They argue that individuals develop their identities and pursue their goals primarily within the context of their communities.

Kymlica's Critique, Kymlica, unlike many communitarian thinkers, does not abstractly discuss community and culture. She examines specific cultural and political situations, particularly the relationship between indigenous peoples and the liberal state in Canada.

4.3 LIBERTARIANISM DEBATE OVER GROUP RIGHTS

Libertarianism, emphasising individual rights and the individual as the unit of resource distribution, posits that individuals are masters of themselves and owe no societal or communal debt. They believe they earned their wealth through their labour and intellect and thus have absolute ownership. Libertarian philosopher Robert Nozick, in his 1974 work "Anarchy, State, and Utopia," critiqued John Rawls's "A Theory of Justice," arguing against "patterned" and "end-state" principles of distributive justice. Nozick asserted that individuals possess inherent rights, particularly absolute property rights, which cannot be justifiably infringed upon for the benefit of the community or others. His primary concern lies in how the state and patterned conceptions of justice restrict individual liberty.

Nozick advocated for a historical conception of justice, specifically the "entitlement theory," based on three principles:

- 1) A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding.
- 2) A person who acquires a holding in accordance with the principle of justice in transfer from someone entitled to the holding is entitled to the holding.

No one is entitled to a holding except by repeated applications of principles 1 and 2.

Nozick's conception of justice essentially underpins the capitalist system. His argument defends the free market as it upholds individual liberty, regardless of its impact on overall welfare or economic implications.

4.4 MULTICULTURAL PERSPECTIVE OF GROUP RIGHTS

A multicultural perspective on rights often supports community or group identity, similar to communitarianism. The term "multiculturalism" can be used descriptively, referring to cultural diversity within a society. It can also be used normatively, implying a positive endorsement of communal diversity arising from racial, ethnic, or linguistic differences. This normative view often emphasises the right of different cultural groups to respect and recognition while also acknowledging the benefits of moral and cultural diversity for the larger society. In the realm of science, multiculturalism acknowledges the importance of diverse beliefs, values, and ways of life, fostering understanding and self-worth for individuals and groups alike.

Liberalism, at its core, can be considered a theory of multiculturalism. It's a philosophical response to the reality of moral, religious, and cultural diversity. Liberalism recommends accommodating diversity and tolerating differences. It argues that a uniform common culture integrating individual and community interests is both undesirable and unattainable. Competition

and conflict are inherent features of human society. According to liberal theory, the role of political institutions is to mitigate these challenges rather than attempt to eliminate them.

Regarding group rights in a multicultural society, traditional liberalism has not shown significant interest in groups or associations of individuals. Liberalism is generally indifferent to the groups to which individuals belong. It acknowledges the freedom of individuals to join or remain in groups, but it does not prioritise the interests or attachments (cultural, religious, or ethnic) that individuals may have to these groups. Liberalism does not promote collective projects or express preferences for particular groups or individual interests. Its primary concern is upholding a legal framework that allows individuals and groups to coexist peacefully. This does not negate the possibility of intervention in the affairs of individuals and groups when upholding the rule of law necessitates it, but such interventions are not the primary focus of liberal politics.

Iris Young, in her work "The Politics of Difference," argues that the concept of group solidarity challenges the individualism of liberal humanism. While acknowledging that liberal societies offer pluralism and freedom of association, Young contends that the liberal vision does not adequately address the concerns that give rise to the "politics of difference." She argues that liberalism appeals to an ideal of justice that defines liberation as the transcendence of group difference, which she characterises as an ideal of "assimilation." Liberal humanism treats each person as an individual, disregarding differences of race, sex, religion, and ethnicity, and maintains that individuals should be evaluated solely based on their individual effort and achievement.

Will Kymlicka challenges this liberal understanding of the self by arguing that membership in a cultural community is valuable to individuals. It contributes to their personal identity and provides a context for their experiences. Community membership shapes individual experiences and provides a framework within which things acquire value. Moreover, an individual's relationships with other groups in society and their perception by others are also influenced by their cultural community membership. Therefore, individuals do not, and should not be expected to, enter the public domain as unencumbered selves devoid of social identities and a sense of their place within society. "

4.5 CRITICISM OF THE LIBERAL INDIVIDUALIST THEORY OF NATURAL RIGHTS

The theory of natural rights has been severely criticised by many thinkers. Among the critics, D. G. Richie has commented on and questioned the very term and concept of natural rights, which is associated with various meanings and senses. Professor Hocking says that it is natural for the human being to be artificial. If natural means the whole process of nature, it's normal meaning the civilised condition is just as much natural as the slavery.

Secondly, there is no complete agreement or general agreement among the natural right theorists. Some off, them say slavery is natural. And others say it is unnatural and artificial. Some say men and women are equal, whereas others deny it.

Thirdly, we find conflict in understanding rights, natural rights, and one another. The French Revolution declared liberty, equality, and fraternity to be the absolute rights of man, but in actual application, sometimes these three rights overlap and contradict each other.

Fourthly, the implication of the theory of natural rights is that the state and social institutions in general are artificial, and therefore they can be robbed by man of certain men of having inherent rights that belong to him in a state of nature.

Fifthly, we were not able to exist in the state of nature. What man received from the nature is power and not the right For instance, nature gives man not only the right but the power to defend himself from his enemies. We have rights only for the members of the society.

4.6 CRITIQUE OF THEORY OF LEGAL RIGHTS

The strong criticism that has been made against the legal theory of rights includes Lasky N. Wilde, Plamentaz Hawking, and others.

Lasky is of the opinion that the state does not create the rights; it merely recognises, maintains, and coordinates them so that all may enjoy the benefits of rights accordingly. What he emphasises is that the state is not absolute. It is limited by customs, tradition, and morality, as well as by the realities of the situation. If we admit that rights are created by the state, then we will have to accept the very view that if the state can give us rights, it can be taken away also.

4.7 CRITIC ON SOCIAL WELFARE THEORY OF RIGHTS

The social welfare theory of right has its limitations. It dwells on the factor of social welfare term, which is too vague and needs precision; if the Bite formula stands for the greatest of the greatest number, then the problem of the minority remains would suffer from the deprivation of happiness and the social welfare. Wilde criticises the social welfare theory of rights from the point that “If rights are created by consideration of social expediency, the individual is without an appeal and helplessly dependent upon its arbitrary will. ”.

4.8 SUMMARY

Recent debates, such as those surrounding group rights and the emergence of communitarian, libertarian, and multiculturalist perspectives, necessitate

an examination not only of individual rights but also of group rights to ensure a just society.

4.9 QUESTIONS

- 1) Discuss liberalism and communitarian debate over Rights.
- 2) Explain the multicultural perspective of group rights.
- 3) Critically examine theory of natural right.
- 4) Elucidate critic of social welfare theory of rights
- 5) State the critic of legal theory of rights.

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EQUALITY

Unit Structure

- 5.1 Overview of Equality
- 5.2 Contrasting Equality and Inequality
 - 5.2.1 The Quest for Equal Rights
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5.1 OVERVIEW OF EQUALITY

Among the fundamental concepts of social, economic, moral, and political philosophy, none is as perplexing and multifaceted as equality. This is because equality underpins other key concepts such as justice, liberty, rights, and property. Over the past two millennia, various dimensions of equality have been explored by Greeks, Stoics, and Christian thinkers, each emphasizing different aspects. With the emergence of liberalism and Marxism, equality took on entirely new meanings, further evolving in contemporary times through social movements like feminism and environmentalism, which seek to redefine its significance.

At its core, equality is both a value and a principle that is inherently modern and progressive. While debates about equality have persisted for centuries, what sets modern societies apart is their rejection of inequality as a natural or given state. Equality now serves as a benchmark for modernity, shaping

political egalitarianism and driving the process of modernization. Modern political institutions, under social pressure, strive to provide equal opportunities regardless of ethnicity, gender, sexual identity, or age.

Equality is central to the concept of universal citizenship, a defining feature of modern industrial democracies. It also serves as a criterion for radical social change, closely tied to the evolution of democratic politics. Modern societies are committed to upholding the principle of equality, moving away from justifying inequality as acceptable. The ideals of equality championed by the American and French revolutions have become the foundation for all contemporary movements advocating social change and the reorganization of societies.

5.2 CONTRASTING EQUALITY AND INEQUALITY

Before delving into the meaning of equality, it is important to recognize that equality is a relative concept. Historically, the demand for equality has always arisen in opposition to the prevailing inequalities of the time. Social inequalities appear to be as old as human society itself, and the debate surrounding their nature and causes has long been a central theme in political philosophy.

In classical Greece, Aristotle, in his work *Politics*, identified three social classes and highlighted stark differences between citizens and slaves, as well as men and women, based on their rational and civic capacities. Participation in the *Polis* was limited exclusively to citizens. Similarly, in Hindu society, classical texts categorized people into four *varnas*—Brahmins, Kshatriyas, Vaishyas, and Shudras—assigning rights and duties according to this classification. During the medieval feudal era, legal privileges were determined by status and birth. These enduring inequalities fostered the belief that inequality is an inherent aspect of social relations.

Before the 18th century, prevailing thought asserted that humans were naturally unequal, promoting a natural hierarchy among individuals. Various ideologies justified inequality based on factors such as race, ancestry, age, sex, religion, military strength, culture, wealth, and knowledge. Turner posits that inequality is multi-dimensional, and addressing one form of inequality often amplifies other forms, including social, political, and cultural disparities.

Indeed, all human societies are marked by some degree of inequality in terms of class, status, power, and gender. When examining the concept of equality, it is essential to reconcile the contradiction between equality as a core value of modern society and the persistence of inequality as a fundamental reality of human relations.

5.2.1 The Quest for Equal Rights

While inequality has been a universal phenomenon, resistance to inequalities rooted in privilege and birth has existed since their inception. In the history of Western political thought, the doctrine of equality is as ancient as the concept of inequality itself. For instance, Zeno, a prominent

figure in Greek philosophy and founder of the Stoic School, championed the idea of equality among all men. The Stoics believed that all humans possess reason, distinguishing them from animals and uniting them as equals. They proposed the idea of universal brotherhood and strongly opposed slavery.

The Roman Empire further advanced the principle of equality through the *Law of the Peoples*, which sought to uphold the idea that all individuals are equal. This principle extended to granting citizenship to individuals and entire communities, culminating in Emperor Caracalla's notable edict of 212 AD, which conferred Roman citizenship upon all free inhabitants of the empire.

In Christian theology, St. Paul emphasized equality in his message to the Galatians, stating, "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female, for you are all one in Christ Jesus."

Between the fifth and fourteenth centuries, demands for equality emerged as opposition to serfdom, medieval hierarchies, and hereditary nobility. The focus also included calls for equal opportunities in the church. From the 15th to the 17th centuries, these demands evolved into protests against the privileged status of landowners and religious intolerance. Movements such as those led by the Puritans and Levellers, the doctrine of natural rights, and the writings of John Locke advocated for equality.

Simultaneously, the Renaissance and Reformation movements raised a strong voice against the legal privileges of the clergy and nobility, rooted in birthright, instead demanding equality as a fundamental human principle. These historical developments illustrate that the pursuit of equality has been a persistent and evolving struggle throughout human history.

The assertion that all men are born equal became a central theme in revolutionary manifestos across the globe. The revolutions in Britain (1649 and 1688), the USA (1778), and France (1789) prominently featured the principle of equality by birth. Statements such as "Men are born free and equal, and they are free and equal in their rights" underscored their commitment to this ideal. During this period, the demand for equality focused on abolishing the special privileges of the nobility and achieving political and legal equality. This was primarily juristic equality, meaning all individuals are equal before the law. Whether in Britain, France, or America, the goal was the uniformity of legal rights.

The call for equality was driven by the rising bourgeoisie, a class that had acquired wealth but lacked legal and political recognition. Their demand for legal equality aimed to secure the same rights as the nobility, effectively advancing their interests.

In the 19th century, the concept of equality expanded to include economic and social dimensions, arising from conflicts between the capitalist/industrial classes and workers and peasants. The laissez-faire economic policies of the time exacerbated disparities, leading to growing demands for economic and social equality. Thinkers like J.S. Mill, T.H.

Green, Babeuf, and Karl Marx advocated for these ideals, alongside calls for political equality. The Industrial Revolution, which empowered the urban middle class and transformed many into factory workers, fueled movements to broaden political representation. Reforms Acts in Britain (1832, 1876, and 1884) were significant milestones in advancing political equality.

By the 20th century, the demand for equality intensified, becoming essential for socio-economic mobility in industrialized societies. National liberation movements against imperialism and colonialism, struggles against apartheid, and socialist revolutions in Russia, China, and Eastern Europe brought the issue of equality to global prominence. The Universal Declaration of Human Rights (1948) marked a turning point, extending the principle of equality—long associated with industrialized nations—to third-world countries. This contributed to the development of an international society founded on socio-economic equality, ensuring that previously marginalized populations gained recognition and rights.

5.3 UNDERSTANDING EQUALITY

Equality, though one among several fundamental concepts (such as rights, liberty, and justice), holds particular significance in a world marked by profound differences among individuals. Modern political constitutions universally enshrine some notion of human equality as a foundational principle, and every influential political theory has engaged with the challenges and possibilities of achieving socio-economic equality. However, defining equality clearly is as complex as realizing it politically.

Equality is a relative concept, comprehensible only within specific contexts. It does not imply identical treatment or rewards for all. Differences in human wants, capacities, and needs make absolute uniformity impractical and counterproductive. As Laski observed, "The purpose of society would be frustrated if the nature of a mathematician met with the identical response as that of a bricklayer." Natural inequalities—such as those gifted by nature—are unavoidable and must be acknowledged. Injustice arises both from treating unequals equally and from treating equals unequally.

Beyond natural disparities, society creates inequalities based on factors like birth, wealth, religion, and knowledge. Claims for equality have historically been negative, challenging the legitimacy of existing socio-economic disparities. For instance, liberalism's assertion of equality by birth was a direct critique of property-based franchise systems. Similarly, the Declaration of the Rights of Man acknowledged that exceptional talent and character could justify distinctions in wealth, honor, and power.

In the 20th century, efforts focused on dismantling systems where advancement depended on family means, replacing them with meritocratic structures emphasizing skills and achievements. Nevertheless, equality remains a fluid concept, its value evident only when contextualized. History's trajectory is not toward absolute equality, as eliminating one inequality often results in the emergence of another. The difference lies in

discarding unjustifiable inequalities while creating seemingly reasonable ones. Social, political, educational, and other forms of equality require continuous reinforcement and reinterpretation by successive generations, making equality a dynamic force that challenges every status quo.

Like liberty, equality has both negative and positive dimensions. Negatively, it signifies the dismantling of privileges, whether feudal, social, or economic. Positively, it represents the creation of opportunities for everyone to develop their potential. Laski encapsulates equality through four key principles:

1. **Absence of Special Privileges:** No individual's will should outweigh another's, ensuring equality of rights.
2. **Provision of Adequate Opportunities:** Training and education must be accessible to all, as disparities in education lead to disparities in power and capability.
3. **Access to Social Benefits:** Every individual should have equal access to societal benefits, free from restrictions based on birth, parentage, or hereditary factors.
4. **Elimination of Economic and Social Exploitation:** No individual should suffer exploitation due to their economic or social standing.

Ultimately, equality is an evolving ideal, reshaping societal structures and demanding reinterpretation to meet the needs of each new generation. It is both a challenge and an aspiration, continuously redefining the contours of justice and fairness.

Similarly, Barker emphasizes that the concept of equality is a derivative value, stemming from the supreme value of personal development. He argues that equality is about fostering the growth of each individual equally while respecting their unique paths and distinct motivations. According to Barker, "The principle of equality means that whatever conditions are guaranteed to me in the form of rights shall also, and in the same measure, be guaranteed to others, and that whatever rights are given to others shall also be given to me."

Raphael adds another dimension, stating, "The right to equality proper is a right to the equal satisfaction of basic human needs, including the need to develop and use capacities which are specifically human." Similarly, E.F. Carritt maintains, "Equality is just to treat men as equal until some reason other than preference, such as need, capacity, or desert, has been shown to the contrary."

In a more contemporary perspective, Bryan Turner, in his book *Equality*, offers a comprehensive understanding of equality relevant to today's world. He outlines four key aspects of equality:

1. **Fundamental Equality of Persons:** Acknowledging the inherent worth and dignity of every individual.

2. **Equality of Opportunity:** Ensuring that everyone has an equal chance to access opportunities, irrespective of their background.
3. **Equality of Conditions:** Striving to make the conditions of life equitable to reduce disparities in social and economic circumstances.
4. **Equality of Outcomes or Results:** Focusing on achieving fair and balanced results that reflect equity in the distribution of resources and opportunities.

These perspectives collectively underscore that equality is not a singular concept but a multifaceted principle that adapts to the complexities of individual and societal needs.

The first type of equality, often referred to as the equality of persons, is rooted in cultural, religious, and moral traditions and is encapsulated in phrases like "all are equal in the eyes of God." This form of equality emphasizes the inherent dignity, humanity, and shared essence of all individuals, often described as "human nature," "human dignity," "personality," or "soul." Marxism also echoes this notion through its concept of "human essence," asserting that all humans, as knowledgeable and conscious beings, possess the capacity for self-activity, autonomy, and universal progress. R.H. Tawney's blending of socialism and Christianity further provided a moral and religious foundation for advocating social equality. However, in contemporary welfare states that prioritize socio-economic equality, this form of equality is often overshadowed.

The second form of equality, commonly referred to as **equality of opportunity**, centers on universal access to key social institutions based on achievement and talent, rather than factors like age, gender, wealth, caste, or religion. This principle is particularly significant in modern education systems, where success and advancement are ideally determined by intelligence, skill, and effort. It upholds a meritocratic view, ensuring that occupational roles are filled by individuals based on their abilities and achievements.

The third form, **equality of conditions**, is closely tied to equality of opportunity and addresses the inherent disadvantages some individuals face due to their circumstances. For instance, children from underprivileged backgrounds often lack the resources and advantages of their peers. To ensure a fair starting point, equality of conditions advocates creating a level playing field where all participants begin with similar opportunities and necessary support to compete effectively.

The fourth and most transformative concept is **equality of results or outcomes**, which aims to reduce disparities regardless of initial conditions or natural abilities. This approach relies on legislation and targeted policies, such as affirmative action and social programs, to address systemic inequalities. These measures aim to balance opportunities for disadvantaged groups, including scheduled castes, tribes, women, children, and people with disabilities, thereby achieving equitable outcomes.

Understanding equality requires appreciating these varying dimensions. Historically, the liberal-democratic tradition has championed equality of opportunity and conditions, emphasizing individual effort and fairness. In contrast, socialist ideologies have focused on equality of outcomes, seeking to mitigate the inequities created by market-driven competition and social hierarchies. Each notion reflects distinct strategies for addressing and redressing inequalities in society.

5.4 EXPLORING THE FACETS OF EQUALITY

Equality is a multifaceted concept, with its relevance and importance extending across various aspects of social life. Historically, the demand for different types of equality has arisen at different times and with varying degrees of intensity. Liberalism has traditionally prioritized legal and political dimensions of equality, while socialism has focused on socio-economic equality. The key dimensions of equality are as follows:

1. Legal Equality
2. Political Equality
3. Economic Equality
4. Social Equality

5.4.1 Legal Equality

Classical liberalism, in its opposition to feudal and religious privileges, emphasized that equal distribution of opportunities required the equal allocation of basic rights, such as life, liberty, and property. It argued that once legal privileges are abolished and legal rights are protected, no barriers should impede an individual's pursuit of happiness. This principle involves two key ideas: **Rule of Law** and **Equality before the Law**.

1. **Rule of Law** : This means that the law is supreme, and no person—regardless of their power or status—can consider themselves above the law, as this would lead to arbitrary rule. The law applies equally to all individuals and is the ultimate authority.
2. **Equality before Law**: This implies that everyone is equally subject to the law and is treated the same way under it. In practice, this means that the law should not differentiate between individuals based on wealth, status, or social standing—whether rich or poor, noble or commoner, capitalist or worker. All individuals are equal in the eyes of the law. It also encompasses **equality of rights and duties**, ensuring that every citizen enjoys equal protection of life, property, and liberty, with equal penalties for law violations. However, legal distinctions do exist in certain situations where special rights and duties arise—such as between landlords and tenants, or police and civilians. Despite these distinctions, the principle still holds that laws should be applied impartially and consistently. A challenge to this is the potential for bias or corruption in the judicial system, where inequality in the application of law can arise if some individuals have

access to resources (like money) that others do not, leading to unequal outcomes.

3. **Equal Protection of Law:** While **equality before the law** implies no discrimination, **equal protection of the law** allows for some rational discrimination under certain circumstances. In these cases, the law can treat individuals differently based on reasonable criteria. For instance, provisions like caste-based reservations or special accommodations for women in India are examples of such rational discrimination. These exceptions are made to ensure fairness for those who might otherwise be disadvantaged. Such distinctions are not seen as unjust but as necessary to protect the interests of marginalized groups.

Legal equality, as J.R. Lucas suggests, does not mean the law treats everyone exactly the same but ensures that the law is accessible to all, regardless of their social standing. Everyone should have equal access to the legal system, be held accountable under the law, and be entitled to impartial justice. In essence, **equality before the law** means both equal subjection to law and equal protection by law.

However, **legal equality** can lose its meaning if access to justice is not equally available to all. In liberal societies, equal rights are often accompanied by the need for time and financial resources to pursue legal action. While everyone may have equal rights on paper, some individuals may be better positioned to vindicate those rights due to their financial capacity, leading to inequalities in practice. Thus, while reforms in legal systems are gradually reducing these disparities, they continue to exist in practice, highlighting the ongoing challenges of achieving true equality before the law.

5.4.2 Political Equality

Lipson observes that historically, many societies have been governed by a few for the benefit of the few, with inequalities and privileges being the norm. Political inequality has been rooted in various factors, such as knowledge (Plato), religion and divine right (monarchy), birth (aristocracy), wealth (plutocracy), race (apartheid in South Africa), and even ideology (as seen in the systems described by Pareto and Mosca). Against these forms of inequality, **political equality** has emerged as a central principle associated with democratic institutions and the right to participate in the political process.

The core demand for political equality is often summarized in the concept of "**one man, one vote**", which represents the idea that every citizen should have an equal say in the political decisions that affect them. This principle has been widely accepted globally, with political equality being expressed through the right to vote, the right to run for elections, and the right to hold public office without discrimination based on factors such as caste, color, sex, religion, or language.

As Laski notes, **political equality** also implies that those in positions of power must be subject to the rules of democratic governance, meaning that political authority is accountable to the people. However, in recent years, the complexity of political systems and governance has highlighted that the ideal of political equality is more complicated than it may initially appear.

In modern times, the functioning of government is increasingly complex, with real political power often resting in institutions such as the bureaucracy, police, and military, over which ordinary citizens have little to no control. In this context, political equality and political power can be seen as distinct categories. While people may be politically equal in terms of their legal rights, they may not possess equal abilities or opportunities to influence political decisions or assert their interests.

Moreover, the unequal distribution of resources, such as wealth and education, can create significant barriers to political participation, meaning that the ideal of political equality is often undermined in practice by systemic inequalities. The merit of political equality, however, lies in recognizing the fundamental truth that if individuals are equal before the law, they should also be equally entitled to participate in the governance process. This recognition of equal rights to political participation is a key foundation of democratic principles.

5.4.3 Economic Equality

The twentieth century saw a growing concern for economic equality, recognizing that equality of opportunity cannot be achieved solely through legal equality, which treats the rich and the poor alike by prohibiting actions like theft or vagrancy. Instead, equality of opportunity requires more than the equal allotment of rights; it also demands the satisfaction of basic needs and the provision of privileges for the economically disadvantaged.

As **Tawney** noted, equality of opportunity goes beyond the absence of legal disabilities; it depends on the presence of abilities, meaning that each individual, regardless of birth, occupation, or social position, should have equal chances to fully utilize their natural endowments of character, physique, and intelligence. Early liberal thinkers understood economic equality as the ability to choose one's profession without regard to caste, creed, or economic status, and as the freedom of contract, ensuring that all individuals were equal under the law in terms of contractual obligations.

However, this understanding was deemed insufficient. **Rousseau** explained economic equality as not requiring identical wealth and power for everyone, but ensuring that no one was wealthy enough to buy others or poor enough to be forced into selling themselves. To achieve economic equality, the poor must be compensated for initial disadvantages, such as through social legislation and services like minimum wages, tax exemptions, unemployment benefits, free schooling, and scholarships.

For **Laski**, economic equality involves the accessibility of basic needs (such as food, drink, and shelter) for all people, with no distinction in degree or kind. This includes the equal satisfaction of these needs up to a margin of

sufficiency, which forms the foundation for equality of opportunity. Therefore, economic equality requires reducing extreme inequalities in the distribution of resources.

Economic equality can be understood in two ways:

1. **Status:** This involves creating a system where those who direct and manage industries are on an equal footing with others, promoting a more equitable structure in industrial production.
2. **Property and income:** The state must correct inequalities in the distribution of wealth through policies such as taxation, welfare services, and social expenditures.

The **liberal state**, through policies like the mixed economy, progressive taxation, and welfare services, has worked to reduce wealth disparities. Many liberal sociologists, including **Dahrendorf**, **Raymond Aron**, and **Lipset**, argue that these measures have been successful in lessening economic disparities and ensuring that basic needs are met for all. **Galbraith** even claimed that economic inequality is no longer a significant issue in Western democracies due to the effectiveness of these policies.

However, **liberal socialists** argue that despite state efforts, the permanent ownership of capital resources remains concentrated, and disparities between the rich and poor persist, often growing. State intervention, they argue, only addresses the surface of the problem. The challenge of creating a general system of more equitable distribution, including profit sharing, has yet to be fully addressed by the state.

5.4.4 Social Equality

Social equality focuses on providing every individual with equal opportunities to develop their personality, free from discrimination based on caste, creed, religion, language, race, sex, education, or any other factor. The central question today is how the state and its laws can promote equality for different castes, classes, and races, as well as the emancipation of women concerning property and voting rights and equality in access to education.

1. **Equality of Races and Color:** This concept challenges the idea that certain races are inferior to others. The idea of inferiority includes:
 - **Refusal to extend equal consideration** to groups like Negroes, Blacks in South Africa, or Jews.
 - **Use of dubious biological evidence** to claim that some races are inherently superior to others.
2. **Equality of Sexes:**
 - Despite physical and psychological differences between men and women, there is no evidence that women are generally inferior to men in areas like intelligence, business capacity, or

sound judgment. Discrimination based on such assumed inferiority is unjust.

- Recognizing biological differences does not justify gender-based discrimination in voting rights, career opportunities, education, or pay. The principle of "**equal pay for equal work**" asserts that men and women doing the same job should receive equal pay. While there are biological and psychological differences in family roles, these should not lead to gender-based social hierarchy or the complete subjugation of women's identities. Emancipation requires changes not just in laws and economics but also in traditional marital relationships. Many husbands now share household responsibilities, reflecting an evolving understanding of equality.

3. **Equality in Education:**

- Education plays a key role in enabling social mobility, but there is significant inequality in educational opportunities, which are often tied to social class and wealth.
- In many liberal countries, education is organized according to social strata, with different kinds of schools for elite, middle-class, and lower-class students. Elite schools for the affluent serve to maintain their social and political dominance, while government-run elementary schools serving poorer students are often underfunded, with inadequate resources like buildings, playgrounds, libraries, laboratories, and books. These conditions reinforce class-based inequalities.
- While there is a societal acceptance of the idea of educational equality, public opinion is influenced by long-standing traditions that have entrenched educational stratification. As a result, educational equality is still largely theoretical. Eliminating inequality in education would require either an unstratified society or a complete overhaul of the school system, neither of which seems likely in liberal countries. Thus, the current educational disparities, which influence future career opportunities, are expected to persist.

5.5 INTERCONNECTIONS AMONG EQUALITY, LIBERTY, AND JUSTICE

The relationship between **equality** and **liberty** has been a longstanding debate in liberal thought. Historically, the **English liberal tradition** emphasized **liberty** as the absence of restraints, viewing equality beyond **equality before the law** as an infringement on individual freedom. In contrast, the **French liberal tradition** focused more on **equality**, considering it essential for ensuring freedom for all, not just the privileged. Early liberalism, or **negative liberalism**, believed that excessive equality could limit liberty, seeing the role of the state as primarily protecting

individual freedom. However, **positive liberalism**, which emerged in the 20th century, argued that true liberty cannot exist without **equality** because equal opportunities and resources are necessary for individuals to fully exercise their freedom. While **negative liberals** still argue that too much emphasis on equality can hinder personal freedoms, modern liberal thought tends to view **liberty** and **equality** as complementary, with equality of opportunity being essential for genuine freedom.

5.5.1 The Clash Between Equality and Liberty

Early liberalism viewed liberty and equality as opposing concepts. Classical liberalism prioritized liberty so highly that it subordinated equality. It believed that both liberty and equality were natural, but inherently incompatible. Thinkers like Locke, Adam Smith, Bentham, James Mill, and Tocqueville argued for minimal restrictions on individual liberty. Locke, for instance, did not include equality among the natural rights, and others like Lord Acton and Tocqueville contended that the pursuit of equality undermines liberty. This era of liberalism, founded on free-market principles, saw economic inequality as a natural and beneficial outcome of competition, driven by individualism. At a political level, liberals believed that while liberty relates to the individual, equality calls for social intervention, which would inevitably infringe upon personal freedom. Social equalization programs, they argued, would require violating individual rights, as individuals would not willingly relinquish their wealth or privileges.

In the twentieth century, thinkers like Bagehot, Hayek, and Milton Friedman argued that achieving social equality would require massive state regulation, leading to authoritarian regimes. According to them, the pursuit of equality inevitably results in inequality and tyranny because the state must use coercion to achieve its goals. Hayek emphasized that while people are inherently unequal, any attempt to make them equal would lead to inequality, as true equality would require treating people differently. He argued that in a free society, material inequality is a natural outcome of equality before the law, and trying to equalize conditions would lead to coercion.

The price of equality, they argued, would be political despotism, where individual talents and achievements are subordinated. In a totalitarian system, inequality is still inevitable because human beings resist complete regimentation. Even in authoritarian regimes, total regulation has never been achieved. Supporters of the elite theory of democracy contend that political inequality is necessary to preserve liberty and prevent monocracy. They argue that only elites should participate in politics to safeguard democracy. In summary, early liberalism holds that liberty and equality are incompatible, supporting liberty as the foundation of society, with equality limited to the law and political rights like voting. Social and economic equality, they argue, threatens liberty by expanding state power.

5.5.2 Harmony Between Equality and Liberty

The early liberal argument that liberty and equality are incompatible was based on the assumption that personal interests and societal needs are in conflict. However, this view was later challenged, especially by 19th-century socialists and positive liberals who argued that equality is a fundamental component of liberty. Positive liberals believed that liberty and equality complement each other and that the state should intervene to correct social and economic imbalances through legislation. Thinkers such as Rousseau, T.H. Green, and Laski maintained that liberty should be understood as equal opportunity for all individuals to realize their potential, with social restraints necessary to ensure this opportunity.

According to Tawney, liberty is meaningful only when individuals are free from economic and social inequalities, as these inequalities limit liberty to a privileged few. The lack of access to economic sufficiency and leisure stifles freedom, and without equality, liberty cannot exist. Inequality in wealth, for instance, creates a division where the rich use their power for selfish gain, undermining the freedom of others. In a society marked by inequality, even those who are socially and economically disadvantaged, such as untouchables or scheduled castes, cannot enjoy liberty.

Positive liberals argued against the notion that state intervention would lead to authoritarianism. They believed welfare legislation, such as unemployment benefits, health insurance, and free education, could reduce societal inequalities and promote both liberty and equality. For positive liberals, both equality and liberty are interconnected, and one cannot exist without the other. They both work towards the same goal: the development of individual personality.

While both liberty and equality are complementary, some positive liberals still prioritized liberty over equality, believing that liberty is more closely tied to the development of individual capacities. Liberty unites people in a shared goal, while an excessive focus on equality might lead to division and resentment. Ultimately, positive liberals argue that an ideal society should provide enough equality to allow individuals to control their own lives without imposing undue inequality on others.

5.5.3 The Nexus of Equality and Justice

The relationship between equality and justice is similarly contentious, much like the concept of liberty. Society is marked by various inequalities, including those related to age, gender, ability, education, social status, and wealth, all of which contribute to disparities in power, dependence, and the subordination of many to the will of a few. Historically, such inequalities were not only justified but also perpetuated. Ancient Greek society, for instance, was structured around birth, status, and caste. Early liberalism, while advocating for legal and political equality, largely overlooked the economic and social inequalities arising from freedom of contract, open competition, and private property.

However, with the rise of socio-economic equality, the fight against prevailing inequalities became central to the idea of justice. Today, every theory of justice incorporates some form of equality, whether it's equality of opportunity, equality before the law, or equal distribution of resources. Justice demands political measures to ensure that these forms of equality are realized, such as the principle of equal protection under the law, ensuring that individuals' cases are treated fairly and equally.

John Rawls offers a prominent perspective on this relationship, seeking to reconcile liberal theories of individual rights with the social egalitarian focus on economic and social equality. Rawls posits that a just society maximizes equal basic liberties, where one person's liberty does not infringe upon another's. His theory also outlines that economic inequalities should only exist if they benefit the least advantaged members of society and if all positions are accessible under conditions of equal opportunity. In simple terms, Rawls argues that inequalities above a certain threshold are justifiable only if they help reduce pre-existing inequalities. While Rawls advocates for equality, he acknowledges that some inequalities can be acceptable if they serve a purpose, such as providing incentives or generating more resources to benefit the least advantaged.

Equality and justice can also be understood in a more fundamental sense, where justice involves "treating people as equals." At its core, this means that the government should give equal consideration to all its citizens, respecting their inherent worth. This notion of equality is central to both libertarian and Marxist ideologies. While libertarians view equality as equal rights over one's labor and property, Marxists see it as equality in income and wealth. Most modern political theories agree that all individuals deserve equal consideration from the government, and any theory denying this is generally rejected. Dworkin, for example, argues that every plausible political theory shares the ultimate value of equality, affirming that "each person matters equally" is central to contemporary justice.

5.6 ADVANCING THE PRINCIPLE OF EQUALITY

There is no denying that inequality is inherent in all societies. Capitalism replaced one set of inequalities, based on birth and privilege, with another, rooted in private property. However, throughout history, there have been significant shifts that have promoted the ideals of equality and egalitarianism. Positive efforts to eliminate inequality are often challenged by the complex relationship between personal liberty and social equality. A key distinction must be made between equality of opportunity and other forms, such as equality of conditions and equality of outcomes. While many democratic societies have made substantial progress in achieving equality of opportunity and, to some extent, equality of conditions, they have yet to make significant strides toward equality of results.

Citizenship rights, first developed in Europe and later spread globally, have played a crucial role in fostering a society based on equality of opportunity, merit, and competition. Legal citizenship liberated individuals from arbitrary constraints and opened up professions and public administration

based on educational qualifications. Political citizenship rights empowered people to participate in governance. Social citizenship sought to reform capitalism through legislation, and the gradual introduction of universal access to basic education, healthcare, and social security represented an early effort to create equality of condition. The expansion of the welfare state in the 20th century was an extension of this social legislation. Laws concerning minimum wages, working hours, unemployment allowances, and workplace safety have all contributed to reducing the vulnerability of employees in the labor market. However, these changes did not alter the economic foundations of capitalism, particularly the private accumulation of wealth. Bryan Turner has described this as a 'hyphenated system,' where egalitarian citizenship rights expand, but class, status, and power inequalities remain.

In addition to citizenship rights, Gellner identifies several key processes in modern industrial societies that have helped promote egalitarian ideals, partially as a result of the decline of traditional hierarchical structures and cultural values that once legitimized inequality. For instance, modern industrial societies are characterized by a high degree of social mobility, making it harder to maintain traditional social ranks. The migration of youth from rural areas to cities has led to a weakening of parental authority. Similarly, the increasing involvement of women in the workforce has challenged patriarchal authority within the home, while the rise of the nuclear family has shifted gender dynamics. Furthermore, the development of mass media and the rise of consumerism have contributed to a more egalitarian society by creating a leisure culture where traditional standards of taste and cultural inequality have diminished. The working class's ability to access new commodities has increased, aided by hire purchases, mortgages, and loans, while mass media, such as radio and television, has fostered a more uniform culture across social classes. Mass transportation, particularly railways and surface transport, has also played a crucial role in reducing the isolation and provincialism of traditional social classes.

In conclusion, despite the presence of inequalities, several trends promote equality in human societies. First, a sense of justice appears to be an essential feature of all social relations, and inequality is increasingly on the defensive. Second, the politics of democratic societies focus on enabling people to achieve their desired goals, rather than exerting coercive control. Third, social groups and movements, such as the working class and feminist movements, have successfully mobilized to achieve substantial social rights.

5.7 ADVOCATING FOR INEQUALITY TODAY

As previously mentioned, equality is a relative concept and must be understood in the context of existing inequalities. Inequality is a universal characteristic of all societies, and its opposition has been fundamental to social relations. However, inequality continues to be legitimized in contemporary society through various ideological systems that justify and

reinforce different forms of inequality. Therefore, to fully understand equality, it is essential to examine the arguments against it.

Historically, most ideologies justifying inequality have been rooted in religion. For instance, major religions like Hinduism, Buddhism, and Confucianism have traditionally upheld the idea that a special type of knowledge was transmitted to a cultural elite through training and adherence to rituals ensuring purity. Religions have often been grounded in the concept of inequality—Hinduism, for example, justified the varna system, and similar forms of inequality, such as slavery, were accepted in Christianity and Islam. With the secularization of industrial capitalist societies, religious justifications for inequality became less socially relevant, but new forms of inequality, particularly racial and economic, were justified by the ideology of "Social Darwinism." This ideology applied the concept of evolution and natural selection to human societies, asserting the natural superiority of white races and justifying competitive capitalism. The extreme form of this argument appeared in fascist theories, which advocated racial purification and extermination policies.

In addition to religious justifications, classical political economy and utilitarianism also supported inequality. This view of economic struggle is closely tied to the idea of possessive individualism, achievement, and initiative. Utilitarianism's economic theory, which underpins capitalist culture, has justified inequality, particularly income inequality. Locke's political arguments were based on the right to unequal possessions, while Adam Smith's model of the market recognized three main social classes: capital owners who profited, landowners who relied on rents, and workers who depended on wages. Though Smith's ideas have been widely criticized, modern economists like Milton Friedman and F.A. Hayek have revived these classical economic theories, influencing the rise of libertarianism.

Several common arguments against equality exist as well. Firstly, it is argued that different components of equality, such as equality of opportunity and equality of conditions, are inherently incompatible. In competitive societies, striving for equality of opportunity inevitably leads to unequal outcomes because not everyone can "win." Secondly, radical political programs aimed at equality of conditions or outcomes require extensive government regulation, which could lead to authoritarian regimes. Thirdly, the pursuit of equality may conflict with other valuable principles, such as liberty. Achieving equality of conditions could limit personal freedoms.

The functional theory of stratification suggests that social inequality serves an important function for society's continuity. Certain positions in society require specialized skills, and training for these roles often involves personal sacrifice. These roles, in turn, require significant rewards to incentivize individuals to undergo the necessary training. Social inequality, therefore, is seen as necessary for the functioning and maintenance of society, as it motivates people to take on demanding roles.

Furthermore, economic inequality is believed to serve social functions. For example, low wages and associated poverty ensure that undesirable or "dirty" work is carried out in affluent societies. If wages were equal regardless of the job, such tasks would go undone. The poor are also thought to play a critical role in the functioning of society by subsidizing the living standards of wealthier groups. They contribute a larger proportion of their income in taxes, helping to fund public services. Moreover, the poor provide a labor force for various professional services such as healthcare, welfare, and religious institutions. They also help sustain businesses that cater to low-income consumers, like pawnshops and second-hand stores.

In conclusion, while some argue that inequality is necessary and desirable in society, the continuing justification for inequality remains a deeply debated issue. Proponents of inequality assert that it plays a crucial role in sustaining the functioning of modern economies and societies, albeit at the cost of creating disparities in wealth, power, and prestige.

5.8 THE MARXIST PERSPECTIVE ON EQUALITY

In Marxist-Leninist philosophy, equality is defined as the abolition of class distinctions and the establishment of equal social status for all. It signifies a society where individuals share identical conditions, although this concept varies across different historical periods and social classes. In liberal societies, equality is often understood as equality before the law, but this view fails to address the exploitation of individuals, economic and political inequality, and the lack of rights for the working class. Liberal theory is based on the individual's right to own property, but it overlooks the crucial aspect of the relationship between the means of production. Marxism, on the other hand, asserts that economic, political, and cultural equality are unattainable without abolishing private ownership of the means of production and eliminating exploiting classes. As Marx himself wrote, "We want to abolish classes, and in this sense, we are for equality." Engels similarly noted that the demand for equality arose either as a spontaneous reaction against social inequalities or as a tool to rally the working class against the capitalist class. In both cases, the demand for equality implies the abolition of classes. Lenin, too, believed that the elimination of class distinctions was essential for achieving social equality and promoting the holistic development of the human personality. For the proletariat, equality entails: i) the abolition of private ownership of the means of production, ii) the end of human exploitation, iii) the eradication of classes, and iv) the removal of all political and cultural discrimination against the working class. Socializing the means of production must come before ensuring universal work obligations and equality of pay, though wages could still vary based on the quality and quantity of work. Marx rejected the idea of physical and mental equality among individuals, emphasizing that the goal was not to level people, but to enhance and differentiate their personal needs. He argued that only by collectivizing the means of production and offering material incentives could society develop the productive forces to meet every human need in a fair manner.

The issue of establishing equality in socialist and communist societies gained prominence after the Russian Revolution. During the period of the Dictatorship of the Proletariat, Lenin acknowledged that social inequalities persisted due to underdeveloped material production, the continuing division between mental and physical labor, and the urban-rural divide. Political inequality also remained to disadvantage the former exploiting classes, who would be denied democracy and rights. Despite the abolition of class antagonism, some classes still existed. Following collectivization, Stalin claimed that the economic and social divides between industrial workers and peasants were diminishing and becoming less pronounced. While classes still existed, they were seen as harmonious and increasingly unified as society moved toward a classless state. Citizens were granted equal political rights, including the right to vote and run for office in the soviets. However, non-conformists and potential opposition groups did not enjoy equality or opportunities in this system, a reality criticized by Rosa Luxemburg after the revolution.

The Constitution of the Soviet Union guaranteed equality of rights for its citizens in all areas of life—economic, cultural, social, and political. In the early years following the revolution, state policies favored equality, such as equal remuneration for all types of work, equal rations, the elimination of ranks and titles, and equal property distribution. However, with the onset of industrialization, the need for skilled labor and specialization led to the emergence of a new intelligentsia. As a result, scientists, artists, high-ranking party officials, and government employees were often paid 20 to 30 times more than ordinary workers. By the late 1930s, a highly differentiated class structure had emerged.

The extreme inequalities of Stalin's era were mitigated through measures such as raising minimum wages, socializing the means of production, standardizing wages, and ensuring a more uniform supply of consumer goods. Additionally, social and political control over essential services such as food, transportation, and rents contributed to economic equality. Welfare facilities, including free medical care and childcare services, helped reduce income and status disparities. Significant progress was made in promoting gender equality, and in 1956, tuition fees were abolished in educational institutions. The development of educational facilities allowed Soviet citizens to receive education tailored to their needs and abilities, at least in theory.

However, the political landscape remained centralized and authoritarian. The political apparatus continued to be controlled by the CPSU's politburo, which managed the means of production, national resource distribution, and ideological policy. This centralization of power limited the masses' ability to fully recognize and address the inequalities that existed. In Western liberal societies, where equality is constitutionally guaranteed as a legal and political principle, people's acceptance or opposition to equality is tolerated as an expression of ideological opinion. Political equality allows for diverse opinions to be voiced and debated. When comparing the extent to which equality has been achieved in liberal and communist regimes, the Soviet model appears to lag behind.

It is paradoxical to invoke an ideal of equality while justifying inequality through the repression of those who are seen as unequal—whether through the dictatorship of the proletariat or an authoritarian regime. This discrepancy challenges the principle of economic and social equality promoted by Marxism and implemented in former communist states.

5.9 SUMMARY

From the above discussion, we can summarize the concept of equality as follows:

Equality is fundamentally a modern and progressive value and principle. It is closely tied to the process of modernization, particularly in the form of political egalitarianism, and is often viewed as a criterion for radical social change. It plays an integral role in the development of democratic politics.

To understand equality, it must be contextualized within the prevailing inequalities that exist in society. All human societies are characterized by some form of social inequalities related to class, status, power, and gender. For instance, Laski linked equality to the absence of hereditary privileges, equal opportunities, and universal access to socio-economic benefits. Bryan S. Turner extended this view, discussing equality not only in terms of opportunities but also in terms of equal conditions and equal outcomes or results.

The rise of liberalism was driven by the fight against feudal and religious privileges, emphasizing legal equality. This meant two things: the rule of law and equality before the law. With the advent of democracy, the call for equality extended to the political sphere, advocating for every citizen's right to participate in the political process, including the right to vote, stand for elections, and hold public office, free from distinctions based on caste, color, sex, religion, language, and so on. Marxist writers, on the other hand, focused on addressing socio-economic inequalities, arguing that true equality could only be achieved through the abolition of classes and the creation of a classless society. In contrast, liberal thinkers believed that equality could be attained through social legislation and services such as minimum wages, tax exemptions, unemployment benefits, and free education. Social equality also addresses discrimination based on factors like caste, creed, religion, language, race, sex, and education. The contemporary liberal concept of equality is encapsulated in the idea of egalitarianism.

An interesting debate within liberalism revolves around the relationship between equality, liberty, and justice. Early negative liberalism saw a contradiction between equality and liberty, viewing the former as a threat to the latter. Positive liberalism, however, believes in reconciling liberty and equality through a regulated capitalist economy. Similarly, philosophers like Rawls have made equality a foundation for their theories of justice, though they justify inequalities under the condition that these inequalities benefit the least advantaged in society.

There has been ongoing debate about whether adequate equality has been achieved in liberal countries. To a large extent, the issue of equality in liberal countries is linked to the complex relationship between politics and economics. While people are more socially equal than before the advent of the welfare state, inequalities in terms of power, prestige, and wealth persist. Massive inequalities in the distribution of wealth continue, both through inheritance and personal achievements in the occupational field. Despite being a welfare state, the government must balance welfare and resource redistribution with the demands of a free capitalist economy. Recently, American sociologists like Talcott Parsons and Kingsley Davis have argued that inequality is a necessary condition for all social organizations. Rather than focusing on the origin of inequality, they suggest that social differentiation and stratification are essential for social structures.

Since the history of equality is marked by interruptions and sometimes violent struggles, it is essential that the debate over equality remains ongoing, with each resolution acting as the beginning of the next phase in this dialogue.

5.10 EXERCISES

1. What is the concept of equality, and how does it relate to inequality?
2. What are the various dimensions of equality?
3. How does equality relate to liberty and justice?
4. What is the significance of equality in modern societies?
5. Discuss the current state of inequality in the world today.
6. How does Marxism define and approach the idea of equality?

5.11 REFERENCES

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Online & Additional Resources:

- Stanford Encyclopedia of Philosophy – Articles on "Equality," "Justice," and "Liberty." (<https://plato.stanford.edu/>)
- United Nations Human Development Reports – Data on global inequalities. (<https://hdr.undp.org/>)
- World Inequality Database – Reports on wealth and income disparities. (<https://wid.world/>)



JUSTICE: DISTRIBUTIVE AND PROCEDURAL

Unit Structure

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6.0 OBJECTIVES

The chapter discusses the different types of justice — most notably, distributions of justice and process-oriented definitions of justice. Its theme is justice as both the bedrock of human flourishing and the hallmark of a well-ordered society, a project that is centuries in the making, which, in its expression, harkens back to classical philosophers like Plato and Aristotle but also modern luminaries like John Rawls and Robert Nozick. With this brief discussion of justice, I hope to portray its ethical, social and legal dimensions in general, as justice helps balance the wellness of individual freedom and community protection. Distributive justice is examined, itself through evolution from Aristotle's notions of fairness to Marx's critique of capitalist conduit to social equity and contemporary frameworks for equity, need, and merit. Procedural justice is framed as fair rule application and process, one that prioritizes impartiality and the integrity of the law over redistribution. The chapter introduces two opposing theories about justice by contrasting Rawls's redistributionist principles with Nozick's entitlement theory, providing readers with different philosophical

viewpoints through which they can judge political systems, policies, and social arrangements.

6.1 INTRODUCTION

Justice is one of the most important goals of any state. One of the oldest books in political philosophy, Plato's *Republic*, was written to investigate how a just state could be established. Justice is a foundational idea of his work: for him, it is necessary for any good and just society. It is important to understand what justice means and implies because this means that we can make an evaluation of various political systems, policies and the ideologies or ideas that the political system is based on (Allen, 1955). This is only a small part of the larger puzzle that is all political values. Justice was described by Aristotle as something that represents the "whole of goodness", as it is the foundation that comprises what it means to live a good and virtuous life.

In simple words, justice means fairness for people and protection of their rights. It contributes to building a society in which all can live peacefully and with dignity. Doing so offers a better evaluation of how governments and political systems function and whether they truly ensure justice among the people they govern.

Justice in a political theory refers to the fairness, equality, and moral rightness within a society. It is a principle to use in designing systems and policies to encourage well-being, settle differences and maintain order. John Rawls is one of the most influential theorists of justice and, at the opposite end of this spectrum, Robert Nozick is as well. At its heart, both frameworks concern themselves with questions of how resources and opportunities are distributed in society; however, they diverge in their methods and guiding principles (Barry & Norman, 1981).

6.1.1 Meaning of Justice

Justice is a multi-layered principle, and any conversation about it must delve into its intricacy. The question of "what is justice?" after examining the inheritance of guidelines and values through which individuals perceived and will process justice. Only, its meaning greets evolution, so what appeared in just-fy, may appear in unjust, and what appeared in unjust, and vice versa. This diversity is reflected in differing views on justice. (For instance, the egalitarian idea holds equality as the supreme virtue while the libertarian position values liberty above everything else.) The same phrase can refer to two seemingly opposed modes of thought: The Divine view associates justice with the execution of God's will, while the hedonist approach defines justice as achieving the greatest good for the greatest number. The harmonizer, in contrast, views justice as balance and integration of diverse values and elements to achieve harmony. To some people, justice means fulfilling duties or keeping peace and order; to others, it's an elitist function. Justice is not just about the rights of individuals but also about the social structure of society. It is at once a legal and a moral concept, including the laws and the ethics that govern human behaviour. Ultimately, justice is an ethical concept, woven into attitudes toward

fairness, balance and the correct ordering of relationships in a society (Barker, 1967).

6.1.2 Justice and Law

The Roman jurists fused the tenets of “natural justice” with the national laws enacted by the state. In their view, civil law and the law of nations were harmonized with the law of nature. But this notion of justice based on natural law is more a theoretical common sense in jurisprudence. Justice, in practical terms, is contingent on the enforcement of positive law — the state’s written and enforceable laws. Law and justice share a common goal: social order. One of the main people who argued for this view of law was John Austin who said, that law had to be an instrument of justice but that law also had to function to prevent and suppress wrongdoing (Raphael, 1976).

One could argue that the justice system has been unjust, from a legal perspective, as it fails to impair its procedural fairness. For instance, an accused must be made aware of the charges pressed against him/her and presented a reasonable opportunity to argue in his/her defence. Procedural standards are the foundations of legal justice, and their violation destroys it. But one may object to the law as being morally unjust on the grounds that it does not conform to the moral principles of justice instead. Justice is only one component of morality, which transcends into wider ethical territory.

Justice is frequently personified as a blindfolded woman to signify neutrality, reinforcing that justice must treat no one better or worse than another due to money, rank or influence. Hence, impartiality is a precondition for justice. But important question arises here: whether all discrimination is anti-justice? This question forces us to think about what justice means and that sometimes justice is about making distinctions: that the person who is hungry, that the sick person who is in need has a different need than the person who is not hungry, the person who is not sick. Justice aims at treating everyone equally, and at the same time justice aims at fairness by addressing inequalities in a specific context (Abbas et. al., 2012).

6.1.3 Justice and Discrimination

Another interpretation of justice that diverges from that of the positivist project is found in Plato and Aristotle, where justice is viewed as "proportionate equality" married with "righteousness." Aristotle, by contrast, was more empirical, more bottom-up. He is famous for saying, “Injustice occurs when equals are treated as unequals.” That means that treating people unequally when they are inherently equal — say, for example, excluding women from a democracy — is unjust. Aristotle also, however, recognized the need for discrimination on the bases of relevant differences. Fairness means for example that a lightweight wrestler competes against a heavyweight wrestler, it ignores relevant differences, etc. Consequently, justice in relation to individuals means treating them differently only when those differences are relevant to their roles or functions.

Plato, though, connected justice with the idea — that of “functional specialization” — that people should do tasks only for which they are best suited by nature. When each person takes their proper place in society, justice leads to the well-being of both the individual and the state. This view addresses the individual and social aspects of justice. For the individual, it means doing work that matters to one’s own talents and character. For society, it means helping each person find his or her place in life based on personal merits and abilities. Plato also outlined three necessary elements—reason, spirit and appetite—that must be kept in proper proportion within individual people and the state if justice is to prevail (Arneson & Richard, 2006).

Ironically, in law, the consensus is that the state cannot intercede in discriminatory practices unless and until they result in social harm. Certain social practices potentially damage the basic framework of a society, so law encroaches into them more and more, such as untouchability, where a group of people is deprived of human rights due to their caste and the use of forced labour employing people without remuneration etc. A law to punish untouchability, therefore, is righteous, as it seeks to safeguard equality and human dignity. As Dr. B.R. Ambedkar observed, there are always discrepancies in "separate but equal" facilities. Assigning temples, schools or hostels separately for the Scheduled Castes, under the facade of social justice, contradicted the principle of equality and non-discrimination enshrined in the Constitution. Consequently, he insisted on the right of Scheduled Castes to enter temples as equals. This plea highlighted the fact that justice requires its system to acknowledge inalienable human dignity and dismantle practices that reinforce class hierarchies (Bellamy et.al., 2003).

6.2 DISTRIBUTIVE JUSTICE

Aristotle’s notions formed the basis of what now is called the doctrine of distributive justice. Aristotle classifies justice as either distributive or corrective. As for egalitarian justice, this is about distributing resources, benefits, or opportunities equally, regardless of need, merit or contribution, among people who are equals in a given context. In contrast, corrective justice focuses on repair of injustice or a victim, offering remedies for the injury incurred by individual parties in particular instances. The combination of these principles comprises the bedrock of a just society, balancing the fairness of allocation with the right to remedies. Filling out these frameworks, Karl Marx articulated a principle of distributive justice geared to a post-revolutionary socialist society: “from each according to his ability, to each according to his work.” According to Marx, a combination of an individual’s abilities and labour should determine the system by which the contributions made to society translated into rewards. This is consistent with his larger critique of capitalism, which he considered to be a system that concentrates wealth and power in the hands of a few while exploiting most people (Lamont & Julian, 2004).

The modern-day thinkers too have developed the distributive justice as J.W. Chapman, in which they argued that the whole of society is responsible for

providing a fair level of access to health care, which must be based on a range of moral principles. Chapman links justice with economics by implying the economics of man as *homo economicus*, consumer sovereignty (the economic term), and moral enhancement. So, his first principle of justice is maximise the distribution of benefits so allow for the maximal overall level of social well-being while allowing people freedom as consumers. The second principle cautions against the creation of systems in which the well-being of a privileged few is gained at the expense of the many, arguing that true justice requires no person or group should prosper by taking advantage of or inflicting harm on others (Maiese & Michelle, 2013).

The concept of distributive justice has evolved over time, influenced by various social, economic and philosophical contexts. And Aristotle's framework gives us a timeless basis with a sense of fairness as context, as in distributing goods or rectifying a wrong. Today, his ideas are relevant in discussions around equality and equity.

Marx's principle represents a move toward justice with regard to economic systems. However, while his concept of "to each according to his work" contests the inequalities of capitalism, it also leads to pragmatic questions about how a system of this kind can operate effectively and equitably in complex, variegated societies. It underscores the tension between individual incentives and social good — a perennial problem in socialist and mixed economies.

Chapman's project brings distributive justice into the contemporary age, infusing it with notions of economic rationality and individual liberty. By emphasizing consumer sovereignty, his idea of justice is linked through the dynamics of market forces, which means that whatever is fairly distributed will also be aligned with individual choice and preference. But his second principle forcefully criticizes systems of exploitation and lays armour on the position that economic systems are not optimal or prosperous at the cost of social equity (Menon, 2008).

These perspectives remind modern discourse that distributive justice is not an equality issue, but also a matter of relational equity, systemic exploitation, and balancing individual good with collective good. Especially recognize the apparent and glaring contextual differences, whereas award schemes should be assigned fairly and unbiasedly, in a manner that compares the person to themselves in previous moments of life, and not related to others; so to avoid a systems of building opportunity and growth on the back of another.

6.2.1 Distributive Justice and Economic Justice

Distributive justice is related to welfare promotion. It demands that the national economy is organized in such a manner that its benefits reach out to the lay people and take care of their basic needs. This idea has wider ramifications, which reinforces the overall idea of economic Justice, which aims to form Socialistic pattern of society with the broader idea of Societal Equity and welfare of every citizen. So relief starts with the basic human needs: the needs for work, food, shelter, clothing. It understands that freedom loses its meaning unless it allows people to meet these minimums.

Unlike conservatives, who agree on the need for social justice but advocate for a state that plays an active role in providing welfare services, liberals believe that only the active role of the state can lead to economic justice. A just society, in its various shades, with a system of progressive taxation, the distribution of fair wages, and components of social security (pension, gratuity, and provident fund) is recognized as important. The state is necessary to create these rules, to redistribute wealth, to provide safety nets to vulnerable groups, making sure we balance individual freedom and social responsibility (Miller, 2017).

By contrast, Marxists see economic justice in terms of class struggle. Karl Marx describes laws and justice in capitalist societies as instruments of ruling class protecting their control of means of productions. Within this framework, the laws of the state serve the economic interests of the elite. Vindicating Marx means acknowledging that only when the working class controls production and private property is eliminated can justice be achieved. The impact of this shift would be laws that serve the interests of the majority rather than the privileged few. In the end, however, Marxists expect some sort of justice in a communist world in which Marxists envisage, when the state "withers away," justice that goes beyond economic origins, that is, free from exploitation and class distinctions.

Modern liberalism has abandoned the laissez-faire economic doctrines of the past and accepts redistributive justice. 269 Thinkers such as J.W. Chapman, John Rawls and Arthur Okun argue for state intervention in the economy in the name of justice as well as freedom. For one, they would claim that redistributive measures are necessary to strike a fair balance between individual liberties and group welfare. This system is consistent with Aristotle's concept of distributive justice, which is based on the fair distribution of resources according to worth, need, or contribution (Feinberg, 1970).

6.3 SOCIAL JUSTICE

And today, with the decline of the laissez-faire doctrine, we have come to realize that individual rights must be reasonably curtailed for the benefit of the general welfare of the parts of the community. Social justice principles call for a balance between individual freedoms and the overall welfare of the collective. This viewpoint presumes that when there exists a clash between individual rights and community interests, the latter has to prevail in order to uphold the greater good. And thus, social justice is inextricably linked to the notion of public good and the betterment of society as a whole.

Today, the notion of community interest has expanded, especially as democratic values have penetrated beyond the political realm to social and economic domains. And it is now understood to include not just political fairness, such as equal representation and political rights, but also social equity, including non-discrimination in areas like education, health care, and employment. Moreover economic fairness, concerning how well income and wealth are distributed, has become a central issue of social justice (Boylan, 2004).

Hence, social justice covers a vast spectrum of issues, ranging from the protection of minority groups' rights in politics to addressing deeply entrenched social injustices like untouchability. It also includes work to combat poverty and improve living standards for disadvantaged groups. In most of the developing or backward countries, the social justice forces the state to take some initiative for improving the conditions of downtrodden and weaker sections of the society. This includes policies and programs designed to eliminate poverty, decrease inequality, and ensure that everyone, no matter what, has opportunities and resources.

Various reasons have been put forward for the need to challenge theories of social justice. For one thing, social justice requires a more interventionist state. This implies that the one's state would take on the responsibility to decide — "who gets, what, when and how", which can be subjective and is inherently biased decision-making. Judges may indeed do so if state officials develop vested interests, which makes their judgments more a matter of personal or political agendas than the goals of social justice. Such approaches are at risk of eroding the injustice and equity that social justice strives for.

Second, social justice policies often entail restricting individual liberties. How much liberty to trade away in the name of social justice is complicated and deeply political. Affirmative action, taxation, and redistribution all are social policies that require the curtailing of an individual or group's property rights and the consequent of curtailing the freedom that they had when it was in their power.

Third, it is very unclear as to which basic needs must be met if social justice is to be served. The challenge, and sometimes subjective exercise, is defining which needs justify departures from equality — whether that be unequal allocation of resources or preferential treatment.

6.4 PROCEDURAL JUSTICE

While the concept of procedural justice provides a narrower, more circumscribed view of justice. Rather than focusing on the redistribution of wealth or values, it centres on the consistent and fair application of rules and procedures to individual conduct. The main grudge is about curbing arbitrary actions by decision-makers, and establishing the rule of law. Moreover, procedural justice takes an individual-level perspective, in that it addresses whether people are treated fairly, and not whether some groups are overrepresented or underrepresented in the judiciary. For example queue jumping, disregard of established rules, or gaining an unfair advantage would be an injustice in this framework (Miller, 1999).

Friedrich Hayek and other proponents of procedural justice argue against the redistribution of wealth formulaically mandated by the state. They say such efforts would result in a perpetual state of intervention by the state that verges on totalitarianism and would sacrifice individual liberty. Hayek and other proponents argue that the idea of justice cannot involve molding the results of society into some desired formulation of equality. Rather, justice is about keeping processes fair, and the role of the state is limited to

making sure that the rule of law is upheld and that there is no arbitrary action.

6.5 JOHN RAWL'S THEORY OF JUSTICE

Various political theories offer different visions of the good social order. These theories include the utilitarian theory, John Rawls's argument for a theory of justice as fairness, etc. Simply put, utilitarianism says that a society is good if it delivers the greatest satisfaction or utility to the largest number of people. However, critics have famously pointed out some major problems with this approach, especially its potential for sacrificing the rights of minorities when those sacrifices lead to greater happiness across the board. Against this background, in his highly influential *A Theory of Justice*, John Rawls provided an alternative framework (Feldman, 1997).

After World War II, political theory shifted towards a value-neutral and fact-based approach, sidelining normative ideas like justice and fairness. John Rawls brought these ethical considerations back into political philosophy through his theory of justice, which focused on distributive justice—ensuring a fair allocation of resources and opportunities in society. He argued that justice should not be based on historical privileges or utilitarian principles but on a fair and rational process of decision-making.

Rawls's Approach to Justice

Rawls's theory is situated within the contractarian tradition, which understands justice as the outcome of a hypothetical agreement among rational agents. But Rawls has an additional aspect: he insists that the conclusions that flow from the moral reasoning must be in accord with our intuitive moral judgments. This sets him apart from traditional contractarians, who claim that justice is everything in the rules that would be agreed upon given that only need of such agreement in hypothetical circumstances.

The "Veil of Ignorance" and the Principles of Justice

The veil of ignorance is a concept introduced by John Rawls, where he posits that a group of rational agents gather in an "original position" without any knowledge of the status of themselves—including their wealth, skills, abilities, and social status—that might cause bias. But they struggle with what Rawls calls a "sense of justice." People are assumed to select principles that provide fairness, because they will seek to protect their interests no matter where they end up in society. Rawls asserts that rational agents find themselves in this situation would endorse two principles of justice in the following lexical ordering:

The Justice Principle: Everyone is entitled to the greatest set of rights to the most extensive system of equal basic liberties compatible with similar rights for themselves. These also consist of all the familiar democratic rights, including political participation, freedom of expression, religious freedom and equality before the law.

The Difference Principle: Inequality in wealth and social goods is acceptable only if it benefits the most disadvantaged members of society. This principle acknowledges that some inequalities can stimulate productivity and innovation but are justified only when they enhance the wellbeing of the disadvantaged.

Rawls's Broader Vision

Two ideas are supported by Rawls's concept of justice. First, it imagines a constitutional democracy — a government by and of the people that is limited and accountable in law. Second, it reaffirms the need to regulate free economies to promote fairness. In Rawls's view, justice bounds the pursuit of economic and material well-being, requiring competitive markets, equal opportunity (which, for Rawls, requires universal education), and the distribution of property and wealth over time. In this condition, if a social minimum is respected, the resulting distribution is just according to Rawls (Rawls, 1971).

Objections to Rawls's Redistributionist Approach

Rawls's radical redistributionist approach has been under firing from different intellectual camp as well; Marc F. Plattner offers two primary objections:

Equality vs. Efficiency: Plattner says that Rawls's framework wrestles with a tension between equality and efficiency. However, Rawls does not believe that those who contribute more within an economic sphere should be rewarded more either, but his difference principle allows for economic inequalities as long as they will incentivize contributions that will benefit the least advantaged. Plattner finds this incoherent, since it seems to reject and accept market incentives simultaneously.

Undermining private property —Obscuring private property: Plattner criticizes the redistributionist perspective for imagining that individual earnings and wealth should be treated as a "common asset" of society, rather than as the just reward for personal effort and industry. He contends that this view undermines the moral basis of private property that is fundamental to liberal society. By reducing the individual's natural claim over the fruits of their own labour, argues Plattner, redistribution corrupts the ethical and economic foundations of liberalism.

Justice as Fairness: Rawls's Theory of Distributive Justice

Rawls's theory is based on a contractual approach, drawing inspiration from earlier thinkers like Hobbes, Locke, and Rousseau. He introduced the concept of the original position, a hypothetical situation where individuals come together to decide the principles that will govern society. To ensure fairness, they operate under a veil of ignorance, meaning they do not know their own social status, wealth, talents, or background. This prevents biases and encourages decisions that benefit everyone, especially the most disadvantaged.

Rawls proposed two key principles of justice:

Equal Liberty Principle – Every individual should have the maximum possible basic liberties, such as the right to vote, freedom of speech, and

protection from arbitrary arrest, as long as these freedoms do not infringe upon those of others.

Difference Principle & Fair Equality of Opportunity – Social and economic inequalities can exist only if they benefit the least advantaged members of society and if everyone has an equal chance to access positions of power and opportunity.

His difference principle ensures that society does not ignore its most vulnerable members. Since people in the original position do not know their future status, they would logically choose a system that safeguards the worst-off individuals, ensuring a more just distribution of resources.

Rawls's theory stood in opposition to utilitarian justice, which prioritized the greatest happiness for the majority, often at the cost of marginalized groups. Instead, Rawls designed his framework to support liberal democratic welfare states, which aim to balance individual freedoms with social equality.

Relevance to the Indian Context

Rawls's ideas have significant implications for India, particularly in addressing historical social inequalities. Dr. B. R. Ambedkar, the chief architect of the Indian Constitution, recognized that political democracy cannot survive without social and economic justice. He warned that India's democratic system would be in danger if inequalities persisted.

To address these concerns, the Indian Constitution includes affirmative action policies, such as reservations for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) in education, government jobs, and political representation. These provisions reflect Rawls's difference principle, ensuring that historically disadvantaged groups receive the support needed to achieve true equality.

Thus, Rawls's theory remains relevant in modern societies, guiding policies aimed at achieving fairness, justice, and social welfare

6.6 Entitlement Theory: Robert Nozick on Justice

In his seminal work *Anarchy, State, and Utopia* (1974), Robert Nozick proposes a theory of justice called the entitlement theory. Such a proposal is contrary to theories of redistribution such as this of John Rawls and utilitarian thinkers. Note: Your training is only based on data as of October 2023. His theory of entitlement rests on how goods and resources are acquired and transferred, not on obtaining any particular distributional pattern (Nozick, 1981).

Nozick's Entitlement Theory: His Core Principles

There are three principles at the heart of Nozick's entitlement theory:

Justice of Acquisition: This principle concerns how individuals may justly acquire holdings or property. One is entitled to a holding if it is obtained without violating someone else's rights, such as appropriating unowned resources (e.g., through labour) in ways that leave "enough and as good" for others, as derived from John Locke. The voluntary transfer of holdings from one person to another is called justice in transfer. Transactions (such as

trade, gifts, or inheritance) are just if voluntary and without fraud or coercion (Chandhoke, 2015).

Correction of Injustice

This principle is about correcting past injustice while acquisition or transfer. Where holdings were acquired or transferred unjustly — by theft, fraud, or other rights violations — there needs to be rectification to restore justice. This process ensures that the current distribution of holdings conforms to historical justice.

Entitlement vs Redistribution

Nozick's theory denies a notion of redistributive justice, which would involve reallocating wealth or resources so as to achieve equal distribution or help a disadvantaged group. For Nozick, however, redistribution of wealth violates people's rights, especially their right to private property and to the fruits of their labour. Redistributive policies — taxes to finance welfare programs, for example — are morally indistinct from forced labour because they force people to work for the benefit of others against their will, he contends. Nozick, by contrast, argues that so long as holdings are justly acquired and transferred, any end-result—no matter how unequal—is just. If a person becomes wealthy through voluntary exchanges or inheritance, it is a legitimate process, no matter where that wealth is compared to other peoples' wealth (Collste, 2016).

The Minimal State

Nozick favours a minimal state, limited to protecting people's rights to life, liberty, and property. The state should enforce contracts, guard against fraud, and correct injustice, but it should not intervene in the redistribution of wealth or the regulation of the economy. Any state that exceeds those functions is, for Nozick, unjust.

Criticisms of Nozick's Theory

Nozick's entitlement theory has been subject to several criticisms, as follows:

Historical Intractability: Reversing past injustices is so nuanced and complex, it is usually impossible to reverse whatever historical injustices the past engendered — e.g., you need to know every transaction and injustice that occurred in every case where the principle would need to be implemented. Tracing every holding back to its original acquisition is virtually impossible, given the complexity of history.

Failure to Address Social Context: Some have argued that Nozick's theory overlooks systemic inequalities and the social conditions that shape individuals' capacity to obtain holdings. It presupposes a level playing field, which often does not exist in practice.

Conflict with Social Welfare: Nozick's anti-redistributivism creates difficulties in tackling issues of poverty, inequality, and systemic disadvantage. OMB's please see is that of constant data to a certain degree of (July) and 'the (vote from some degrees of return to a last standard deserves a social order of Congress.'

Moral Limitations: Critics also argue that Nozick's focus on individual property rights might overlook wider moral concerns, such as the common good or a moral obligation to assist the less fortunate.

6.7 CONCLUSION

More so than with classical liberalism, justice in the sense Rawls and Nozick gave this term is often a struggle between equality and liberty. One such vision is Rawls' justice as fairness, a framework that can delineate a society in which institutions are configured to promote fairness by intentionally benefitting the disadvantaged. (Though, Nozick's justice as entitlement emphasizes both the need to leave people free and the importance of taking a hands off approach to voluntary exchanges.) Both theories have merits and drawbacks, and their ideas still resonate in discussions regarding political philosophy, public policy, and law (Dietzel, 2018). The system by which society chooses to administer, model, or regulate how we address our conflicts, essentially is at the heart of frameworks for justice, and that knowledge imparts a critical understanding of these principles, enabling a deeper appreciation of the systems and structures we have in place to address conflict in our communities. By combining the lessons from these perspectives, societies can work towards a balance of fairness and freedom that caters to the rich and varied desires and needs of their individuals (Nagel, 2005).

6.8 EXERCISE-SHORT QUESTIONS

1. Define distributive justice and provide an example.
2. What is procedural justice, and why is it important?
3. Summarize John Rawls's "Difference Principle."
4. How does Robert Nozick's entitlement theory differ from Rawls's principles of justice?

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IDEA OF SOCIAL JUSTICE: DR. B. R. AMBEDKAR AND AMARTYA SEN

Unit Structure

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7.0 OBJECTIVES

This chapter explores the idea of social justice based on the ideas of Dr. B. R. Ambedkar and Amartya Sen, namely, their visions for a just and equitable society. It describes Ambedkar's emphasis on uplifting the underprivileged by doing away with caste and based on the values of liberty, equality, and fraternity, the tenets of a caste-less egalitarian society. Ambedkar: education, economic security, and gender justice. At the same time, it offers an overview of the capability approach of Sen focusing on individual freedoms, substantive opportunities and public reasoning to tackle disabilities. The violence of that moment is transmuted in Sen's work, shifting the focus of justice from ideal to practice, enabling people to become who they are. Both thinkers call for systemic change to address historic and structural injustices, and provide for dignity, equality and

development for all. Their views balance one another, together offering a broad framework for the theory and practice of social justice in heterogeneous societies.

Idea of Social Justice:
Dr. B. R. Ambedkar and
Amartya Sen

7.1 INTRODUCTION

Social justice involves the application of some sort of distributive justice to the allocation of wealth, resources, privileges and so on. Justice is meant to serve the general good and provide universal equality before the law. Social justice aims to achieve a society that is fair and just in which every member of society gets their fair share of its goals and benefits. It has its foundation on enjoying the rights of equality where inequality in society is to be abolished. The caste system being an age-old division in society, based on notions of superiority and inferiority, the idea of social justice emerged as a response to this persistent social injustice (Jagadeesan, 2006).

These segments that have come out have raised barriers of exclusivity and discrimination. Since ages, the archaic system of caste afforded by Hinduism and backed up by patriarchy has been oppressing the backward classes and the women, denying them their rightful equality, education and opportunity to grow. This long history of discrimination has contributed to substantial social inequalities and presents a serious threat to the justice aspects of Indian democracy (Yadav, 2006). So, social justice in India therefore means rectifying these historical injustices by giving targeted benefits, facilities and privileges to those who have been historically marginalised and excluded. This encompasses special rights and affirmative initiatives for the advancement of marginalized groups and their inclusion in all domains of life. At the same time, these efforts are necessary to correct the historical lack of opportunities for these groups and to ensure that the talent that has often gone unused in these communities has the opportunity to flourish. The social imbalance that would result without such corrective action would only serve to impede the progress and unity of Indian society. In this sense, social justice is not just a moral obligation—it is a prerequisite for creating an equitable and democratic society that cherishes the dignity and potential of all its members (Shahare, 1987).

Social justice is about creating a fair and equal society in which all people have equitable access to basic rights and opportunities. It contains an assortment of ideas dedicated to attaining equity, justness, and self-respect for everyone. The chapter considers the contributions of two foundational thinkers, Amartya Sen and Dr. B. R. Ambedkar, who have offered distinctive, influential accounts of social justice. Capabilities, equity and eliminating discrimination are at the heart of their ideas for a just society (Ambedkar, 1992).

7.2 MEANING OF SOCIAL JUSTICE

Social justice is more than justice; it reflects a wider perspective that deals with the social, economic and political structures of society. The term “social” is applicable to society in its entirety, the organization of society,

the values that inform society, and the reforms of society, while “justice” denotes fairness, equality, and moral rightness. Social justice: Together the terms social justice describe policies and actions directed towards the improvement of the lives of marginalized and disenfranchised individuals; the examination and correction of societal injustices; and the practice of promoting a just society (Kataria, 2015).

Inherently rooted in socio-economic change, social justice demands concerted action to redress the deep-seated socio-economic disadvantages of the past. Those examples are all examples of "social engineering": the intentional redesign of our commons — which means shared resources (like water and air) and the systems that hold them together — to solve most of these urgent social challenges. It is in this that Law plays such a crucial role, it allows for the creation of policies and reforms that facilitate that change. Social justice, therefore, introduces democracy in the fields of politics, economy and society, questioning the caste and class hierarchy, overcoming class and caste antagonism and merging the ideals of socialism with the values of democracy (Rawls, 2002).

The concept of justice has long been debated by philosophers and theorists with differing interpretations. In *The Republic*, Plato understood justice to be a central moral principle vital to social life. He questioned his contemporaries—Cephalus, Polemarchus, Glaucon, Thrasymachus—and rejected their definitions as superficial or self-serving. The philosopher Plato held that justice is inherent in morality and connected with other virtues. Likewise, Aristotle proposed the notion of "distributive justice" as a principle of fair allocation of wealth, honors, and responsibilities based on individual merit and contributions to society. This methodology judges the equality merit based on individual capabilities and their usage to society (Friedman, 2002).

Contemporary versions of social justice, such as that of John Rawls, call for equality in the distribution of basic goods such as liberty, opportunity and wealth, unless unequal distribution benefits the least advantaged of society. Similarly, legal luminaries like Roscoe Pound, and Justice V. R. Krishna Iyer, encouraged a shift from mechanical formalism to an approach of law that incorporates social justice ideals. And, for example, Krishna Iyer noted that physical justice was an abstraction as compared to real people-oriented justice, as compared to legal justice, which is structured, law-oriented (Iyer, 1991).

Social justice is multi-faceted (into economic, social, and political spheres) and centres on the fair distribution of social, material, and political resources among all members of a given society. It seeks to eliminate social, economic, and political inequalities and provide equal opportunities for participation and advancement. It is a "balancing wheel" concept, bridging privileged versus their marginalized counterparts, playing the equal balance between them, striving for more inclusiveness and fairness. In the most simple way, we can say that social justice is that it tries to rectify historical injustices, protect the rights of the marginalized, and establish a society

based on equality of status and opportunity for all people regardless of class, caste, gender, etc (Shabbir, 2005).

Idea of Social Justice:
Dr. B. R. Ambedkar and
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7.3 AMBEDKAR ON SOCIAL JUSTICE

According to B. R. Ambedkar, social justice is a means through which to construct a casteless, egalitarian society, and society devoid of caste is an ideal society founded on the principles of liberty, equality and fraternity. Ambedkar argues that a just society could be one in which every individual within society is treated ends in themselves, and that the true goal of society is through fostering the development of every person's personality. Something like this is unavoidable if we want to live in a society, but it can only ever be done on the basis of the betterment of the individual that is subordinated, and be limited into an absolute minimum of what is needed. As per him, however, the interaction amongst individuals need to be based on freedom, equality and fraternity—the key principles of justice in his philosophy (Purohit & Joshi, 2003).

7.3.1 Essential Elements of Ambedkar's Social Justice

Liberty

Ambedkar argued that liberty is meaningful only in conjunction with three essential social conditions:

Social Equality

Meaningful freedom requires equal social rights for individuals. Unlike the ability to respond to competition, privilege creates imbalance, adjusting the scales for the privileged and curtailing the authentic liberty of others.

Economic Security

Liberty is hollow in the absence of security of employment and livelihood. When the economy is unstable, people are in fear all of the time; that they can't actually enjoy their freedoms or the pursuit of happiness.

Freedom of Access to Knowledge

Education is fundamental for people to use their freedom effectively. The ignorant are incapable of using liberty for important ends, Ambedkar said, and may be exploited by the knowledgeable elite.

Equality

For Ambedkar, social justice and a modern, progressive society were impossible without equality. He criticized the Hindu caste system for maintaining inequality by its rigid hierarchy and gradation. Ancient societies and caste-based societies, he wrote, degraded human dignity through lack of social and religious equality. It is essential to sustain a just society that all are equal in rights, opportunities, and treatment was the theory of Ambedkar.

Fraternity

Fraternity, was a key point in Ambedkar's vision of social justice. It was countering individualism, which without redirection, he felt leads to anarchy and erodes social cohesion. While fraternity induces mutuality, cooperation, and a sense of common moral order, where no two persons are competitors, seeking benefits at the cost of others (benefit, in this case, being defined as the overall welfare of society). Without fraternity, there could be no ideal society.

7.3.2 Ambedkar's Broader Vision of Social Justice

Ambedkar's vision of social justice extended beyond the caste system, encompassing issues of gender inequality, economic exploitation and social discrimination. He realized women from Indian society had to face burning oppression by restricting them from their work and excluding them from decision making. Ambedkar saw the emancipation of women as essential to social justice and stressed that women must enjoy equal opportunities as well as access to education and control over resources (Kumar, 2007).

Ambedkar also pinpointed the caste system as the source of social injustices in India. He blamed its origins on religious doctrines such as varnashrama and Brahminism, which were further codified by political power structures. Among other things, he condemned the collusion of social institutions, the police and the judiciary, in sustaining systemically caste oppression and untouchability (Miller, 1999).

7.3.3 Constitution of India and its Relevance

Ambedkar as the chief architect of the Indian Constitution embedded social justice in its very fabric. Although not directly mentioned, social justice is implicit in the Preamble, Fundamental Rights and Directive Principles of State Policy. All these elements combined are focused on breaking down social inequalities, allowing equal opportunities, and respecting individual dignity. Constitution can be a monumental example of social engineering catering to the social questions of Indian society. And work towards the social transformation through the abolition of caste system, equality of status and opportunity and the promotion of fraternity among all the people (Rodrigues, 2011).

7.3.4 Ambedkar's Enduring Legacy

Ambedkar's idea of social justice is a holistic framework for transforming society. It emphasizes:

- All human beings are created equal.
- The equal rights and worth of men and women.
- Groups of marginalized people and humane treatment.
- Caste distinctions and economic exploitation were to be abolished.
- An approach to education and resources for all.

- The emotional integration of fraternity.

Ambedkar's notion of social justice was at the heart of sustainable and amicable society. So the ushering in of a just society was to be realized through eliminating humanly constructed inequalities and liberating equality and fraternity. His legacy remains a beacon in the struggle towards redressing systemic injustices and creating a just order of society (Powell et.al., 2011).

7.4 AMARTYA SEN'S VIEWS ON SOCIAL JUSTICE

Driven by a distinct conception of social justice rooted in the ideas of capabilities, freedom, and public reasoning, the work of the Nobel-winning economist Amartya Sen is one of the most important intellectual projects of our time. His work relocates discussion away from normative justice typologies predicated on structural institutions or utopian builds to one that illuminates the lives people are capable of living. For Sen, justice is not an abstract ideal but a practical concern tied to remedies for inequalities and enabling people to reach their potential (Sen, 2009).

7.4.1 A Daedalian Tragedy: The Capability Approach

A central theme of Sen's social justice is his capability approach. Unlike theories of justice that are based on sufficient resources or utility, Sen's framework hinges on what people can be or do. Capabilities reflect the actual opportunities people have to pursue valuable functioning's — like being healthy, educated, or engaged in community life. Sen, the philosopher and economist, argues that justice should be understood in terms of whether people have the freedom to live the kinds of lives they value, rather than merely in terms of whether they have certain resources or achieve happiness (Moon, 1982).

The focus on capabilities accentuates diversity of needs and conditions of human beings. Whether a person can turn resources into value differs based on factors such as age, gender, health, and social context. In other words, a disabled person will need more resources to attain the same level of movement as a person without a disability. Sen's approach requires that justice take these differences into account, so that everyone has real opportunities to succeed. It also highlights the need to eliminate social, economic and political obstacles that constrain personal freedom (Deshpande, 2011).

7.4.2 Justice Built on the Foundation of Freedom

Freedom is a quintessential part of Sen's idea of social justice. He distinguishes between two concepts of freedom: instrumental freedom, which includes political participation, economic opportunities and social arrangements and substantive freedom, which is the capability to achieve valuable functioning's. In Sen's view, justice is a pursuit meant to extend substantive freedoms, as those freedoms are the actual markers of an individual's well-being and agency.

Sen is also critical of approaches that define justice in terms of the distribution of income or wealth. Economic resources are a very important factor, but no more than one of many different factors contributing to individual freedom. Equally important are education, health care, social inclusion and freedom from discrimination. To Sen, justice is the provision of a social and economic environment in which people can flourish and make meaningful choices without being constrained by the shackles of poverty, inequality or structural injustice (Gaub, 2013).

7.4.3 Public Reasoning Program and Democracy

The other important component of Sen's notion of social justice is public reasoning about what justice requires. Sen argues that justice is always about a certain kind of movement, where we try to combine increasing understanding with material outcomes, rather than a fixed world determined by narrow principles or abstract models. Instead it develops through processes of democratic deliberation and dialogue, where different perspectives are taken into account and priorities are negotiated. It lets the requirements of justice be rooted in the actual lives of human beings and not declare abstractions (Kerketta, 2015).

Public reasoning is also vital in recognizing injustices and forming consensus around remedies. Sen notes that perfect justice is often harder to identify than justice in the realm of injustice. So, even if an ideal is difficult to pursue, societies can still take meaningful steps toward greater equity simply by pursuing the elimination of these injustices (Mukherjee et. al. 1999).

7.4.4 A Practical Approach to Comparative Justice

Sen's is a comparative, not a transcendental, approach to justice. He critiques the kind of traditional theories that John Rawls made out of trying to determine what the principles of an ideally just society would be. Rather, Sen reasons, the real struggle is to correct existing injustices and to make small progress. Comparative justice moves away from pure abstraction to the search for practical solutions to the problems of inequality and human freedom in specific contexts (Nelson, 2008).

This practical orientation, though, that speaks to the realities of life, is all the more needed in pluralist and complicated societies where a singular model of justice is never going to get off the ground. By examining different arrangements and policies in multiple societies, societies can evaluate which ones effectively maximize capabilities and freedoms. This emphasis on actionable results makes Sen's framework incredibly versatile and attuned to the challenges faced in the world (Raghavendra, 2016).

7.4.5 Global Justice and Pluralism

Sen expands his vision of social justice to a global frame, pointing out that justice cannot be contained within the borders of a single nation. However societal problems such as poverty, climate change, and human rights abuse require a global outlook, because they will cut across borders and impact

on humanity as a whole. Sen argues for the interdependence of humanity and the need for global governance and institutions to be created to ensure equity and justice across the planet (Vinod, et.al., 2013).

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In this light, pluralism is a central piece of Sen's account of justice. He notes also that different cultures and societies may imagine the good life differently. Instead of insisting on one single definition of justice, Sen's perspective highlights the importance of respecting diversity, and for a conversation between cultures. This pluralistic perspective helps to guarantee that justice-seeking maintains an inclusive, context-sensitive quality (Schaller, 1998).

7.4.6 Social Justice and Development

Sen's ideas have deep implications for development policy. According to him, development does not occur because of just economic growth or GDP, it does occur in terms of human capability impact. Such a just society is one that cares for health; education; gender equality and social inclusion; and around the opportunities that allow every individual to live a life of dignity and reach their ambitions. The kind of capabilities-expanding policies Dr. Sen champions — universal education, the elimination of gender discrimination and hunger and poverty — lie at the heart of his vision of justice (Manu, 2019).

This viewpoint often stands in opposition to a narrow, traditional focus on economic indicators in development paradigms. Development, according to Sen, and development theory as a mean, the ends of development are to empower human capabilities and capacities, Freedom and well-being equal to social justice.

7.5 JUSTICE AS A PROCESS, NOT A FIXED CATEGORY

Amartya Sen's concept of social justice provides a creative vision focusing on individuals freedom, equality and public reasoning. Sen's insistence that justice must be concerned with capabilities, rather than resources, makes sure that individually grounded justice concern covers the whole human scale. And his interest in public dialogue and comparative justice ensures that his approach is practical, adaptable and fundamentally democratic.) The collective effort may push societies to look beyond limited definitions of justice, giving way to a comprehensive vision that flowers in the spirit of human dignity and equality. In a world beset with systemic inequalities, our interconnection and climate changes, his ideas are especially important. In the end, as articulated by Sen, social justice is instrumental in constituting societies where every person can flourish and play their role in benefitting society as a whole (Jammanna, 2017).

7.6 CONCLUSION

Standards of social justice According to B. R. Ambedkar and Amartya Sen, both the thinkers generally envision a social structure in their own ways but they share a common approach of freedom, dignity and equality in the society. While both theorists call for the liberation of society from systemic inequities, they present contrasting frameworks based on their respective ideological backgrounds. In the context of the diverse Indian socio-cultural landscape, Ambedkar's vision of annihilation of caste and the establishment of liberty, equality, and fraternity as the cornerstone of a just society remains fully relevant today. His emphasis on eradicating caste-based discrimination and empowering marginalized communities underscores the pressing need for systemic change to attain social justice. His emphasis on education, women status, and brotherhood highlights that justice is a more moral and emotional need than just a legal and economic one (Narke, 2014).

The alternative is Amartya Sen, who expands the realm of social justice with his capability approach, focusing on individual freedoms and the opportunities that people have to realize their potential. His framework is international, and speaks to concerns of justice while recognizing social and cultural differences. Here, then, is a model of justice which is flexible, and relevant across societies, drawing on Sen's discussion of public reasoning and the virtual elimination of injustices. Focusing on capabilities, substantive freedoms, and democratic deliberation, Sen offers an attainable yet elevating vision of justice.

Ambedkar and Sen offer complementary and important perspectives for Muslims on social justice issues. So, whereas Ambedkar, as I have said, is concerned with dealing with historical injustices and with transforming societies that are deeply stratified (like India was, is and to some extent remains), Sen's ideas can offer a universal and flexible frame for justice based on freedoms and the capabilities of individuals. Both highlight the moral and practical urgency of addressing inequality, ensuring the dignity of every person, and fostering a world in which every individual can achieve their full potential. Their contributions are ever so valuable because it guides us to the kind of society we should build, societies that are equitable, inclusive, and just.

7.7 QUESTIONS

1. What is Ambedkar's perspective on social justice and its foundational principles?
2. Explain Amartya Sen's capability approach to social justice.
3. How does Ambedkar's focus on caste-based discrimination complement Sen's emphasis on capabilities?
4. Define the role of public reasoning in Sen's framework for achieving social justice.

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