

All PPT PDF

POLITICAL CONCEPTS & DEBATES

2ND SEM CBCS SYALLBUS

Equality of opportunity Vs equality of outcome

How to write answer on this topic?

BA HONS. POLITICAL SCIENCE EXAM HELP

WHAT IS IN STORE?

Analysis of previously asked questions

Equality and Egalitarianism: Introduction

Thinkers and events who/which shaped the idea of equality

Equality of Resources: Ronald Dworkin

Equality of opportunity and equality of outcome: meaning, pros & cons, differences

Past year papers

2018 : Explain the concept complex equality ; How does it differ from the discourse on **resource egalitarianism** ?

2017 :Critically examine the concept of '**equality of resources**' as advanced by Ronald Dworkin.

2016 : Analyse the concepts of '**equality of resources**' and '**equality of opportunity**'.

2015 : Discuss the concept of equality. Which of the two- **equality of opportunity** or **equality of outcome**- would better address the question of inequality?

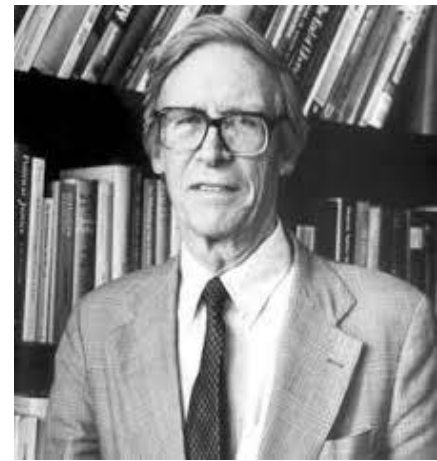
Equality: Introduction

- **Equal moral worth** and equality on the basis of **humanity**
- Most **porous** of the normative political values- liberty, rights, justice, equality
- Least intuitive and natural : inequality in nature, society, family
- **Egalitarianism**: equality as cornerstone of political arrangements and public policy
- Meaning of equality: the **race metaphor**
 - All should start at same time : equality of opportunity: formal equality
 - All should run with similar sports gear, similar training: substantive equality
 - Physically weak/challenged should be compensated: may be by less numbers of lap! : positive discrimination- affirmative action
 - Reward of winning should be equal for all runners!: equality of Outcome
- Dimensions of equality
 - **Formal Vs Substantive**
 - Formal- legal, political ; substantive- socio-economic
 - Equality of **Opportunity** Vs equality of **Outcome**



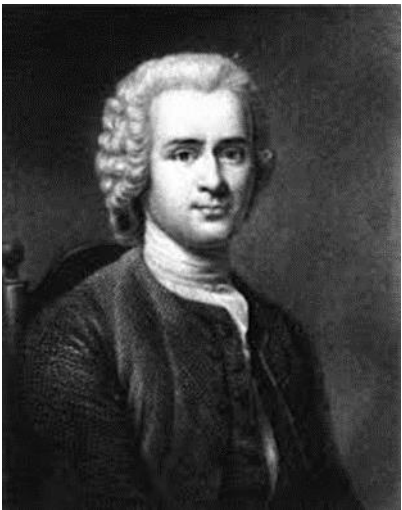
Ronald Dworkin(1931–2013):Sovereign Virtue: *the theory and practice of Equality*:
Equality of Resources

John Rawls(1921-2002): Democratic equality, fair equality of
opportunity through his *theory of Justice as fairness*

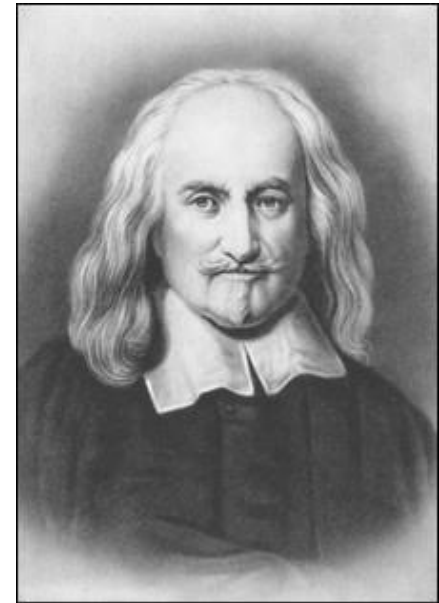
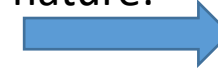


Thinkers who shaped the concept of equality

Rousseau(1712 –1778):*Discourse on origin of inequality*:
natural vs conventional inequality



Hobbs(1588-1679): *Leviathan*: equality among men in nature:
natural equality



Tocqueville : *Democracy in America*: passion and charm of
equality is general and strong

American Declaration of Freedom (1776): We hold these truths to be self-evident, that **all men are created equal**, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness



Democracy in Athens(5th century BC): Equal citizen



Events which shaped the idea of equality

French Revolution(1789): Liberty, equality, freedom



Universal Declaration of Human Rights(1948):
reaffirmed faith in dignity and worth of the human person and in the equal rights of men and women



Egalitarianism

- Equality
 - as cornerstone of justice as fairness
 - has intrinsic and non-instrumental value
- Advocates equality as the basis for socio-political arrangements and public policy
- Factors behind unequal outcome- background inequalities
 - Social Luck : social background, family, education, inheritance, etc
 - Natural Luck : native talent, beauty
 - Brute bad luck: disease, accidents, disabilities, disasters
 - Optional Luck : choices and preferences
- Different degree/types of Egalitarianism
 - **Liberal egalitarians** : combine the values of equality, personal liberty and responsibility
 - **Soft vs hard egalitarians** : Hard/strict- equality of outcome
 - **Luck egalitarian**: people shouldn't be worse off than others because of brute luck

Equality of Opportunity

- For accessing education, employment, health care and other important public goods individual's race, class, gender, caste, religion, etc. shall not matter
- Ensuring a **level playing field**, equality of **access** to rewards of life, equal treatment, equal **chance**
- **Remove constraints** of social bad luck – classical fairness : like treated like, unlike treated unlike
- **Accept inequality of outcome** due to inequality of natural talent, individual choice and preferences
- Consistent with classical liberalism and conservatism –liberal or soft egalitarianism
- **Formal vs substantive**
- Promote efficiency, excellence and production, but allows for economic inequality

Pros and cons of equality of opportunity

In favour

- Easy to implement
- Equal concern for each citizen
- protect individual dignity and choice
- Promote efficiency, competitiveness, excellence

Criticism

- Promotes status- quo
- meaningless for people lacking basic necessities of life
- Mere formal equality
- Promote capitalism and market economy
- Undermine social solidarity, fraternity

Equality of Outcome

- Equality of results, conditions, rewards – Income, welfare, resources
- Substantive and positive equality
- Provides meaning and **substance** to equality of opportunity
- Attempt to compensate for both social and natural luck – hard egalitarianism
- Troublesome idea extremely difficult to implement
- Promotes **social solidarity, fraternity, social peace and harmony**
- Allows much **wider role to state** -May interfere with liberty and autonomy
- Supported by **socialist, communist ideologies**

Pros and cons of equality of outcome

In favour

- Substantive equality
- Broaden the horizon of equality
- Make equality of opportunity meaningful
- Take idea of equality closer to fairness/justice
- Promote social solidarity, fraternity

Criticism

- Very difficult to implement
- May kill incentive to excel
- Lesser production- smaller pie
- Undermine individual liberty –dignity and choice
- Oppressive, authoritarian state

Equality of Opportunity Vs Equality of Outcome

opportunity

- **Equality in competition**
- Remove obstructions of bad social luck
- Generally non-distributive
- **Consistent with liberalism**
- More acceptable face of **equality-soft egalitarianism**
- Limits state's authority
- Example: formal equality- equality before law, political equality
- Much easier to implement

outcome

- **Equality in results of competition**
- Compensate for both social and natural luck
- Involves transfer, distribution
- Closer to socialism, communism
- Trouble some idea for many- **hard egalitarianism**
- Allows more authority to states
- Example: substantive equality- equality of resources, welfare, income
- Very difficult to implement

Equality of Resources: Ronald Dworkin

- Legitimate govt. must have equal concern for each of its citizen
- Equal concern demands socio-economic arrangements which results from an imaginary market procedure which includes insurance for misfortune
- Imaginary market procedure:
 - **Initial position: *equal auction***: All 'equal' participate in fair bidding for resources of their choice
 - **Intermediate phase**: individuals produce, invest, trade with different choice/preferences
 - **End result**: Inequality of outcome- resources, Income
 - **Fair Insurance market**: Risk pooling or luck sharing for brute bad luck and option luck
- May be compared with Rawls democratic inequality

Summary

- Equality is the most **porous, non-intuitive, and controversial** of normative political values
- **Egalitarianism** is political doctrine which takes Equality as sacrosanct, end in itself
- **Multiple Dimensions:** Formal vs substantive, equality of opportunity vs equality of outcome
- **Equality of opportunity** : Equal chance/access to compete, non-distributive, more acceptable
- **Equality of outcome** : Attempt to equalize results and rewards, substantive, controversial
- **Equality of resources:** Socio-economic arrangements to mimic results of an imaginary market procedure which includes fair market of Insurance to share luck

References

- Political Theory : An Introduction by Bhargava & Acharya
- An Introduction to Political Theory : by O.P. Gauba
- Political Theory: concepts and debates : Atlantic Research Division
- Recommended reading list of DU Political Concepts syllabus
- Materials available on WWW and you tube videos

THANK YOU!

GOOD LUCK !

Complex Equality

Complex Equality of Walzer Explained

POLITICAL SCIENCE EXAM HELP

Past year papers

2018 : Explain the concept complex equality ; How does it differ from the discourse on resource egalitarianism ?

2017 :Critically examine the concept of '**equality of resources**' as advanced by Ronald Dworkin.

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- Dimensions of equality
 - **Formal Vs Substantive**
 - Formal- legal, political ; substantive- socio-economic
 - Equality of **Opportunity, Welfare, Resources, Capabilities**
 - **Simple vs Complex Equality**

Complex Equality: Introduction

A communitarian account of distributive justice – put forward by Michael Walzer in his book '*Sphere of Justice- Spheres of Justice: A Defense of Pluralism and Equality*' in 1983

Membership to community give right to equal overall status

Assumptions

All cultural communities/societies have distinct spheres of distribution

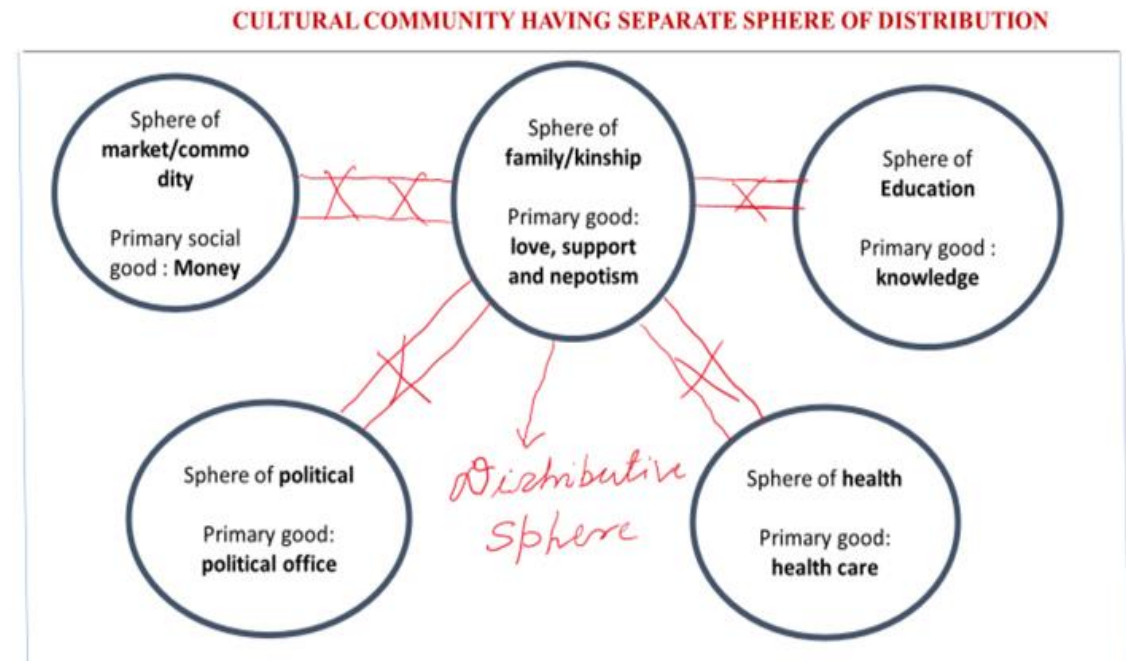
different sphere of distributive justice are independent and autonomous

Meaning and v

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Complex Equality

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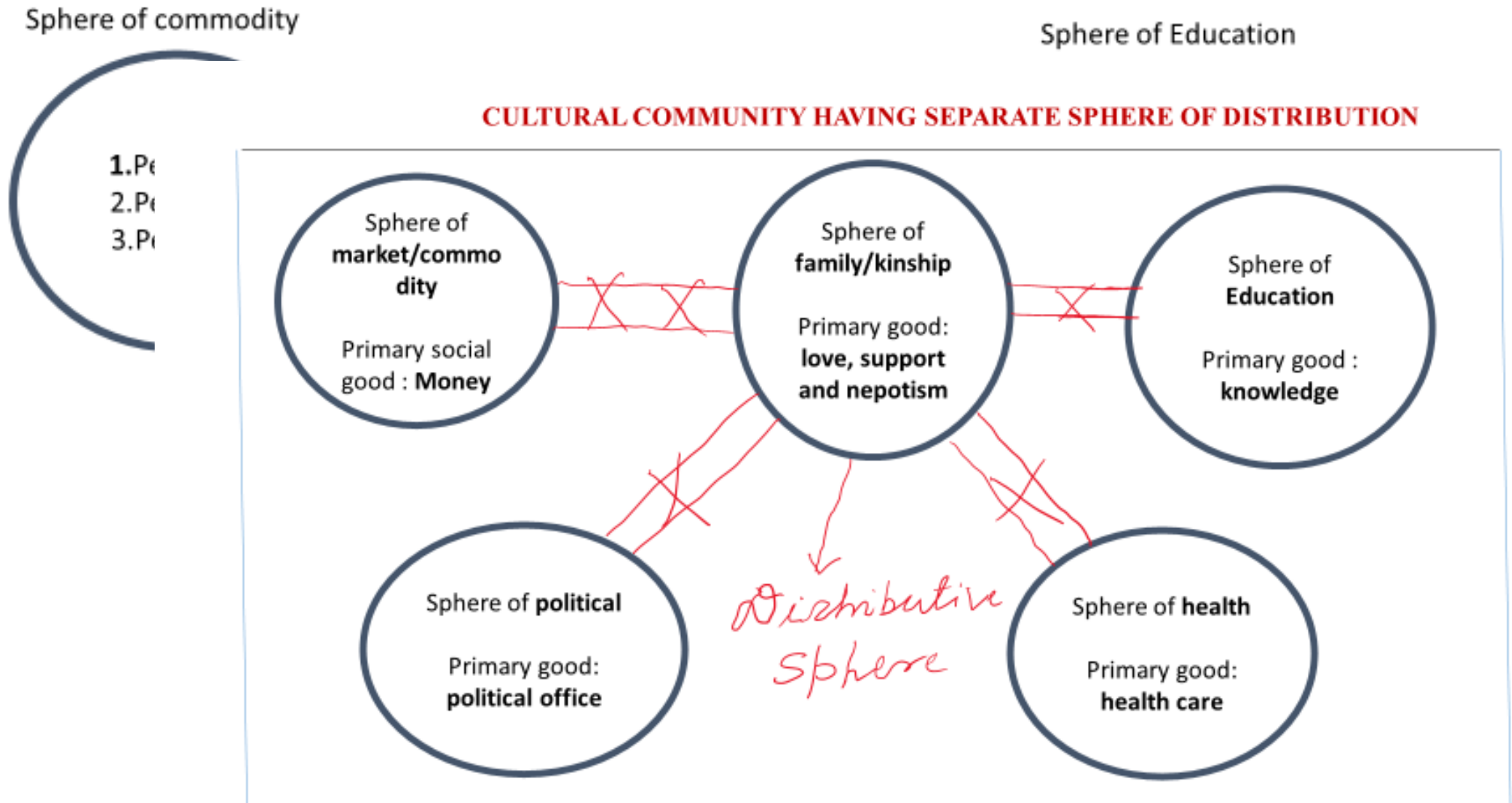
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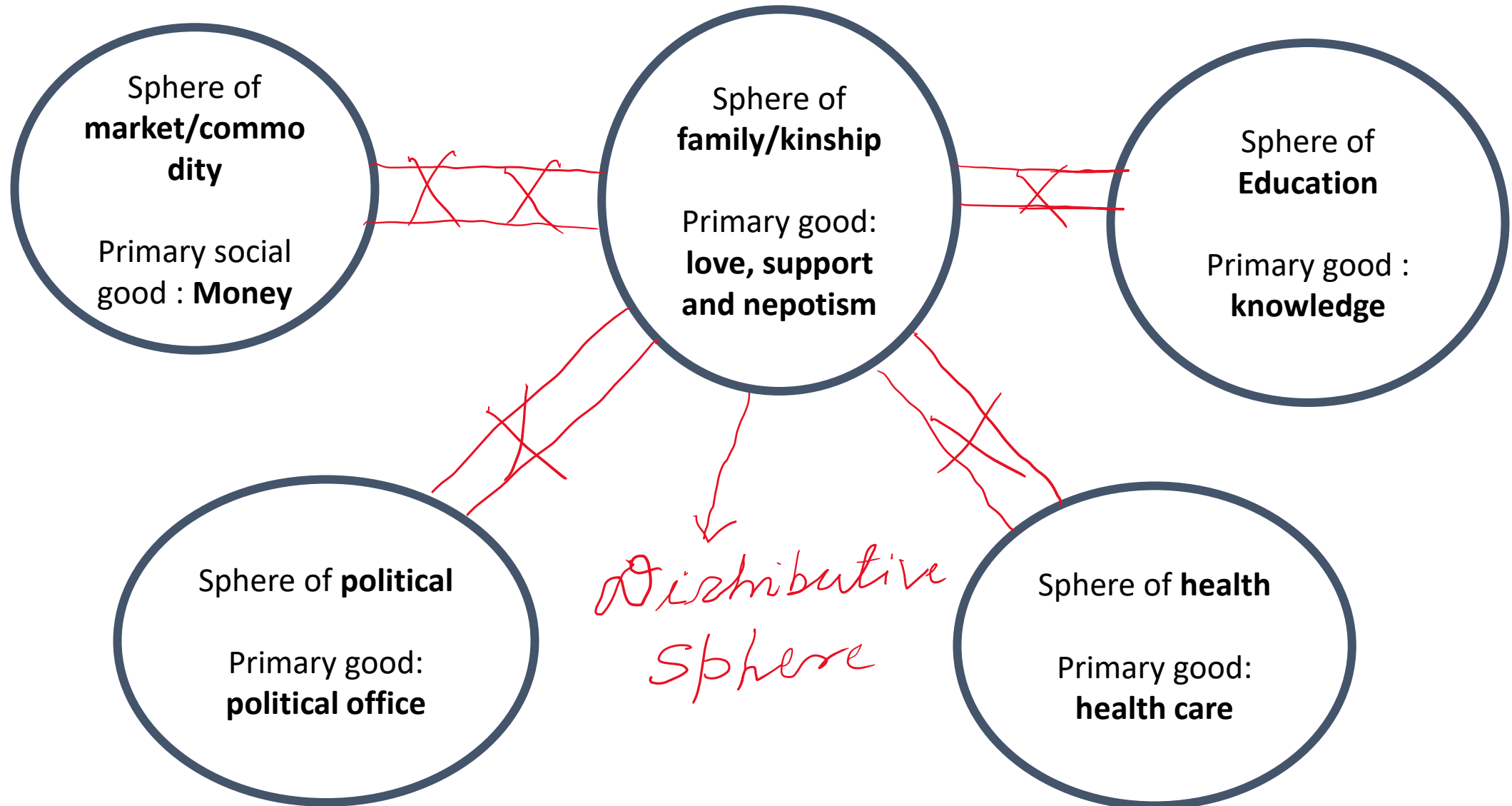
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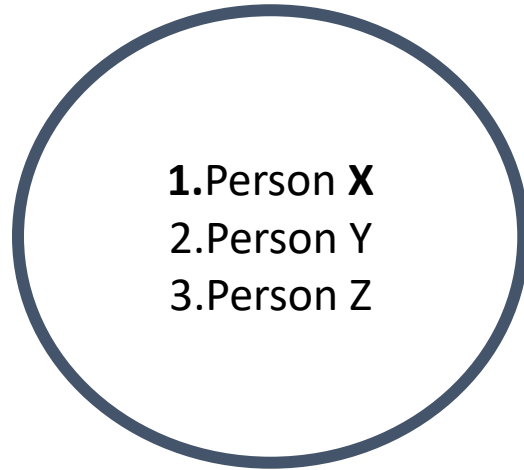
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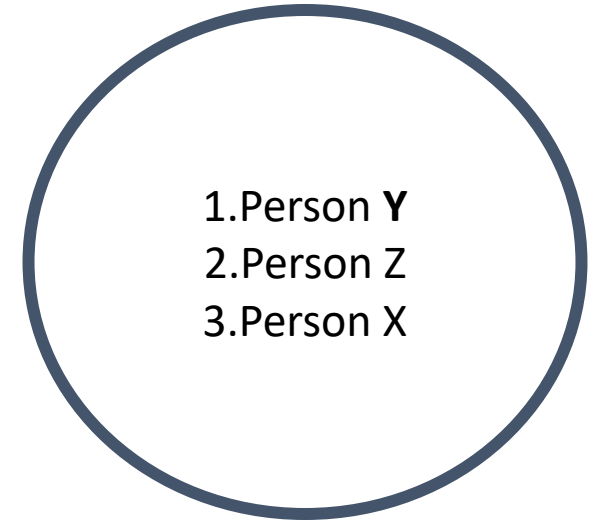
CULTURAL COMMUNITY HAVING SEPARATE SPHERE OF DISTRIBUTION



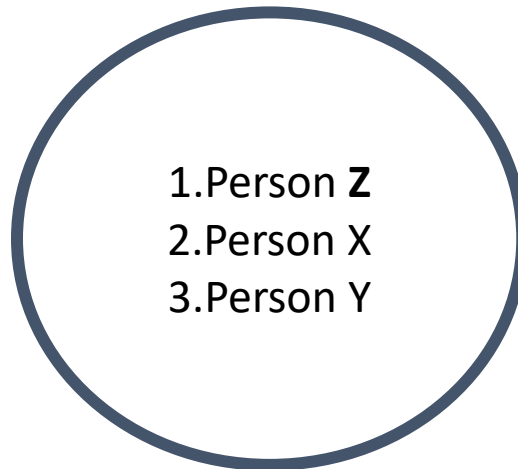
Sphere of commodity



Sphere of Education



Sphere of political



Some Examples

- Citizen X may be chosen over citizen Y for political office, and then the two of them will be unequal in the **sphere of politics**. But they will not be unequal generally so long as X's office gives him no advantages over Y in any other sphere-superior medical care, access to better schools for his children, entrepreneurial opportunities, and so on.
- Sphere of politics should be corrupted by dominance of money and muscle power, which belong to market and military sphere respectively
- Sphere of office/position should not be dominated by nepotism which belongs to the sphere of kinship and love

Simple vs Complex Equality

simple

- Attempt to equalize social goods-resources, welfare, capabilities, opportunity – by a single rules/criteria across society
- Equality is assessed on single criteria
- Generally use normative universal principles
- Generally individualistic account of equality
- same people win out in every sphere for the same reason

complex

- Social goods are distributed by different rules, reasons in different distributive sphere
- Equality is assessed on multiple criteria and sum total of overall standings in different spheres
- Uses culture specific norms and moral rules
- Communitarian idea of equality
- same people may also win out in every sphere but for different reasons

Pros and cons of idea of complex equality

In favour

- Value pluralism- support cultural diversity
- reconcile the ideas of a plurality of choices/way of life with that of equality
- avoids state intervention to maintain equality
- Despite inequality in different spheres, equal overall status
- Futuristic, substantive, and comprehensive

Criticism

- Incoherent, complex, and difficult to implement
- May require state intervention to block exchanges between spheres
- Idealistic assumptions, not empirically true
- Give too much ground to moral and cultural relativism
- Denies global justice -international distributive justice

Summary

- Complex equality by Walzer is communitarian account of distributive justice
- **The concept is based on assumption of separate autonomous sphere of distribution**
- **Distribution of each social good is decided by rules and reasons specific to the sphere and interpretation of its social meaning**
- **Conversion and exchange of goods across boundary of sphere blocked**
- **Hence, possession of one good in one sphere does not affect possession of other goods in other spheres**
- **Thus, despite inequalities in a particular sphere, overall equality of status is maintained**
- **Pros: value pluralism, avoid state intervention, Futuristic, substantive, and comprehensive**
- **Cons: Incoherent, complex, and difficult to implement, Idealistic assumptions, moral and cultural relativism, Denies global justice**

References

- An Introduction to Political Theory : by O.P. Gauba
- Recommended reading list of DU Political Concepts syllabus
- Materials available on WWW and you tube videos
 - <https://is.cuni.cz/studium/predmety/index.php?do=download&did=139150&kod=JPB595> accessed on 31st March 2019

THANK YOU!

GOOD LUCK !

Equality of Resources

Resource Egalitarianism of Dworkin Explained

POLITICAL SCIENCE EXAM HELP

WHAT IS IN STORE?

Analysis of previously asked questions

Equality of Resources by Dworkin:
Meaning, explanation, features

critique to the theory

Comparison with Rawls and Nozick's
theory

Equality of resources vs equality of
opportunity and outcome

Past year papers

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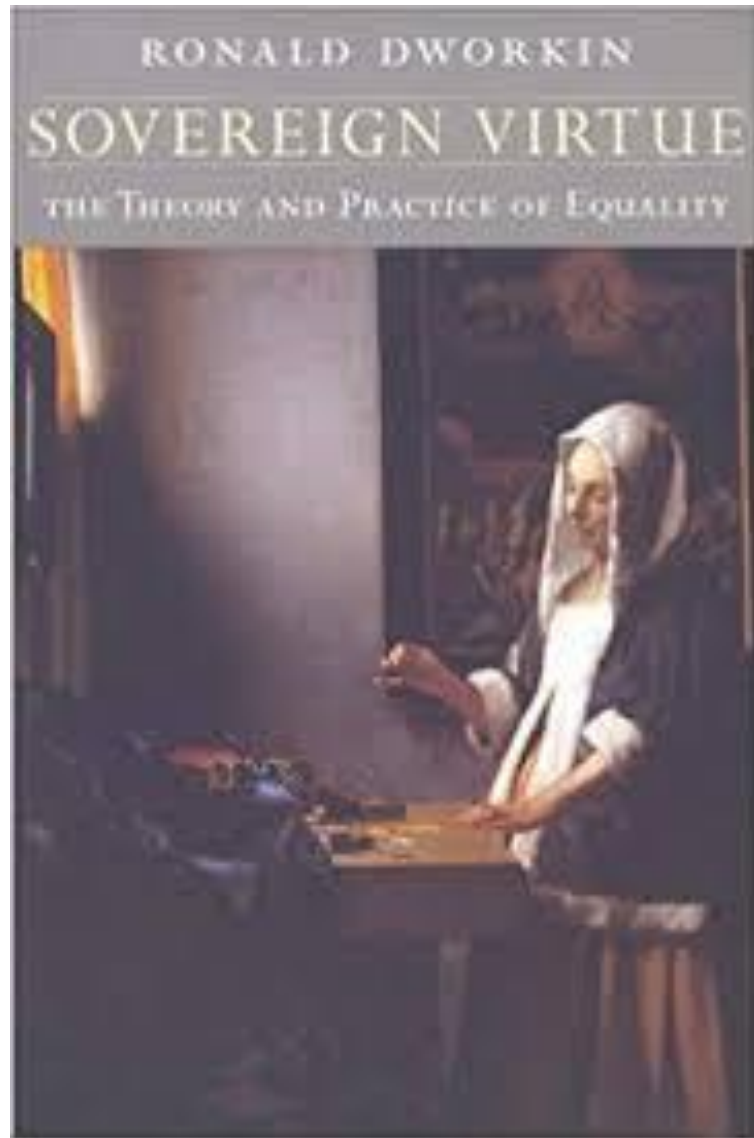
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Equality means having equal: What should be equal?

- **Equality of opportunity**
 - Equal chance of winning the rewards of life
- **Equality of welfare**
 - Equal satisfaction, pleasure, well-being
- **Equality of resources**
 - Socio-economic goods/resources are distributed equally/fairly
- **Equal status, overall equality : Complex equality**
- **Equality of outcome**
 - Rewards or results are equal



Published in 2000, Dworkin presented his idea of equality and justice in this seminal book.

Equality of Resources by Dworkin

- Political conception of equality requires State treating each citizen with **equal concern** and **equal respect**
- **Equal Concern**
 - Frame socio-economic policy giving each citizen's interest equal weightage- no harm to interest's of any citizen over other
 - राज धर्म : प्रजा प्रजा में भेद भाव नहीं
- **Equal Respect**
 - Must allow each citizen to make choices as per his/her conception of good life
 - Must not dictate certain conceptions of the good that people must live and pursue
 - Individuals should own responsibility for their choice and ambitions
 - Treat each one according to one's dignity and special circumstances- treating like equally and unlike differently
- A form of **Luck egalitarianism** ; Also called **Resource Egalitarianism**
- Equal concern demands socio-economic distribution which results from an **imaginary market procedure** which includes insurance for bad luck
- Despite having equal value of resources to begin with, inequality shall result from conscious choices/ambitions of individuals but such inequalities are not unjust
- Real life applications: Health care system, social security schemes, taxation for social welfare, unemployment benefits, affirmative action, etc

Equality of Resources: Imaginary Market Procedure

1. 100 shipwrecks who lost

2. **Initial position:**
in fair bidding
100 shells to

Envy test: by
one buys bundle
bundle of goods



3. **Intermediate phase:** individuals produce, invest,
trade with different choice/preferences

4. **End result:** Inequality of outcome- resources, Income,
wealth ; outcome reflect personal choices and ambition

5. **Fair Insurance market:**

Out of 100 shells, each one buy suitable insurance as
per one's risk taking aptitude

Risk pooling or luck sharing for brute bad luck –
disability, sickness, less natural talent, bad option luck

Critique of Dworkin's Equality of Resources

- Too much emphasis on choice.
 - Not all choices are of our own will.
 - Exact difference between "bad luck" and "bad choice" is problematic
 - Should we not help one who is misfortunate to take bad choices?
- Complex, idealistic, and vague; difficult to implement
- Linked to legitimation of government and equal citizenship. What about equality for non-citizen or people in general?
- Not applicable to equality of resources at global level
- Much more reliance of market mechanisms and individualism

Comparison with Rawl's and Nozick's Theory of Justice

- All 3 are liberal account of distributive justice
- In comparison to Rawl , Dworkin's theory has
 - Thinner veil of ignorance
 - Make distinction between worst off because of brute bad luck or conscious choice (option luck)
 - Give more emphasis on choices/ambitions – option luck
 - More political conception of equality rather than normative/philosophical principle of Justice
 - Less procedural, more towards realization of justice – नीति (Just procedure) Vs न्याय (realized justice)
- In comparison to Nozick
 - Like Nozick, citizens have liberty to pursue their own conception of good life without state interference
 - People in initial position are not free to choose resources; they need to bid in a fair auction
 - No absolute right on personal endowments and property
 - Society/state takes care of misfortune/ bad luck through a fair insurance market

Equality of opportunity and outcome vs resource egalitarianism

- Resource Egalitarianism of Dworkin is against both equality of opportunity and equality of outcome
- Unlike equality of opportunity which does not compensate for bad social and natural luck, resource egalitarianism of Dworkin compensate for bad luck
- Thus, equality of opportunity leaves individual at the mercy of market to compete fairly whereas resource egalitarianism of Dworkin proposes political intervention in market to take care of misfortune
- Unlike equality of outcome, which is like flat equality – everyone has equal Income, wealth, Money, or rewards- resource egalitarianism of Dworkin may result into unequal outcome for individuals
- However, such inequality in outcome shall be function of personal choice and ambitions and not mainly because of one's good social and natural luck
- By devising social insurance, resource egalitarianism of Dworkin attempt to reduce inequality to the extent necessary to protect dignity and respect of individual. But it is not aiming for flat equality unlike equality of outcome.

Summary

- Equality of resources by Ronald Dworkin is luck egalitarian conception of equality based on fair market procedure and social insurance to share luck and compensate for bad luck
- For Dworkin, political conception of equality demand state treating citizen with equal concern and equal respect
- Equal concern demands fair distribution of resources mimicking an imaginary fair market procedure along with fair Insurance market for misfortune
- Equal respect requires that state respect choices and ambitions of citizen and doesn't superimpose its own conception of good life on them
- It also means that individuals take responsibility for his/her choices and ambitions.
- Thus, despite inequalities in outcome because of different choices/ambitions (option luck), no injustice is done to anyone
- State funds for social insurance by taxation to compensate for bad luck
- Dworkin's theory guided many social public policies in major democracies; Health care system, social security schemes, taxation for social welfare, unemployment benefits, affirmative action, etc.

References

- Political Theory : An Introduction by Bhargava & Acharya
- An Introduction to Political Theory : by O.P. Gauba
- Materials available on WWW and you tube videos
- Recommended reading list of DU Political Concepts syllabus
 - Swift, Adam. (2001) Political Philosophy: A Beginners Guide for Student's and Politicians. Cambridge: Polity Press, pp. 91-132.
 - Casal, Paula & William, Andrew. (2008) 'Equality', in McKinnon, Catriona. (ed.) Issues in Political Theory. New York: Oxford University Press, pp. 149- 165.
Materials available on WWW and you tube videos

THANKS FOR WATCHING!

GOOD WISHES !

Equality of Resources Vs Complex equality

Equality Theory of Dworkin and Walzer Explained

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- Walzer urges us to conceive of equality as a plural conception with many different inequalities cancelling each other out so that overall people are equal even as they are unequal in specific respects
- Different social goods ought to be distributed for different reasons, in accordance with different procedures, by different agents; and all these differences derive from different understandings of the social goods themselves - the inevitable product of historical and cultural particularism.@
- different distributional principles and procedures for different social goods
- Any good belonging to one sphere of life should not be allowed to dominate the distribution of a good belonging to another sphere
- It is the history and culture of a particular community that determine the meaning of social goods
- distributive principles must be good-specific and, secondly, that these good-specific principles must be culture-specific

- For Walzer, inequalities are not wrong as such, it is when inequalities in one sphere are allowed to lead to inequalities in another sphere, that our socio-political arrangements should guard against
- prevention of exchanges between distinct spheres that is the focus of Walzer=s notion of complex equality
- No dominance or monopoly - monopoly is not inappropriate within the spheres)
- what is wrong is what Walzer calls Atyranny@, that is the disregard of the distinctness of the principles internal to each distributive sphere

Autonomy of distribution; limiting range of convertivity of goods; breaking dominance of one good across all distribution sphaerae- complex egalitarian equality

- I want to argue that we should focus on the reduction of dominance -- not, or not primarily, on the breakup or constraint of monopoly. We should consider what it might mean to narrow the range within which particular goods are convertible and to vindicate the autonomy of distributive spheres... Imagine now a society in which different social goods are monopolistically held C as they are in fact and as they always will be, barring continual state intervention C but in which no particular good is generally convertible... This is a complex egalitarian society. Though there will be many small inequalities, inequality will not be multiplied through the conversion process. Nor will it be summed across different goods, because the autonomy of distributions will tend to produce a variety of local monopolies, held by different groups of men and women.@ 8

Complex equality explained

- It establishes a set of relationships such that domination is impossible. In formal terms, complex equality means that no citizen's standing in one sphere or with regard to one social good can be undercut by his standing in some other sphere with regard to some other good. Thus citizen X may be chosen over citizen Y for political office, and then the two of them will be unequal in the sphere of politics. But they will not be unequal generally so long as X's office gives him no advantages over Y in any other sphere: superior medical care, access to better schools for his children, entrepreneurial opportunities, and so on.
- His foundational premise is that it is the social meanings attached to goods that determine their fair distributional rules.

- Rule of distribution : [N]o social good x should be distributed to men and women who possess some other good y merely because they possess y and without regard to the meaning of x.@ 10
- Walzer does say that we cannot start with absolute universal norms for distributive justice, because there are none.
- Justice requires that each good be distributed in accordance with its own sphere-specific principles, which are discovered through interpretation of its social meaning
- A society is tyrannical if one good dominates others, if it violates those meanings.
- A **blocked exchange** is the rules which in practice maintain boundaries between social institutions and practices
- Walzer=s conception of justice it is crucial that social and political arrangements should block money=s domination of other spheres. Justice (and liberty) requires that other spheres be protected against the tyranny of money
- The spheres of justice, according to Walzer, include: membership itself (i.e. citizenship or community membership), security and welfare, money and commodities, office, hard work, free time, education, kinship and love, divine grace, recognition and political power.

Cons of the complex equality theory

- Walzer=s theory espouses a type of moral relativism - community=s shared understanding is the ultimate arbiter of moral worth
- money and commodities pose to the independence of other spheres
- Difficult to implement
- in practice his theory may well require just such state intervention to protect the integrity of distinct spheres of life.
- Walzer=s idealist assumption that dominant spheres should not dominate subordinate spheres, is untenable and empirically untrue – ex: For example, private property and wealth in capitalist societies dominate or distort the distributive rules applicable to the sphere of health,
- Walzer=s theory is based on unrealistic assumptions about social reality in assuming that the dominance of certain goods may be tamed by keeping it in its appropriate cultural corral

Cons...

- Moral relativism : Carens and Rustin²¹ accuse Walzer of professing to be a moral relativist but that in his practical examples he uses universal/abstract normative arguments and principles in support of his theory. Chief amongst these is Walzer=s assumption that all societies have distinct spheres and that this is therefore a universal norm.
- Incoherent: claim not to use universal normative abstractness but uses two universal abstract idea (that separate spheres and meaning determines distributive justice)
- Denies global justice or denies international distributive justice – because of cultural relativism
- Incoherent : Walzer=s theory is incoherent because it purports to prevent direct state intervention in the distribution of social goods, yet, if Swift is correct, his theory will require considerable and ongoing state intervention.

possible meanings of Aequality@ that can be derived from Walzer=s Spheres of Justice:

- The notion of equal respect for the capacity of all human beings to create culture
- (ii) The notion that equality is to be equated with the absence of domination
- complex equality is best understood as equality of status.
- Goods should be commensurable : high ranking in one distributional sphere can be offset by a low ranking in another distributional sphere- low correlation between rankings in different spheres if distributional autonomy is preserved

Pros of the complex equality theory

- Value pluralism (that is, the idea that society should be tolerant of different conceptions of the good). It treats plurality of ends as a cornerstone of its theory
- Walzer as making an appeal for cultural tolerance and against xenophobia and cultural superiority
- theory that explicitly focuses on the social meaning of institutions and diverse ways of life, Walzer tries to reconcile the ideas of a plurality of choices with that of equality
- Respect for cultural diversity : cultural interpretation is the best way to determine what will constitute social justice for a specific culture, at a specific time and in respect of specific spheres of life lived in that particular culture.
- Walzer claims that complex equality avoids massive state intervention to preserve equality
- Grants equal citizenship : under complex equality, individuals= differential rankings in different spheres will cancel each other out, so that their aggregate standing in society will be equal, they should have a sense that they are equal citizens.
- Futuristic : complex equality is future-directed, rather than an ideal for the hereand-now.
- It include other values in our conception of distributive justice, such as freedom, mutual respect for each other and our different cultural communities and needs

Simple vs complex equality

simple

- Attempt to equalize social goods- resources, welfare, capabilities, opportunity – by a single rules/criteria across society
- Generally use normative universal principles
- Generally individualistic account of equality
- same people win out in every sphere for the same reason

complex

- Social goods are distributed by different rules, reasons in different distributive sphere
- Uses culture specific norms and moral rules
- Communitarian idea of equality
- the same people may also win out in every sphere but for different reasons

Walzer vs Rawl

Rawl

- Prefer individual rights and freedom
- Priority of individual over community
- Simple equality
- Applicable to liberal societies
- Require institutional arrangements and state apparatus
- Rawlsian list of 'basic' goods that can be applied cross-culturally fails to respect cultural difference and seeks an abstraction from meaning that renders goods meaningless
- Individual self unencumbered by social and cultural baggage
- may be justified and articulated without recourse to controversial sociological assumptions or empirical research

Walzer

- Prefer social conception of good- societal good over individual rights
- priority of the community over the individual
- Complex equality
- Applicable to all cultural communities
- Managed by social traditions and cultural norms
- same cultural community, different goods should be distributed for different reasons.
- culture-producing creatures
- endeavours to work from the start with a thick conception of the good and this unavoidably makes his theory vulnerable to sociological doubts and attack.

points

- The idea that different goods should be distributed for different reasons, and that we should discourage conversions between goods whose meanings are distinct, has a great deal of intuitive appeal, because many examples of prohibited conversions already exist in societies.
- Examples of prohibition of conversion of goods in other spheres of distribution ; distributive rules applicable within the sphere of the family are prohibited when applied in the sphere of public life or in the private sphere of employment: favouring one's children or siblings over outsiders in distributing family goods, such as love and affection and the general means of living, within the family is allowed, even expected, whereas distributing goods such as jobs in the spheres outside the family to those nearest to one, is either prohibited or at least frowned upon as Nepotism or Favouritism.
- whole point of his notion of Complex equality is that the many inequalities will result in complex or overall equality

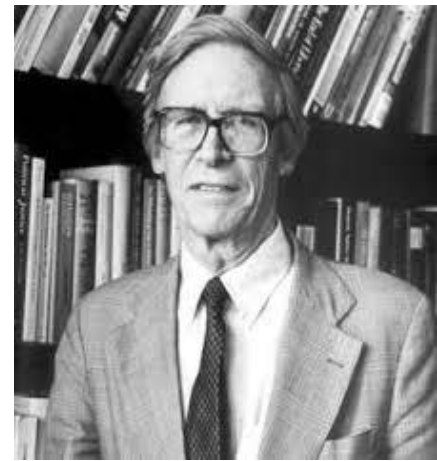
Equality: Introduction

- **Equal moral worth** and equality on the basis of **humanity**
- Most **porous** of the normative political values- liberty, rights, justice, equality
- Least intuitive and natural : inequality in nature, society, family
- **Egalitarianism**: equality as cornerstone of political arrangements and public policy
- Meaning of equality: the **race metaphor**
 - All should start at same time : equality of opportunity: formal equality
 - All should run with similar sports gear, similar training: substantive equality
 - Physically weak/challenged should be compensated: may be by less numbers of lap! : positive discrimination- affirmative action
 - Reward of winning should be equal for all runners!: equality of Outcome
- Dimensions of equality
 - **Formal Vs Substantive**
 - Formal- legal, political ; substantive- socio-economic
 - Equality of **Opportunity** Vs equality of **Outcome**



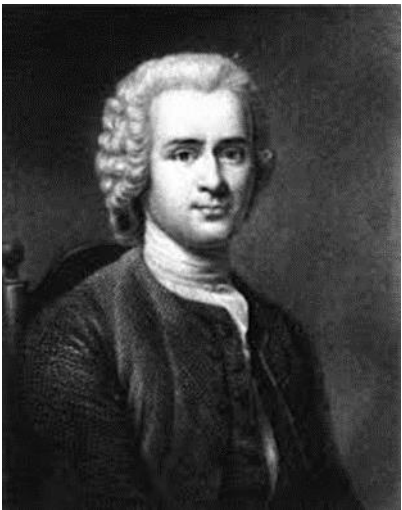
Ronald Dworkin(1931–2013):Sovereign Virtue: *the theory and practice of Equality: Equality of Resources*

John Rawls(1921-2002): Democratic equality, fair equality of opportunity through his *theory of Justice as fairness*

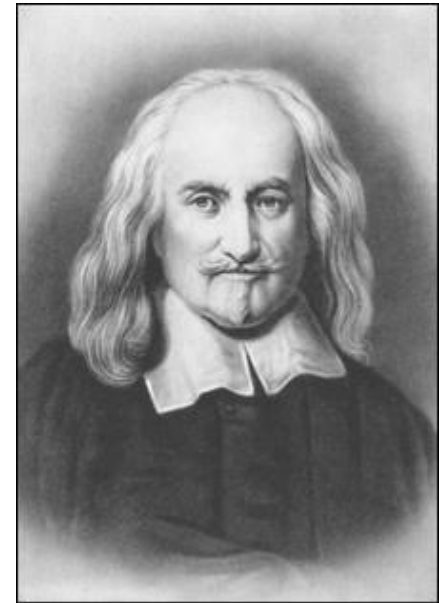
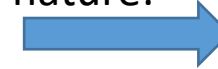


Thinkers who shaped the concept of equality

Rousseau(1712 –1778):*Discourse on origin of inequality:*
natural vs conventional inequality



Hobbs(1588-1679): *Leviathan*: equality among men in nature:
natural equality



Tocqueville : *Democracy in America*: passion and charm of equality is general and strong

American Declaration of Freedom (1776): We hold these truths to be self-evident, that **all men are created equal**, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness



Democracy in Athens(5th century BC): Equal citizen



Events which shaped the idea of equality

French Revolution(1789): Liberty, equality, freedom



Universal Declaration of Human Rights(1948):
reaffirmed faith in dignity and worth of the human person and in the equal rights of men and women



Egalitarianism

- Equality
 - as cornerstone of justice as fairness
 - has intrinsic and non-instrumental value
- Advocates equality as the basis for socio-political arrangements and public policy
- Factors behind unequal outcome- background inequalities
 - Social Luck : social background, family, education, inheritance, etc
 - Natural Luck : native talent, beauty
 - Brute bad luck: disease, accidents, disabilities, disasters
 - Optional Luck : choices and preferences
- Different degree/types of Egalitarianism
 - **Liberal egalitarians** : combine the values of equality, personal liberty and responsibility
 - **Soft vs hard egalitarians** : Hard/strict- equality of outcome
 - **Luck egalitarian**: people shouldn't be worse off than others because of brute luck

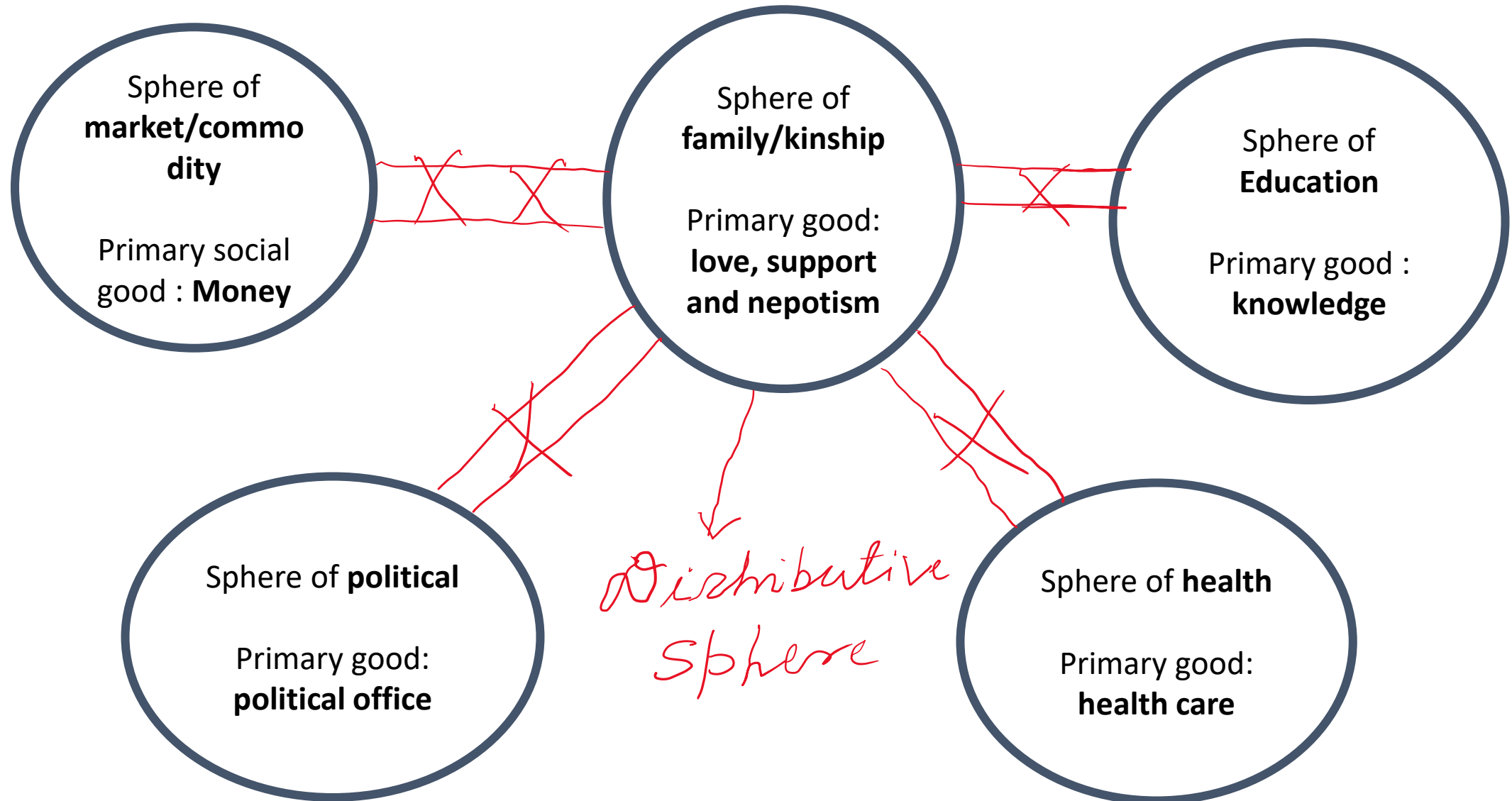
Complex Equality

- Distribution of social goods in separate distributive spheres on the basis of different principles, procedure and criteria
- each good be distributed in accordance with its own sphere-specific principles, which are decided through interpretation of its social meaning
- Monopoly over one social good within a distributive sphere is not allowed to dominate the distribution of a good in other sphere
- **Thus, different sphere of distributive justice are independent and autonomous**
- **Possession of one social good and related status/standing is not undermined by non-possession of other social good in other sphere**
- Hence, despite inequality in specific sphere, overall equal status

Some examples

- citizen X may be chosen over citizen Y for political office, and then the two of them will be unequal in the **sphere of politics**. But they will not be unequal generally so long as X's office gives him no advantages over Y in any other sphere-superior medical care, access to better schools for his children, entrepreneurial opportunities, and so on.
- Sphere of politics should be corrupted by dominance of money and muscle power, which belong to market and military sphere respectively
- Sphere of office/position should not be dominated by nepotism which belongs to the sphere of kinship and love

CULTURAL COMMUNITY HAVING SEPARATE SPHERE OF DISTRIBUTION



Pros and cons of idea of complex equality

In favour

- Value pluralism- support cultural diversity
- reconcile the ideas of a plurality of choices/way of life with that of equality
- avoids state intervention to maintain equality
- Despite inequality in different spheres, equal overall status
- Futuristic, substantive, and comprehensive

Criticism

- Incoherent, complex, and difficult to implement
- May require state intervention to block exchanges between spheres
- Idealistic assumptions, not empirically true
- Give too much ground to moral and cultural relativism
- Denies global justice -international distributive justice

Complex Equality: Assumptions and perspective

- A communitarian account of distributive justice
- Assumptions
- All cultural communities/societies have distinct spheres of distribution
- Meaning and value of social goods are specific to that culture- support moral and cultural relativism
- social meanings attached to goods should determine their fair distributional rules
- There is no absolute universal norms for distributive justice
- Justice requires that each good be distributed in accordance with its own sphere-specific principles, which are discovered through interpretation of its social meaning
- Membership to community ensures equal overall status
- **Thus, for Walzer**, inequalities are not wrong as such, it is when inequalities in one sphere are allowed to lead to inequalities in another sphere, then it is unjust

Pros and cons of equality of outcome

In favour

- Substantive equality
- Broaden the horizon of equality
- Make equality of opportunity meaningful
- Take idea of equality closer to fairness/justice
- Promote social solidarity, fraternity

Criticism

- Very difficult to implement
- May kill incentive to excel
- Lesser production- smaller pie
- Undermine individual liberty –dignity and choice
- Oppressive, authoritarian state

Equality of Opportunity Vs Equality of Outcome

opportunity

- **Equality in competition**
- Remove obstructions of bad social luck
- Generally non-distributive
- **Consistent with liberalism**
- More acceptable face of **equality-soft egalitarianism**
- Limits state's authority
- Example: formal equality- equality before law, political equality
- Much easier to implement

outcome

- **Equality in results of competition**
- Compensate for both social and natural luck
- Involves transfer, distribution
- Closer to socialism, communism
- Trouble some idea for many- **hard egalitarianism**
- Allows more authority to states
- Example: substantive equality- equality of resources, welfare, income
- Very difficult to implement

Equality of Resources: Ronald Dworkin

- Legitimate govt. must have equal concern for each of its citizen
- Equal concern demands socio-economic arrangements which results from an imaginary market procedure which includes insurance for misfortune
- Imaginary market procedure:
 - **Initial position: *equal auction***: All 'equal' participate in fair bidding for resources of their choice
 - **Intermediate phase**: individuals produce, invest, trade with different choice/preferences
 - **End result**: Inequality of outcome- resources, Income
 - **Fair Insurance market**: Risk pooling or luck sharing for brute bad luck and option luck
- May be compared with Rawls democratic inequality

Summary

- Equality is the most **porous, non-intuitive, and controversial** of normative political values
- **Egalitarianism** is political doctrine which takes Equality as sacrosanct, end in itself
- **Multiple Dimensions:** Formal vs substantive, equality of opportunity vs equality of outcome
- **Equality of opportunity** : Equal chance/access to compete, non-distributive, more acceptable
- **Equality of outcome** : Attempt to equalize results and rewards, substantive, controversial
- **Equality of resources:** Socio-economic arrangements to mimic results of an imaginary market procedure which includes fair market of Insurance to share luck

References

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- An Introduction to Political Theory : by O.P. Gauba
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THANK YOU!

GOOD LUCK !

Negative Vs Positive Liberty

How to write answer on this topic?

BA HONS. POLITICAL SCIENCE EXAM HELP

WHAT IS IN STORE?

Analysis of previously asked questions

Negative and Positive Liberty: meanings, features, pros & cons

Differences between Negative and positive liberty

Prominent Thinkers on both sides

Guide on how to write answer on this topic in university exams

Past Year's Papers

2018 : Differentiate between the concepts of negative and positive liberty. Which concept is preferable to Isaiah Berlin?.

2017 : Write a critical essay on the negative and positive concept of Liberty.

2016 : Critically assess the two concepts of liberty propounded by Isaiah Berlin.

2015 : Elucidate with examples Berlin's distinction between negative and positive liberty. Do you agree with the view there is some possible danger of authoritarianism inherent to justification provided for positive liberty? Give reasons.

Liberty : Introduction

- **Absence** of constraints on one's will to act ; one is free if not forced by others to act against one's will.
- But think on these situations
 - We have fundamental **rights of freedom** of speech, expression, association, life, and religion
 - Beggars are **free** because they are not constraint by anyone in their **desire to beg**
 - Handicapped are able to access public places more easily, and hence have more freedom now, because of disabled friendly access policy by Govt.
 - An alcoholic, warned by doctors that consuming alcohol could be fatal for him, despite trying hard cannot stop drinking.
- Liberty may denote multiple meanings ; Isaiah Berlin categorized **negative** and **positive** liberty
- Different Interpretations of liberty have defined how individuals relates to society/state, different political ideologies and consequent political actions have given rise to major conflicts in modern history.

Negative Liberty

- Absence of constraints, obstruction, interference, coercion on anyone's wills to act
- Constraints: external, man-made, intentional
- Consider man as rational, reasoned, knowing his interest best and able to make informed choices
- Nature, purpose, and content of choices don't matter unless they **harm others**
- Opportunity concept of freedom ; freedom from
- Evolved during 17th century reformation movement ; closely associated with liberalism
- Liberty as natural right, inviolable vis-à-vis preference of society or state; Limits authority of state
- Championed by **Hobbs, Locke, Mills** and furthered by libertarians- **Hayak, Nozick**

Negative Liberty : Isaiah Berlin

- *‘What is the **area** within which the subject—a person or group of persons—is or should be left to do or be what he is able to do or be, without **interference** by other persons?’*
- How wide the area should be and what should it contain are debatable
- Leaves out natural constraints and incapacities
- Distinguishes political freedom from social justice and economic freedom
- No direct link between **Democracy and Liberty**
- **Critics** on these grounds
 - meaningless for people lacking basic necessities of life
 - No equality of liberty : ‘minority who possess it have gained it by exploiting, or, at least, averting their gaze from, the vast majority who do not.’
- **Support** it on:
 - Better guarantee against the danger of paternalism and authoritarianism
 - Compatible with plurality of goals and values

Pros and cons of Negative Liberty

In favour

- Simple to understand/explain
- Better guarantee against the danger of paternalism and authoritarianism
- Compatible with plurality of goals and values
- Protect Individual rights

Criticism

- Promotes status- quo
- meaningless for people lacking basic necessities of life
- No equality of freedom
- Protect 'haves' leaves out 'have nots'
- Undermine community life

Positive Liberty

- **Presence** of actions
 - On part of self to fulfil its goals/desires - **Self-direction, Self Realization**
 - On part of govt. or society to remove constraints **enabling** one to fulfil one's goals/desires
- Exercise concept of freedom ; freedom **to**
- Provides meaning and **substance** to negative freedom
- Consider man both as rational, authentic ,virtuous and irrational, impulsive, lustful with preference for the former -purpose and content of **actions** should be **rational and virtuous**
- Concept as **old** as human civilization
 - 'Knowledge liberates' ; '**Nirvana**' in Buddhism ; '**salvation**' in Hinduism
- Promotes **community life** : freedom is participation in collective activity and obeying law reflecting general will of society
- Allows much **wider role to state** -May interfere with equality and negative liberty
- Supported by **Rousseau, Hegel, Marx, T.H. Green, Amartya Sen**, etc.

Positive Liberty : Isaiah Berlin

- “What, or who, is the source of control that can determine someone to do, or be, this rather than that?”
- ‘By whom am I ruled?’ Am I master of my will or desire?
- Self-mastery, self-control, self-direction, self-realization
- Divided self
 - Higher- rational, authentic or virtuous ; ‘true’ self
 - Lower- irrational, impulsive, lustful, empirical belief and desire
- Extension of individual self as represented by collectives- organic social ‘whole’.
- To fulfil the interests of this ‘whole’, the individuals may be, rightfully, forced to act in a certain way.
- May give rise to paternalism and authoritarianism

Pros and cons of positive Liberty

In favour

- More nuanced and substantive
- Broaden the horizon of liberty
- Make negative liberty meaningful
- Support moral and virtuous acts
- Promote community life

Criticism

- Not easy to understand/explain
- More susceptible to be abused
- May lead to paternalism and authoritarianism
- Undermine individual liberty
- Good in theory, difficult to practice

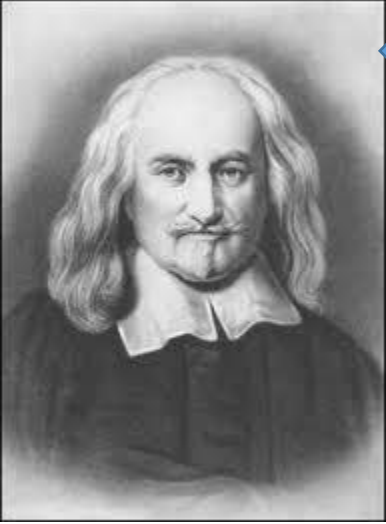
Negative Vs Positive Liberty

Negative

- **Freedom from** constraints
- Over what domain/area am I free
- Personal liberty
- **Opportunity** concept
- Man as rational, reasoned, self-interested
- Limits state's authority
- Value neutral; non-judgemental
- Avoids authoritarianism

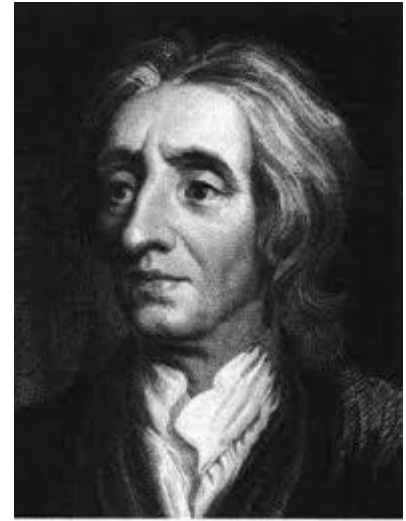
Positive

- **Freedom to** form choices and act
- Who controls what I be or do
- Self-mastery; **self-realization**
- **Exercise** concept
- Divided self : Higher vs Lower
- Allows more authority to states
- Value preference; judgemental
- paternalism and authoritarianism



Thomas Hobbs(1588 –1679):A free man, is he, that in those things, which by his strength and wit he is able to, is not hindered to do what he has a will to

John Locke (1632 –1704): Man is free to act without subject to arbitrary will of another within allowance of moral law



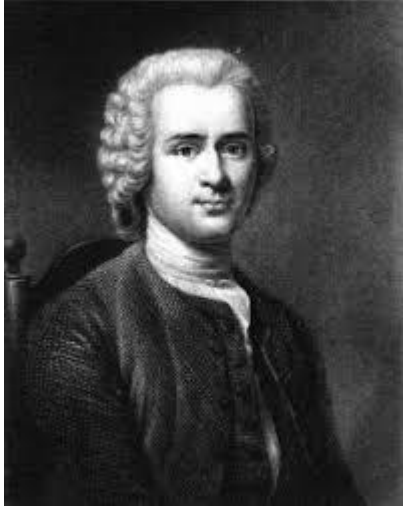
Thinkers supportive of Negative Liberty



J.S.Mills (1806 –1873):Liberty of speech and dialogue; self regarding and other regarding acts, Limiting state's authority over self regarding acts

Hayak (1899-1992): freedom is state in which man is not subject to coercion by arbitrary will of others





Rousseau (1712-1778): Freedom is participation in collective activity and obeying law reflecting general will of society

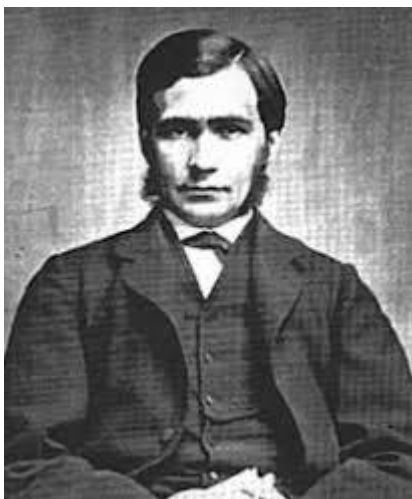


Karl Marx (1818-83): freedom as self-realization



Thinkers who advocated for Positive Liberty

Kant : True Freedom: obedience to the moral law — duty



T.H.Green(1836-1882): True freedom is act of “Good Will”, it is a positive power of doing or enjoying something worth doing or enjoying - moral freedom



Hegel(1770-1831): from 'abstract' concept of freedom, linked to a single individual will, to a 'concrete freedom' actualised in a political community as a rational system of wills



Summary

- Multiple meanings of liberty –essentially contested concept
- Negative liberty: absence of constraints, non-interference
- Positive liberty: self-control, self realization, collective actions to remove constraints, help one to realize one's goal
- Negative liberty: individualistic approach, limits state's authority
- Positive liberty: collective approach, allows greater state authority
- Differing interpretations of liberty defined individuals relation to society/state, different political ideologies and political arrangements
- Distorted Interpretation of positive liberty may lead to majoritarianism, totalitarianism, and authoritarianism

Ans template: Write a critical essay on the negative and positive concept of Liberty.

- **Introduction**

- Introduce the concept of liberty, stating that though the concept may be interpreted in multiple ways leading to different meanings yet its binary categorisation into negative and positive liberties by Isaiah Berlin has dominated the debate and approaches in understanding the concept. Just mention about the conflict between two conceptions of liberty and how this difference has defined individual's relations to society/state, different political ideologies, political arrangements and conflicts.

- **Body : substance of the answer**

- explain negative and positive liberties; their meanings, features, pros & cons
- Bring about the differences between them
- List out thinkers on both sides and their understandings of its meaning
- Analyse/Discuss : how Isaiah Berlin outlined the differences between negative and positive liberties, how in his view positive liberty as self- realization, and hypothesis of divided self has been misused for establishing and justifying authoritarian states.

- **Conclusion**

- Paraphrase introduction - summarise
- State your **final view and concluding remarks** – *Liberty is one of the four fundamental normative political values , others being equality, rights, and justice, each political arrangements aims for. But there is no unanimity what politically it means. Nevertheless categorising it into negative and positive liberties, Isaiah Berlin provided a fertile grounds for debate on meaning of the concept. However, to provide substance to negative liberty by way of positive liberty without becoming authoritarian, that is , adopting a third ground to provide maximum and equal freedom to all is a continuing challenge to any political arrangement.*

References

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THANK YOU!

GOOD LUCK !

JUSTICE

(IN HINDI)

Meaning, Types, Theories
BA HONS. POLITICAL SCIENCE EXAM HELP

WHAT IS IN STORE?

Analysis of previously asked questions

Justice : Meaning, and Types

Procedural Vs Distributive Justice

Global Justice : Introduction

Theories of Justice : Introduction

Past year papers

2018 : Write an essay on the feminist critique of Rawls's theory of justice.

2017 : Discuss Rawls' theory of Justice in the light of feminist and communitarian critique .
2. Evaluate the debates on capital punishment .

2016 : Give a critical account of Rawls theory of justice.

2015 : Write a critical essay on Robert Nozick's theory of justice.
2. Discuss Rawl's theory of justice. What are its major critiques?

2014 : Write a brief essay on Rawl's theory of Justice. What is the communitarian critique of Rawls Theory.
2. Write a critical essay on Rawl's theory of Justice.

Notes: 1. Global Justice 2. John Rawls' idea of global justice 3. Debates on capital punishment 4. Nozick's entitlement theory 5. Feminist perspective on justice

What is Justice?

- **Fair, virtuous** and **moral** act or arrangement?
- Giving each person his due- **fair share** to all
- Justice implies something which it is not only right to do and wrong not to do , but also which someone can claim from us as his moral right.
- **नीति**- just rules, Institutional fairness, behavioural correctness; **न्याय**- realized justice ;
धर्म-moral duty
- **Sources** : religion, historical tradition/ customs, natural law, reason and rationality
- **Plato** : fundamental virtues : wisdom, **justice**, temperance, courage
- **Aristotle**: Justice : equality, proportionality, maintenance of equilibrium
- **Rawl** : Justice as fairness ; **Nozick** : Justice as entitlement; **Sen** : making people capable to live life of dignity and fulfillment
- Notions of **Equality, liberty , Rights** are based on the concept of justice

Types of Justice

- **Procedural Justice** -
 - Justice based on just, fair, and transparent rules/procedure
- **Distributive Justice**
 - Just distribution of goods and services, benefits and responsibilities
 - May also imply **social justice** if equality of status, dignity of individuals, and minimum needs of people are ensured by society/community/state
- **Retributive Justice**
 - Justice is reasonable and proportionate punishment to crime
- **Restorative Justice**
 - repairing the harm caused to the victim and mend the offender to bring back to mainstream
- **Global Justice**
 - Pursuing Justice at international level

Procedural Justice

- Following Just rules and procedure shall result into fair outcome
- Idea of fair play ; नीति – just rules and institutional fairness
- **Procedural justice- four** principles
 - being fair in processes
 - being transparent in actions
 - providing opportunity for voice
 - being impartial in decision making
- Closer to Individualistic, liberalist ideology
- Both Nozick's and Rawl's theory of Justice are based on principles of procedural justice
- Formal, legal, and institutional justice

Distributive Justice

- just and fair distribution of social primary goods- rights, liberty, income, wealth, etc.
- Idea of fair share ; न्याय- realized justice
- Basis of distribution : merit, need, equality/equity, moral values
- Attainment of just social order on basis of some agreed upon criteria – ‘common good’
- Rights vs common good
- Substantive justice

Procedural Justice vs Distributive Justice

Procedural Justice

- Fair play
- Formal justice
- Equality of opportunities
- Consistent with liberal ideology
- नीति- just rules, Institutional fairness

Distributive Justice

- Fair share
- Substantial justice
- Equality of outcome
- Closer to communitarian and socialist ideology
- न्याय- realized justice

Global Justice

- **What it means** to have justice and how to attain it at international level?
- **Factors** of globalization, economic integration, terrorism, immigration and danger of climate change, etc led to increased focus on justice beyond state borders.
- **Raises Issues of**
 - How to establish procedural justice in absence of International government and law?
 - Does just distribution of primary and social goods justified beyond state borders?
 - Are wealth generated in a nation are due to its culture, value, and character and hence it is only entitled for using the national wealth.
 - What should be unit of just world? Societies/communities or nation-state?
 - Is it possible to have universal theory of global Justice?
- Social contract based liberal theories pre-supposes liberal society and institutions backed by state power; hence not applicable for global justice
- John Rawls's '**Law of Peoples**' provided different models of global justice than his theory of justice as fairness
- Amritya sen provided alternate theory of global justice -न्याय- realized Justice based on public reasoning

Theories of Justice

- Conceptual map, hypothesis, models, and approaches to help understand justice and attainment of it.
- **Liberal theories of justice based on social contract**
 - Rawls's theory : justice as fairness
 - Nozick's theory : Justice as entitlements
- **Non social contract based theories**
 - Utilitarian theory of justice : greatest happiness to greatest number
 - Kantian theory of Justice : moral duty based supreme principle of morality-Categorical Imperative
 - capability based approach to justice by Amritya Sen
 - Feminist theory of Justice
 - Marxist theory of Justice

Summary

- Multiple meanings of Justice –essentially contested concept
- Denote moral obligation, sense of duty, and judgment of right and wrong
- Fair play and fair share
- 4 types : procedural, distributive, retributive, restorative
- Theories of Justice : help make sense and attainment of justice
- Social contract based theories- Rawl's justice as fairness and Nozick's justice as entitlements
- Non social contract based theories : Kantian moral duty, utilitarianism, Feminist and Marxist theories

References

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THANKS FOR WATCHING!

GOOD LUCK !

GLOBAL JUSTICE

Issues and Debates

Rawl's 'Law of People' Explained

POLITICAL SCIENCE EXAM HELP

WHAT IS IN STORE?

Analysis of previously asked questions

Global Justice : Meaning, needs, Debates

Rawl's law of people : Principles, Features, critique

Theory of Global Justice by Amartya Sen

Sum Up

Past year questions

2018 : Write a critical essay on the notion of global justice.

2017 : Notes on global justice

SOL : what do you mean by global Justice? Discuss some of the debates concerning global justice.

2015 : Write an essay on global justice

2014: Notes on global justice

Let Us Revisit: What is Justice?

- **Fair, virtuous** and **moral** act or arrangement?
- Giving each person his due- **fair share** to all
- Justice implies something which it is not only right to do and wrong not to do , but also which someone can claim from us as his moral right.
- **नीति**- just rules, Institutional fairness, behavioural correctness; **न्याय**- realized justice ; **धर्म**-moral duty
- **Sources** : religion, historical tradition/ customs, natural law, reason and rationality
- justice is the pillar on which values of **Equality, liberty , Rights** rest

Global Justice: Meaning

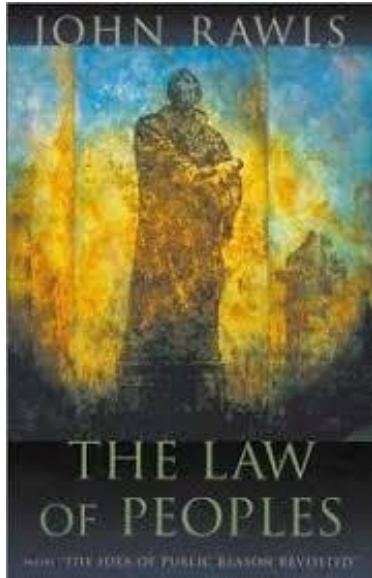
- Concept that seeks to find solution to problem of how best to secure a just life for all individuals on Planet Earth, regardless of their nationality or status.
- widening of the scope of justice to the global level, beyond the boundary of state
- In realm of international relation it means just and fair distribution of global resources, benefits and responsibilities, and equal status to all nations
- Attempt to theorize the concept to propose principles and institutions which is agreed by all and ensure just global order
- problems as diverse as gender justice, immigration and refugees, hunger and poverty, rights of minority and indigenous people, warfare, terrorism, and climate change are tackled in the ambit of global justice

Need for Global Justice

- Many burning problems have global scope
- Global problems can only be tackled by cooperation by people across the globe
- Unethical to talk about justice in domestic affairs but overlook global unjust order
- Globalization has made world a global village, hence we need to have global justice
- Our responsibility towards other people not limited by territory of nation-state
- Fairer and just global governance, and fair distribution of benefits and burden, and fair equality of opportunities justified at global level

Key Issues and Debates

- What Justice means at global level?
 - Conception of justice depends on culture
 - Can there be global theory of justice? Can there be global difference principle?
 - What is the range and scope of our duty of justice for people of other countries?
 - Does it mean global equality of opportunity and equality of outcome?
 - Is prosperity of a state due to enterprise and political culture and hence solely belong to it? Or everyone has equal right on global resources?
- What should be the social unit for consideration of Global Justice?
 - State? People? Individual?
 - Interrelation between them in the context of global justice?
- How and who to enforce global justice ? Issue of global governance:
 - to implement and dispense Justice Authority- state/govt., Judiciary- required
 - Absence of any global govt. or supra-national authority



Rawl's Law of People (1999)

Rawl's Law of people : Introduction

By a “law of peoples”, Rawls means a “*political* conception of right and justice that applies to the norms and principles of international relation among people of the world”

People: Politically organized society having sufficient commonality of culture, tradition, history, world view, way of life. They may have one or more state or none. People are represented by their Legitimate govt.

3 kinds of People: liberal, decent non-liberal, outlaws and burdened people

Characteristics of Decent NON-LIBERAL people: well-ordered hierarchical society

1. Society must not be aggressive; It must conduct its affairs in ways that are peaceful and respectful of other societies.
2. It must provide basic human rights- life, liberty, property, right to formal equality- to all its members.
3. Those who administer the law must believe that the law incorporates a common good idea of justice
4. Must have a ‘decent consultation hierarchy’ in which the interest of all members of the society are taken into consideration

Rawl's Law of people

- 1st step: social contract among citizen of each liberal society/people
- 2nd step: Agreement on 8 principles and 3 organizations among representatives of liberal people in 'original position' and under the 'veil of ignorance'
- 3rd Step: Decent NON-LIBERAL people would also accept the law of peoples – why?
 - Because it would be rational choice consistent with their commitments to be well ordered decent people.
- 4th step: Decent people will help non-decent non-liberal, burdened people develop into well-ordered decent people and accepting Law of People.

Rawl's law of people: 8 principles, 3 organisation

Eight Principles governing 'Law of Peoples'

1. Peoples (as organized by their governments) are free and independent, and their freedom and independence is to be respected by other peoples.
2. Peoples are equal and parties to their own agreements.
3. Peoples have the right of self-defence but no right to war.
4. Peoples are to observe a duty of nonintervention.
5. Peoples are to observe treaties and undertakings.
6. Peoples are to observe certain specified restrictions on the conduct of war (assumed to be in self-defence).
7. Peoples are to honour human rights
8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.

Three global organizations

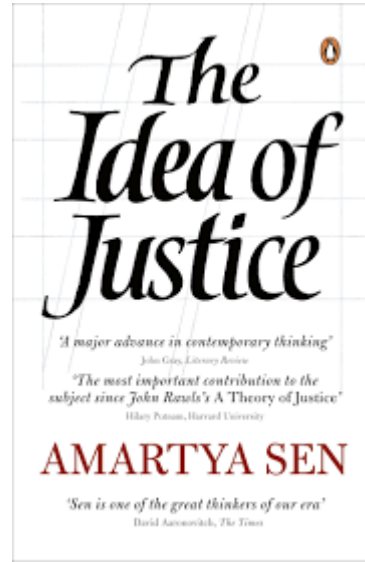
1. One for ensuring fair trade among people
2. Cooperative banking institution from which people may borrow-
3. A confederation of people like UN

Features of Rawl's Law of People

- Attempt to propose just principles and institutional order on which widest possible agreement among people across globe can be realized
- Based on core liberal principles of tolerance
- 'People'- Unit of social interaction at global level
- Assumptions
 - prosperity of people are due to local factors- culture, values, character, and industriousness of the people
 - Obligation of limited assistance: no global difference principle
- Proposes it as '**Realistic Utopia**'

Critique of Rawls' Law of People

- Notion of a people is not clear- is it nation? State? What about multi- state people or people without state or many people in one state?
- Outdated views on relation among state, peoples, and individuals
- **Cosmopolitans**- Pogge, Nussbaum, etc.- criticize it for very limited obligation to help burdened or worst off people; no global difference principle.
- Allows tyrannical govt. deny rights to its citizen and plunder and loot the resources of the nation/people
- Why both liberal and non-liberal people agree on paired down list of human rights?
- Gave more weightage to cultural pluralism, leaving out individual pluralism- undermine individuality
- Many unrealistic assumptions: not realistic ; sacrifices full justice for wider agreement; hence not Utopic



Theory of global justice by Amartya Sen (2009)

Theory of global justice by Amartya Sen

- Non-contraction theory of justice
- **3 components**
 - **First:** uses elements of social choice theory and practical public reasoning to arrive at agreed upon issues to realize justice at global level – no need to search ideal order
 - **Second:** Instead of नीति- just rules and Institutional fairness, focusses on न्याय- how justice can be realized for people across globe
 - **Third:** Instead of building ideal global institutions, trying to realize justice by drawing strength from multiple sources-Media, NGOs, global movements, regional associations, international treaties/conventions, global leaders, UN and other international organisations
- So, instead of aiming for perfectly just order and institution, we may attempt to reduce injustice and advance justice by practical reasoning

Summary

- Notion of global justice raises fundamental questions on our responsibilities and rights as world citizen, and the nature of relationship among individual, societies, and states in global arena
- Justice cannot be bounded by state boundaries, neither it is preserve of some privileged people/culture
- **John Rawl**, having given most persuasive theory of justice, attempted to propose, through his '**Law of People**', principles and institutions regulating socio-political interactions among peoples in global arena
- Rawls proposed 8 principles and 3 institutions which shall be agreed upon by rational liberal and non-liberal but decent people. He also suggested limited assistance to non-decent and burdened people to bring them into world federation of people.
- But in pursuit of wider agreement and his conviction about limited responsibilities towards people of other nations, his law of people have more critique than admirer
- **Amartya Sen**, in his book '**The Idea of Justice**', gave an alternate outlook to global justice based on social choice theory and practical public reasoning. His focus is on channelizing multiple global avenues to minimize injustice and realize justice on which agreement is possible through public reasoning.
- The world we live is grossly unjust, unfair, and unequal; there is no universal theory practicing which global justice can be realized. Hence pursuit of global justice is perpetual and we all, as world citizen, need to contribute our bit towards it.

References

- Political Theory : An Introduction by Bhargava & Acharya
- An Introduction to Political Theory : by O.P. Gauba
- Political Theory: concepts and debates : Atlantic Research Division
- Recommended reading list of DU Political Concepts syllabus
 - Global Justice by Gillian Brock
- Materials available on WWW and you tube videos

THANKS FOR WATCHING!

GOOD LUCK !

RIGHTS

(IN HINDI)

Meaning, Features, Types, Theories
BA HONS. POLITICAL SCIENCE EXAM HELP

WHAT IS IN STORE?

Analysis of previously asked questions

Rights : Meaning, features, types

Evolution of Rights

Rights in Indian Constitution

Theoretical Approaches to Rights

Past year papers

2018 : **Discuss the evolution of the concept of rights.**

2017 : **Explain the concept of human rights. How does 'cultural relativism affect the universality of human rights?**

2016 : **1. Discuss the gradual evolution of the idea of rights.**

2015 : **Analyse some of the recent debates on the idea of rights. Which of these view points you agree with and why?**

Other questions : **Make an assessment of the 'Three Generation of Rights'. Provide examples.**

2. Trace the evolution of natural rights. Give an account of major critique of natural rights theory.

3.Examine the idea of natural rights as advanced by John Locke.

Notes: **1. Natural Rights** 2. Rights of a girl child 3. three generations of rights 4. Human rights 5. **Human rights and cultural relativism**

What is Rights?

Rights are claims allowed
by other as obligation or
duty

Obligation may have
moral, historical, legal, or
law of nature bases

Rights: Introduction

- What is Right?
- Claim, Entitlements, Opportunities, Needs?
- **A claim allowed by matching obligation by others**
- Obligation may be **moral, customary**, based on **natural law**, or **legally enforced**
- Rights vis-à-vis Justice, Liberty, Equality

Features of Right

- Content of rights **changes with time and space**
- Emanate from conception of **Justice** and **Equality**
- Individual vs state
 - Allegiance or obligation to state against claim against state (rights)
- Individual vs group Rights
 - Rights vs common/societal 'Good'
- Cultural relativism vs universality of Rights

Categories of Rights

- **On the basis of content**
 - Civil rights
 - Political rights
 - Socio-economic rights
- **On the basis of Intent**
 - Negative rights
 - Positive Rights
- **On the basis of obligation**
 - Moral rights
 - Legal Rights
 - Natural Rights
 - Historical or Customary Rights
- **Human rights**
- **Cultural Rights**

Evolution of Rights

- Magna Carta: Charter of rights in England 1215 AD
- Bill of Rights passed by English Parliament : 1689
- Conception of natural rights, social contract evolved during 17th and 18th century by liberal thinkers such as Hobbs, Locke, Rousseau
- American Declaration of Independence, Bill of Rights in 1776; French declaration of rights of man in 1789
- Concept of socio-economic or positive rights under socialist/communist ideology
- Demand for cultural and environmental rights : Multiculturalism
- Inflation of rights : green rights, Gay rights, women's right, generational rights, and so on...

Theories of rights

- Theory of **Natural** Rights
- **Moral** theory of Rights
- **Legal** Theory of Rights
- **Historical** theory of Rights
- All these theories can be combined under **two approaches**:
 - **Interest based** approaches
 - **Kantian Moral** or Justice based approaches

Theory of Natural Rights

- Inherent and intrinsic Rights to each one of us as per law of nature
- Locke identified Life, Liberty, and property as natural rights
- Based upon liberal conception of
 - Pre-existence of rights before coming up of society or state
 - Rights don't depend on society/state, but given from the very nature of man and are the purpose of his life
 - precedence of rights over societal 'good'
- Social contract theory : Natural rights are inviolable; states are contracted to protect them
- Proponents : John Locke, Thomas Paine, Rousseau

Pros and cons of Natural theory of rights

In favour

- Provided strong basis of rights against state
- Limited excesses of state power
- Equal worth and dignity of each individual
- Gave primacy to individual
- Inspired French and American Revolution

Criticism

- Ambiguous and subjective
- No equality of rights
- Merely negative rights useful only for the 'haves'
- Promotes capitalism, free market economy
- Undermine social solidarity, fraternity

Moral Theory of Rights

- Based upon normative notions of right vs wrong; good vs evil ; virtue vs vice, etc.
- Based on moral reason of individual and moral Consciousness and consensus of society
- Rights allowed by moral obligation which are universally accepted
- Political legal institution may be required to protect moral rights
- However, Not limited by law or state institutions
- Proponents : Immanuel Kant, T.H.Green, Ronald Dworkin

Pros and cons of Moral Theory of Rights

In favour

- Provide moral and ethical bases
- Synthesis of law and morality
- 'Right and Good' co-exist
- Precedence to rights over societal welfare
- Treats man and his purpose as **ends** in itself

Criticism

- Hypothetical and ambiguous
- No universal standard of morality
- Ignore Moral Relativism
- If not backed by law, moral rights are meaningless
- Undermine plurality of values and multi-culturism

Legal Theory of Rights

- Rights are claim backed by law and enforced by state
- Law/statute, and not morality or natural law , is the bases of rights
- Rights has meaning and realization only within the structure and framework of state and its institution
- Law represent general will and common 'good' of society
- No absolute, universal, or natural rights; Rights are limited by law
- Proponents : Edmund Burke, Thomas Hobbs, Jeremy Bentham

Pros and cons of Legal Theory of Rights

In favour

- Provide factual, objective bases to rights
- Unambiguous and specific
- May vary as per the context
- Guaranteed and justiciable Rights

Criticism

- Rights dependent on state
- Loses idealistic, ethical ground
- Societal good over rights
- Treat individual as means to achieve goal of state/society

Historical Theory of Rights

- Rights are claim recognised in society from historical past
- Bases are historical customs of society/community
- Different Rights in different society/state and time due to different historical processes
- Linked to conservative ideologies; reject rights through revolution
- Originated in 18th Century England
- Proponent : Edmund Burke

Pros and cons of historical Theory of Rights

In favour

- Rights can be traced back to past
- Independent of state
- May vary as per the context
- No contradiction between societal customs and rights

Criticism

- Rights may not be based on justice or morality
- Historical customs may be unjust, oppressive for minorities
- Shun social change; status quo
- Society's goal gets preference over individual's

Interest based Theory of rights

- A person has a right to **X** when his or her **interest** in **X** is sufficiently important for others to have **duty** to provide or allow him/her **X**
- Explain both negative rights- interest in liberty- and positive rights- interest in socio-economic goods
- Degree and content of interest varies, making rights vary in importance and content
- IB is context sensitive: for the same interest of A , B and C may have different degree of duties
- Contradiction between Just and good society
- Proponents : Jeremy Waldron, Joseph Raz

Kantian approach to rights

- A person has a right to **X** when if and only if others have **obligation** to provide or allow him/her **X**
- Obligations or duty of justice are derived from a supreme moral principle – categorical imperative(CI) defined by Immanuel Kant
- CI: Act as if purpose of our action (Maxim) were to become universal law of nature
- Leaned towards negative or liberal rights
- Perfect duty of justice, imperfect social duties, and supererogatory acts
- Better combine virtues of 'Just' and 'Good' society

Interest based theories vs Kantian approach

Interest based

- Rights are important interests allowed by others as obligation
- Not bound by morality
- Flexible - contextual
- Just and Bad society possible

Kantian

- Rights are counterpart to duty of justice
- Rights derived from supreme moral principle
- Perfect duty : Rights Imperfect duty : good society
- Conception of Just and Good Society

Rights in Indian Constitution

- **Preamble:** secure socio-economic political **JUSTICE**, assuring dignity to each individual, **LIBERTY** of thought, expression, belief, faith and worship; **EQUALITY** of status and of opportunity; and to **promote FRATERNITY**
- **Part III : Fundamental Rights**
 - Negative Rights
- **Part IV : DPSP**
 - **Positive Rights**
 - Article 41 : Right to work, Right to education and to public assistance in cases of unemployment, old age, sickness and disablement
 - Article 42: Provision for just and humane conditions of work and maternity relief
 - Article 43: Living wage for workers
 - Article 45: Provision for free and compulsory education for children

Summary

- Rights are claims allowed by other as obligation or duty
- Closely linked to the values of Liberty, Equality, Justice
- Different Theories of Rights focus on bases of obligation and content of claims (right)
- Interest based approach visualize rights as important interests which are allowed by others as duty
- Kantian moral approach define rights emanating from duty of justice
- Rights evolved as part of liberal ideology post Industrial revolution Europe, hence inherently individualistic, and focussed on negative rights of non-interference
- Socio-economic rights evolved with socialist/communist ideology against liberal capitalist ideology
- Group and cultural rights, based upon value pluralism, multiculturalism, and post modernism, are still evolving

References

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THANK FOR WATCHING!

GOOD LUCK !

3 GENERATIONS OF RIGHTS

(IN HINDI)

**Evolution of civil, political, socio-economic, and
cultural Rights**

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WHAT IS IN STORE?

Analysis of previously asked questions

Evolution of 3 generations of rights

Meaning and Features of 3 generations of rights

Pros and cons of 3 generations of rights

Summary

Past year papers

2018 : **Discuss the evolution of the concept of rights.**

2017 : Explain the concept of human rights. How does 'cultural relativism affect the universality of human rights?

2016 : 1. **Discuss the gradual evolution of the idea of rights.**

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Other questions : **Make an assessment of the 'Three Generation of Rights'. Provide examples.**

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Notes: 1. Natural Rights 2. Rights of a girl child 3. **three generations of rights** 4. Human rights 5. Human rights and cultural relativism

What is Rights?

Rights are claims allowed
by other as obligation or
duty

Obligation may have
moral, historical, legal, or
naturul bases

Three Generations of right

- 1st Generation: Civil and political Rights
- 2nd Generation: Socio-economic Rights
- 3rd Generation: Cultural and Environmental Rights
- Each one of these can be traced back to the idea of **Liberty**, **Equality**, and **Fraternity** respectively

1st Generations of Rights

- First wave of 'rights'
- Civil Liberties: right to life, right to freedom of speech, expression, conscience, movement, trade, profession; right to property, etc.
- Political rights: Right to vote, participate in democratic processes, public employment, right to choose and criticize govt., etc.
- Emanating from the value of '**Liberty**'
- Associated with liberal movement under new middle class (Bourgeois) post industrial revolution in 17th century Europe
- Negative Rights against society and state
- Proponents : Liberals- Locke, Rousseau, Mills

Pros and cons of 1st generations of rights

In favour

- Essential for development of best in individual
- Limits excesses of state power
- Foundation of just and democratic society
- Equal worth and dignity of each individual

Criticism

- meaningless for people lacking basic necessities of life
- No equality of rights
- Merely negative rights useful only for the 'haves'
- Promotes capitalism, status quo
- Undermine social solidarity, fraternity

2nd Generations of Rights

- **2nd wave** of 'rights' : 19th and 20th Century
- Socio-economic rights: right to equal status, dignity, right against exploitation, right to work, right to education, old age care, right to shelter, etc.
- Emanating from the value of '**Equality**'
- Associated with socialist movement influenced by Marxist ideologies
- Practiced vigorously by socialist/communist states of USSR, China, Cuba, East Europe, etc
- **Positive Rights** entailing actions on part of state
- Proponents : Socialists/Marxists: Marx, Engels, Lenin

Pros and cons of 2nd generations of rights

In favour

- Positive Rights
- Make people capable of enjoying negative rights
- Social Justice
- Widens the scope of rights

Criticism

- Allow more power to state
- Undermine individual liberty
- Danger of paternalism and authoritarianism
- Undermine value pluralism, diversity

3rd Generations of Rights

- **3rd wave** of 'rights' : 20th and 21st century
- **Cultural Rights**: right to protect cultures, language, traditions and customs of cultural minorities, right to follow divergent way of life as per one's culture, right to protect sacred books/scriptures, and sacred places; right to use natural endowments of the region, etc.
- **Environmental rights**: Right to clean air, earth, and water; inter-generational rights on resources of earth, right to share common heritage of earth.,etc.
- Linked to the value of '**Fraternity**'
- Associated with environmental movements and rising awareness of multiculturalism and pluralism
- Group rights linked to group identity

Pros and cons of 3rd generations of rights

In favour

- Recognition of values of plurality and multiculturalism
- Environmental consciousness
- Futuristic

Criticism

- May lead to fragmentation and demand for self determination
- Continuation of irrational, unjust social practices
- Excess of environmental movement may hinder rapid economic progress
- Balance between eradication of hunger, poverty vs environmental protection
- Inflation of rights

Summary

- **Rights are claims** allowed by other as obligation or duty
- Evolution of Rights can be chronologically arranged in 3 waves called 3 generations of rights
- **1st generations** -civil liberties and political rights, evolved as part of liberal ideology post Industrial revolution Europe, hence inherently individualistic, and focussed on negative rights
- **2nd generations** - Socio-economic rights- evolved with socialist/communist ideology against liberal capitalist ideology
- Group and cultural rights, based upon value pluralism, multiculturalism, and post modernism, are still evolving as **3rd generations** of rights

References

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RIGHTS OF THE GIRL CHILD

How to write answer on this topic?

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How to write 'Notes' on this topic

- Introduce the issue by defining rights, culture, and cultural relativism
- Situate the issue as crucifying the rights of the girl child on the tussle of protecting the cultural rights and cultural relativism
- Bring out the main issues on the right of the girl child, their overlapping, multiple, and intersecting identities, prevalent socio-cultural practices denying even basic human rights to the girl child, give some examples
- Discuss some of the reasons behind discrimination and denial of rights to the girl child
- Finally, outline some solutions and way forward.

Definitions

- **Human Rights**

- Equal and inalienable individual entitlements against state/society only because one is human being of equal worth
- Rights listed in the Universal Declaration of Human Rights and the International Human Rights Covenants

- **Culture**

- Way of life, traditions, customs, social behaviours and practices, beliefs and value system, arts & crafts which members of particular human group share and are transmitted through learning.

- **Cultural Relativism**

- The theory that beliefs, customs, and morality exist in relation to the particular culture from which they originate and are not absolute
- Not judging any cultural practices from the perspective of other culture; reverse is **Ethnocentrism**

Rights of Girl Child : Issues

- **Basic human rights of women, especially girl child, are trampled in the name of cultural traditions**
 - Practices such as Female foeticide, girl infanticide, genital mutilation, trafficking, sexual abuses, forced child marriages, honour killings, neglect, malnutrition, poor access to education and healthcare, etc are prevalent among **communities across the world**
- International treaties- Convention on the rights of the child, Convention on elimination of all forms of discrimination against women, Universal declaration of human rights, etc- are partially adopted or resisted in the name of cultural rights and cultural relativism
- In the name of protecting cultural diversity and maintaining balance between universality of human rights and cultural relativism, the girl child have been denied right to dignity, equal concern, and even right to life and survival.

Overlapping and Intersecting Identity of the Girl Child

- Identity of the girl child is not only defined by her being the child and female gender but intersection/overlapping of her age, caste, class, race, religion, etc.
- Unfortunately, international treaties and national laws address rights of child- both boy and girl.
- Also, they didn't address properly the multiple and overlapping identities of the girl child.
- To be effective, any law or international treaties must take such intersecting and overlapping identity into consideration

Socio-cultural beliefs and traditions denying rights to the girl child

- **Patriarchy**
 - Belief that male child carry the family pedigree (वंश)
 - Inheritance from father to Son
 - Women giving son honoured more
- **Economic**
 - Girl considered as economic burden – ‘watering other’s field’
 - Dowry burden the family of girl child
 - Male child gets more share in case of scarcity
- **Other social beliefs**
 - Last rites by son only can give emancipation (मोक्ष)
 - Honour killing condoned or overlooked
 - Superstition and religious beliefs against the girl child
- **Exploitation because of vulnerability**
 - Sexual abuse, Child pornography, Trafficking

Possible Way Forward

- Fine tuning national laws and international treaties to address the multiple overlapping and intersecting identities of the girl child
- As 'Sen' suggested building wider agreement on stopping some cruel and unjust practices/traditions harming the girl child
- Direct benefit transfer and other incentives for families having girl child by national/regional governments
- International human rights organisations and UN focussing more on violation of rights to the girl child
- Formulating cultural specific solutions by careful analysis of the socio-cultural parameters and contextual positioning of the girl child
- Involving multiple sources-Media, NGOs, international treaties/conventions, global leaders, UN and human rights organisations to build consensus and realize justice for the girl child

References

- Political Theory : An Introduction by Bhargava & Acharya
- An Introduction to Political Theory : by O.P. Gauba
- Recommended reading list of DU Political Concepts syllabus
 - *Amoah, Jewel. (2007) 'The World on Her Shoulders: The Rights of the Girl-Child in the Context of Culture & Identity', in Essex Human Rights Review, 4(2), pp. 1-23.*
 - *Working Group on the Girl Child (2007), A Girl's Right to Live: Female Foeticide and Girl Infanticide, available on [http://www.crin.org/docs/Girl's infanticide CSW 2007.txt](http://www.crin.org/docs/Girl's%20infanticide%20CSW%202007.txt)*
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THANKS FOR WATCHING!

GOOD WISHES !

Freedom of Speech

Theoretical Insights, hate speech, censorship

POLITICAL SCIENCE EXAM HELP

WHAT IS IN STORE?

Analysis of previously asked questions

Freedom of Speech: Introduction, Theory,
Indian Context

Limitation on freedom of speech

Hate Speech

Censorship

Past year questions

2018 : what is hate speech? Critically examine various debates on idea of 'freedom of expression'

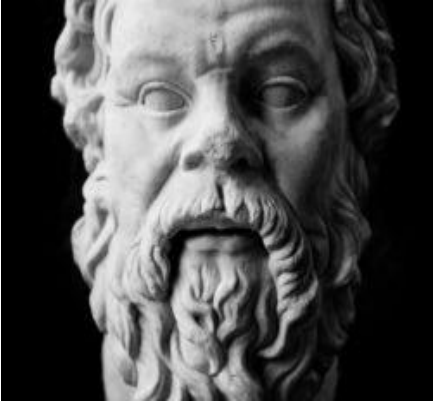
2017 :Discuss the importance and limits of the freedom of speech and expression in liberal democracy.

2016 : discuss the limits of idea of freedom of speech and expression

2015 : Should castiest views on media be allowed in liberal democratic society? Explain with reference to debate on free speech and censorship.

Freedom of Speech : Introduction

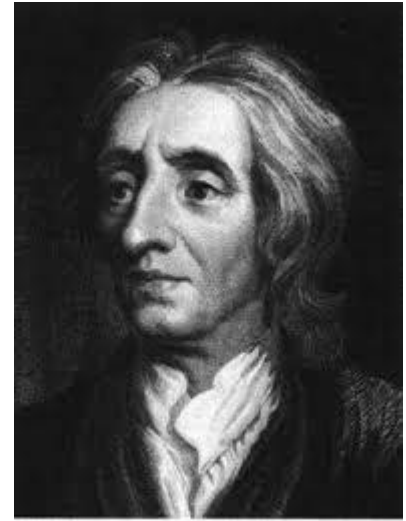
- Right to form, hold and express opinions without interference
- Right to seek, receive, and impart information and ideas of all kinds, either orally or in the form of writing or print, in the form of art, or through any other media.
- Historical Journey
 - Writings of Socrates, Aristotle, Locke, Mills ; Athenian democracy
 - England's Bill of Rights 1689 adopted freedom of speech as a constitutional right
 - The French Revolution in 1789 adopted the Declaration of Rights of Man and of Citizen
 - First amendment of American constitution granted most extensive rights to freedom of speech and expression
 - The Universal Declaration of Human Rights that was adopted by UN in the year 1948 also states that everyone should have the freedom to express their ideas and opinions
- Article 19 of Indian constitution guarantees rights to freedom of speech and expression
- The freedom of speech and expression is not only guaranteed by the Constitution or statutes of various nation-states but also by various international conventions like Universal Declaration of Human Rights, European Convention on Human Rights and fundamental freedoms, International Covenant on Civil and Political Rights, etc.



Socrates(1588 –1679):speaking truth to power; speech and reason in the ‘political’



John Locke (1632 –1704): Natural right of life, liberty, property



Prominent Thinkers



J.S.Mills (1806 –1873):‘**On Liberty**’: Liberty of speech and dialogue; Harm principle



ALEXANDER MEIKLEJOHN :first one to found a defense of freedom of speech entirely on democratic theory



Theories of Freedom of Speech

- **Marketplace of Idea**

- Best Ideas can be developed only in competition with one another in a marketplace
- Speakers : sellers, and listeners: buyers/consumers of ideas
- Some truth can be found in most ideas, so only by hearing all truth can be found
- Even falsehoods can aid the search for truth by strengthening true arguments.
- collective control of the culture: right to tell people what they do not want to hear
- Just like bio-diversity, diversity of ideas ensure intellectual progress

- **Individual Autonomy and self-development:**

- Freedom as self mastery - master of one's choices and desire
- Free speech crucial for formation of choices and desires
- According to Mill, free speech fosters authenticity, genius, creativity, individuality and human flourishing.

- **Essential for Democracy:**

- Enable citizen equal participation in democratic processes and institutions
- Well informed and aware citizen is essence of democracy- everyone must have not just a vote but a voice (Dworkin)
- Ensures that citizens know their rights and can exercise them.
- Ensures transparency and fairness :keeps government accountable and responsive.
- Essence of deliberative and participatory democracy

Theory of Limits to Freedom of Speech

- **HARM PRINCIPLE**
 - Direct harms to rights of others
 - Libel or defamatory speech
 - Inciting violence, Hate speech
 - Issues: physical or/and *psychological*?
- **OFFENCE PRINCIPLE**
 - extent, duration and social value of the speech, the ease with which it can be avoided, the motives of the speaker, the number of people offended, the intensity of the offense, and the general interest of the community.
 - crucial component of the offense principle is whether the offense can be avoided
- **PATERNALISTIC**
 - To protect the agent/speaker from self harm
- **CLASH WITH OTHER VALUES : privacy, security, democratic, and dignity**
- Liberals oppose paternalistic and moralistic justifications for limiting free expression
 - **'slippery slope'** argument
- Article 19 of the ICCPR limitation only if (a) it is provided by law; (b) it pursues a legitimate aim; and (c) it is necessary in a democratic society.
- **Indian constitution:** Article 19(2): Limited on grounds of sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, contempt of court, defamation or incitement to an offence
- Article 359: suspension of freedom of speech during Emergencies

Freedom of Speech: Pros and Cons

In favour

- Marketplace of Ideas
- Self-autonomy and development
- Essence of Democracy

Should be limited (cons)

- Harm Principle: direct harm to rights
- Offense principle
- To protect the speaker
- To protect other values- privacy, security, dignity, and equality

Freedom of Speech: Indian Context

- **Historical Account**

- Karachi Convention of the Congress in 1931, passed a resolution on Fundamental Rights which, inter alia, guaranteed right of free expression
- Heated debate in constituent assembly on restrictions on freedom of speech
- First amendment, 1951 : reasonable restriction on freedom of speech; restrictions on grounds of public order and *incitement to an offence*

- **Constitutional Provisions**

- Preamble : liberty of **thought, expression**, belief, faith and worship
- Article 19(1) : Freedom of speech and expression
- Freedom of press and film media are assumed to be covered under freedom of speech
- Article 19(2) : reasonable restriction on Freedom of speech : in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence

Hate Speech

- Hate speech covers many forms of expressions which spread, incite, promote or justify hatred, violence and discrimination against a person or group of persons
- UN human rights code: Any notice, sign, symbol, emblem, article, statement, or other representation that exposes or tends to expose hatred, ridicules, belittles, or otherwise affronts the dignity of any person or class of persons on the basis of race, caste, religion, ethnicity, gender, sexual orientations, etc
- Anti-Semitic, Islamophobic, casteist, and extreme religious speeches
- Link between Speech and action:
 - Word that wound; Richard Delgado
 - Speech may inflict physical harm: speech act
 - Deep psychological scar on targeted group: self-hatred, humiliation, isolation, stress, anxiety, and hypertension
 - Expose the targeted group to violence :Hate speech as violent act
- Who and how to decide what are hate speech ?
- India : Restricted as per article 19(2), and IPC 153, 295 A, and 298

Countering Hate Speech

- **Education and counter-speech**
- **Self-regulation by** public and private institutions, media and the Internet industry
- **states to provide practical support to those targeted by hate speech and violence**
- Anti-hate speech measures must be well-founded, proportionate, non-discriminatory, and not be misused to curb freedom of expression or assembly nor to suppress criticism of official policies, political opposition and religious beliefs.

Censorship

- *Suppression or prohibition of any form of expression- speech, books, films, news, etc. as per rules established by law*
- **Historical Account**
 - 1878: Vernacular press act ; 1870 : Sedition laws ; IPC 295A : Hate speech law
- **Constitutional and legal Provisions**
 - Article 19(2) : Reasonable restrictions on 6 grounds
 - Article 359: suspension of freedom of speech during Emergencies
 - IPC 124: Sedition law : Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law
 - IPC 153: Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language and doing acts prejudicial to maintenance of harmony
 - IPC 295 A: Deliberate and malicious acts, intended to outrage religious feelings or religious beliefs.
 - IPC 298 : Uttering, words, etc., with deliberate intent to wound the religious feelings of any person.
 - Section 66A of IT Act: Punishment for sending grossly offensive and menacing messages through communication service” **Now struck down by SC.**
 - Section 69 of IT Act : Power to issue directions for interception or monitoring or decryption of any information through any computer resource
 - Film censor board of India
- In India, successive govt. have been accused of censorship of press, banning of books, music and films.
- However, judiciary almost often has tried to protect the right to freedom of speech by judicial review on grounds of reasonability of restrictions : ‘law and order’ vs ‘public order’, vs ‘security of the State’.

Summary

- Freedom of speech is the most cherished right and essential component of liberty
- Considered essential for intellectual progress of human society, individual autonomy, and democracy
- Limited on principles of harm, offence, and protecting other valuable rights
- Hate speech are extremely offensive and potentially violent speeches against target person or groups
- Censorship is regulation of freedom of speech by govt. generally for political purposes
- Fine balance between freedom of speech and restraint on part of citizen, society, and govt. is required to preserve the most cherished right of humans.

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- An Introduction to Political Theory : by O.P. Gauba
- Political Theory: concepts and debates : Atlantic Research Division
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- Materials available on WWW and you tube videos

THANK YOU!

GOOD LUCK !

RAWL'S VS NOZICK'S THEORY OF JUSTICE (IN HINDI)

Explanations, Features, Comparison
BA HONS. POLITICAL SCIENCE EXAM HELP

WHAT IS IN STORE?

Analysis of previously asked questions

Rawl's theory justice: explanation, features, pros and cons

Communitarian and feminist critique to Rawl' theory of Justice

Nozick's theory justice: explanation, features, pros and cons

Comparison between both the theories

Past year papers

2018 : Write an essay on the feminist critique of Rawls's theory of justice.

2017 : Discuss Rawls' theory of Justice in the light of feminist and communitarian critique .
2. Evaluate the debates on capital punishment .

2016 : Give a critical account of Rawls theory of justice.

2015 : Write a critical essay on Robert Nozick's theory of justice.
2. Discuss Rawl's theory of justice. What are its major critiques?

2014 : Write a brief essay on Rawl's theory of Justice. What is the communitarian critique of Rawls Theory.
2. Write a critical essay on Rawl's theory of Justice.

Notes: 1. Global Justice 2. John Rawls' idea of global justice 3. Debates on capital punishment 4. Nozick's entitlement theory 5. Feminist perspective on justice

Rawl' Theory of Justice

- **Assumptions and definitions:**

- **Social contract:** people come together, leaving 'state of nature' to frame rules to construct society
- **Initial position:** Beginning of a society or political system when members of society frame rules to govern social life
- **Veil of Ignorance:** members of society framing rules are ignorant of their status and position in society
- **Rawlsian individual :** Stripped down abstract individual : free, and equal, rational, self-interested but not egoist, individualistic, autonomous but having 'sense of justice', and conservative risk takers

- **Two principles of justice:**

- **Principle of Equal Liberty:** Each person has an equal right to the most extensive liberties compatible with similar liberties for all
- **Difference Principle:** Social and economic inequalities should be arranged so that they are both (a) to the greatest benefit of the least advantaged persons, and (b) attached to offices and positions open to all under conditions of equality of opportunity..

Features of Rawl's Theory of Justice

- Under controlled condition, rational individuals, having different notions of morality, would frame rules for socio-political order consistent to idea of distributive justice
- Cancels out the role of natural and social brute luck in arriving at notion of justice
- Rules for just distribution of social goods based on rational choice of people who may have different conception of morality and good life.
- Blend of procedural and distributive justice ;Humane and egalitarian approach to liberal ideology
- Idea of 'chain connection' : society is strengthened by strengthening its weakest link
- Provide a standard for assessing distributive structure of any society.

Pros and cons of Rawl's theory of Justice

In favour

- Blend of procedural and distributive justice
- Humane and egalitarian approach to liberal ideology
- Justice based on rationality independent of individual morality
- Combine virtues of individual 'rights' and societal 'good'
- Provide theoretical base to intuitive notion of fairness

Criticism

- Specific to liberal societies of the 'west' which reached threshold of economic well being
- Utopic assumptions
- Undermine notion of societal 'common good'
- Limit justice in public sphere, leaves family
- Institutional dependence, not applicable on global level

Liberalism vs Communitarianism

Difference points	Liberal views	Communitarian view
Primacy to	Individual autonomy, reasoning, rationality	Community/ society- shared identity, culture, history, world view, way of life
Chief virtue or value	Rights : life, liberty, property	'Common Good'
Economic ideology	Capitalism- free market	Socialism, welfare state
Nature of individual	Isolated self , autonomous moral agent	Situated self , individual morality part of societal morality
Common Good	Sum total of individual 'good'	Societal Common 'good' source of Individual 'good'
Liberty, equality, justice	Negative –freedom from Equality of opportunity Procedural justice	Positive- freedom to Equality of outcome Distributive justice
Political Thinkers	John Locke , Adam Smith, Thomas Paine, .S.Mills John Rawls, Liberatarians: Friedrich Hayak, Nozick	MacIntyre, Michael Sandel, Charles Tylor, Michael Walzer, John Goodwyn, Robert Owen, Gandhiji

Communitarian critique of Rawl's theory of Justice

- Individuals cannot be separated from their social context
- Choices made by individuals abstracted from their socio-economic context can not be consistent to societal conception of 'Good' and hence cannot bring just social order
- Notion of 'good life' is not based on individual reason and rationality but on shared belief of community
- Benefits, burdens, etc are social goods, their meaning and values are socially constructed and hence cannot be distributed on individual reason and rationality
- Undermine fraternity, social solidarity, and unsuitable for communities world over

Feminist critique of Rawl's theory of Justice

- Ignores private sphere of family in which there is no **gender justice**
- **Consider family a just and apolitical institution**
- **Unjust family cannot develop 'sense of justice' in future citizen**
- **'Public justice' around the reality of 'private anarchy and injustice'**
- Rawlsian individual is head of family and is man
 - characteristics of Rawlsian individuals are manly ; female qualities of caring, nurturing, empathy, co-operation, etc. undermined
- Why not 'difference principle' inside family?
- No solution for gendered division of labour, patriarchy, women's subordination in family
- Based on moral norms of man – impersonality, rationality, universality, reason

Nozick's theory of Justice: Justice as entitlements

- People own themselves, part of natural world acquired fairly, and goods produced by their interaction with owned part of natural world
- Individual has **absolute right** over legitimately acquired **property**
- **Legitimate acquisition: 3 ways**
 - **Initial Acquisition:** make property their own on first come first served in initially unowned world by making no one worse off
 - **Voluntary Transfer:** of legitimately acquired property by fair contract and consent
 - **Rectification:** unjust acquisition may be rectified by compensating transfers to one who suffered
- Current distribution of wealth and Income just if arrived at through historical process of just and legitimate acquisition
- Any attempt to enforce a **pre-decided pattern of distribution** impossible without constant intervention of individual's liberty and rights.

Pros and cons of Nozick's theory of Justice

In favour

- Straight forward and simple logic
- Protect individual liberty to its core
- Limits authority and misuse of state power
- Entitlements based on talent, labour, and enterprise
- Struck unjust acquisition and transfers

Criticism

- Logic of fairness of initial acquisition flawed
- Full and absolute right on property debatable
- Too much reliance on transfers under contract and consent
- Impossible to trace back acquisitions
- Intuitively immoral to justify such gross inequality

Features of Nozick's Theory of Justice

- Libertarian account of justice
- Protect individual liberty to its core
- Liberty is kept above values of equality
- Night watchmen State
 - *Maintenance of law & order to protect life, liberty, and property of citizen, and defense against external attacks*
 - No state intervention to try distribution of resources to achieve a defined *pattern* or *end-state* –
NO TAX
- Entitlements based on talent, labour, and enterprise
- Preference to individual rights over societal common 'good'

Rawl's vs Nozick's theory of Justice

Rawl's justice as fairness

- Put equality above liberty
- Advocate distributive justice
- Allows state welfare role
- Left Liberal ideology
- Intuitively more humane and ethical propositions

Nozick's justice as entitlements

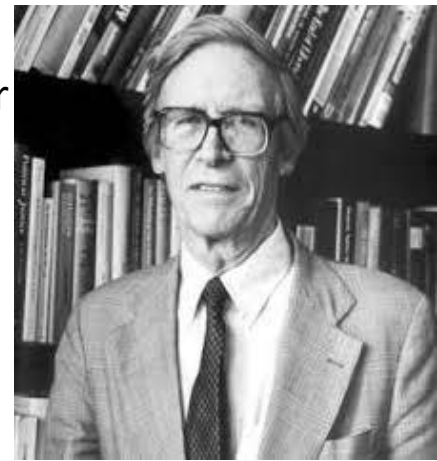
- Put liberty above equality
- Opposes forced distribution
- Night-watchmen state
- Right liberal ideology
- Despite straightforward logic intuitively less humane



Robert Nozick(1938 – 2002): *Anarchy, State, and Utopia* (1974), a libertarian answer to John Rawls' *A Theory of Justice* (1971)



John Rawls(1921-2002): *A Theory of Justice* (1971)
Justice as fairness



Thinkers who shaped the concept of Justice

Friedrich Von Hayak (1899 –1992):*The Road to Serfdom* ; derided social justice as mirage; advocated distribution as outcome of market transactions as just



Amritya Sen(1933): *capability based theory of justice*; alternate theory of global justice akin to न्याय- realized justice on public reasoning



References

- Political Theory : An Introduction by Bhargava & Acharya
- An Introduction to Political Theory : by O.P. Gauba
- Political Theory: concepts and debates : Atlantic Research Division
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THANK YOU!

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COMMUNITARIAN CRITIQUE OF RAWL'S THEORY OF JUSTICE (IN HINDI)

Liberalism Vs Communitarianism

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Communitarianism: Meaning

- Social and Political philosophy which gives importance to traditions and social context for moral and political reasoning, social nature of the self, and value of community
- It gained prominence in 1980s by the writings of few American political philosophers- **Michael Sandel , Alasdair MacIntyre, Charles Taylor, Michael Walzer**
- These writings were critique to modern liberalism, based on Rawl's theory of Justice(1971), and Libertarianism (Nozick & Hayek)
- Excessive individualism leading to atomized society, isolation, loss of identity, social crimes, resource exploitation, and meaninglessness of materialistic culture, etc were main concern of the communitarians
- Common vs Private good and Individual autonomy & freedom vs social order- focus of debate
- **Communitarianism is different from Communism, Socialism** and does not support totalitarian, and autocratic States- it favours democracy, balance between rights and responsibilities, individual freedom and social order, flourishing communities acting as 3rd force between State and market, good and virtuous individual life conforming to shared self-understanding of common good

Evolution of Communitarian Movement

- **Earlier Communitarian traditions**

- Old & New Testament, Islamic concept of *shūrā*, Confucianism, and also in Hindu culture
- Thoughts of Aristotle, Rousseau, Hegel had communitarian shade
- Also reflected in moderate conservatism of Edmund Burke, social Fabianism, and social democracy
- The term *communitarian* was coined in 1841 by John Goodwyn Barmby, a leader of the British **Chartist** movement- utopian community life

- **First wave modern Communitarian Movement**

- 1980s: **Michael Sandel** '*Liberalism and the Limits of Justice (1982)*', **Alasdair MacIntyre** – *After Virtue*, **Charles Taylor** – *Sources of the Self*, **Michael Walzer** – *Spheres of Justice*
- Also drew some inspiration from C.B. Macpherson, Hanah Arendt

- **Second wave Communitarian movement**

- 1990s: **Amitai Etzioni**, **William A. Galston**, and others (Philip Selznick, Mary Ann Glendon) founded 'Responsive Communitarianism'
- Balance between common good and autonomy and rights; freedom and social order
- Reflected in political thoughts of factions of both democrat (Clinton, Obama) and republican parties; Labour Govt under Tony Blair, Pakistan Tehreek-e-Insaf party, in many right wing conservative parties world over.

Communitarian Critique of Rawl's theory of Justice

- Nature of the Self
- Justice as the 1st virtue of social institution
- Universal Rights and Freedom
- Nature of the State: Neutral government - secure and distribute fairly the liberties and economic resources individuals need to lead freely chosen lives as per their own conception of good life

Nature of the Self

- **Rawls:**

- Individuals behind veil of Ignorance- unencumbered, abstracted Self
- **“Self is prior to its ends”**- individual is free and capable to choose end/goal/purpose of his life as per his conception of good life

- **Communitarian:**

- Situated Self: Individual is embedded or situated and partially constituted and defined by social roles and community attachments
- Choice vs discovery of ‘end’: End/goal/purpose is socially determined for common good; individuals do not choose them, they discover them
- Hence, self is NOT prior to its end, rather the end is part of the self, it defines the identity of the self

Nature and Range of Justice

- **Rawls:**

- Justice as 1st virtue of social system and it is universal
- Justice as fairness: just way of distribution of social goods
- justice that specify and protect our rights do not depend for their justification on any particular conception of the good life, on any comprehensive moral or religious conception.
- just society regulates each person's choice of ends in a way compatible with a similar liberty for all.

- **Communitarian:**

- In a community where individual identity and end are socially constructed to fulfil 'common good', where there are commonality of shared self-understanding as well as 'enlarged affections', justice- protection of individual's right- cannot be the 1st virtue
- Community have moral infrastructure and informal mechanism of enforcement
- The values of the community define what counts as just or unjust; it is contextual, NOT universal
- Justice is relative to the 'common good', NOT independent of it
- 'common Good' –universal moral principle having intrinsic worth ; principle of Justice should have intrinsic moral worth or intrinsic good of the ends that they serve

Rights: Nature & Universality

- **Liberal View:**

- Rights such as liberty, equality, dignity which are required for the individual to choose his ends as per his own conception of good life are universal- should be available across all cultures, societies, nation, etc
- Rights do not depend for their justification on any particular conception of the good life, on any comprehensive moral or religious conception

- **Communitarian View:**

- Rights brings with them social responsibility- balance between individual freedom and social order
- Rights are not absolute or universal, they are contextual- meaning of Right is socially constructed and hence relative to the values, belief, culture, and traditions of the community/society
- Individual rights get their meaning and utility only in healthy social order
- Rights can be traded off to promote the 'Common Good' ; for example privacy vs national security
- Positive Rights (vs Negative Rights)

Nature, Role, and Functions of the State/Govt

- **Liberal Views:**

- Neutral State: State/govt being neutral to conception of good life, leave it to individual choice
- Provide and regulate the framework of rights and justice wherein individuals have equal and extensive freedom to choose their end/goal/purpose as per their own conception of good life
- laissez-faire and minimal state

- **Communitarian view:**

- State/Govt cannot be neutral to conception of good life, substantive moral and religious questions
- State should nurture communities, social order to help citizen live good life conforming to 'common good' and shared self-understanding of good life
- Not totalitarian or authoritarian Govt, but one that maintain balance between individual freedom and social order, rights and responsibilities, empower communities to use their moral infrastructure of informal enforcements.

LIBERALISM VS COMMUNITARIANISM: IN A NUTSHELL

Point of Divergence	Liberalism	Communitarianism
Rights vs common good	<p>Primacy of Rights</p> <p>Rights Universal</p>	<p>Primacy of Common Good</p> <p>No universal Rights, contextual</p> <p>Balance between Rights & Responsibilities</p>
Nature of the self	Self is prior to its end	The end constitute the self and define its identity
Justice	<p>Justice is 1st virtue of the social institution</p> <p>just society regulates each person's choice of ends in a way compatible with a similar liberty for all.</p>	<p>Justice is remedial measure, cannot be the 1st virtue of the social institutions emanating from community</p> <p>Justice is constitutive of a community</p> <p>Justice is contextual and relative to the common good.</p>
Nature of State	Neutral, laissez-faire, and minimal State	Welfare State ; State nurturing, supporting, and encouraging community life
Normative Ethical Theory	Deontological ethics- basic standards for an action's being morally right are independent of the end	Teleological ethics: actions are moral and good only if it produces end which is good

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- **Shodhganga Thesis on this topic**
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<https://www.jstor.org/stable/40231605?read-now=1&seq=1>

THANKS FOR WATCHING!

PLZ POST YOUR QUERIES THROUGH COMMENTS!

Email: dupolschelp2018@gmail.com

GOOD LUCK !

Capital Punishment

Issues and Debates

With Past Year's Paper Analysis

POLITICAL SCIENCE EXAM HELP

WHAT IS IN STORE?

Analysis of previously asked questions

Capital Punishment: Key Issues for debate,
relevant facts & Figures

Constitutional provisions on capital
punishment in India

Arguments for and against the capital
punishment

Sum up

Past year questions

2017 : examine the debates on capital punishments

2016 : Notes on Debates on capital punishments

2014: Give a brief account of arguments for and against capital punishments

World 19:04, 14-Mar-2019

'Ineffective, irreversible and immoral': California governor halts death penalty

By Sim Sim Wissgott

Share      



9 death penalties wrongly imposed: Ex-judges to President

Manoj Mitta | TNN | Updated: Aug 19, 2012, 06:50 IST

  A- A+



NEW DELHI: They are on death row even after the Supreme Court admitted — not once but thrice — that the decisions awarding death sentences had been rendered per incuriam (in ignorance). The miscarriage of

Let's Begin with these newsflashes

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LAW

Supreme Court Acquits Six People on Death Row Who Spent 16 Years in Jail

The apex court reversed its own decision from 2009.



A view of the Supreme Court on November 1, 2018. Credit: PTU/Ravi Choudhary



The Wire Staff

LAW RIGHTS 06/MAR/2019

New Delhi: The Supreme Court on Tuesday (March 5) acquitted six death-row convicts.

The court was revisiting its decision from 2009 in a rape and murder case, and held that the jailed men were wrongly implicated.

Denegrating the manner in which the police conducted the probe in the matter the court directed the

119    

Key Issues for Debate

- **On what grounds death punishment justified?**
 - Retribution? Deterrence? Reformation ruled out
 - Is deterrence sufficient ground for death sentence?
 - Marginal Deterrence – deterrence over and above life imprisonment
 - Does moral grounds exist for capital punishment as retributive justice?
- **What empirical evidence support or oppose death punishment ?**
 - Rate of murder crime in state with or without capital punishment
 - Probability of repeat crime by convicted life sentenced criminals
- **How it relates to normative values of Justice, Liberty, and Rights?**
 - Can it be justified on principles of justice?
 - Does murder convict loses right to life? Does state/society has right to take life?
 - Does it against dignity and sanctity of human life?

Capital Punishment: Relevant facts & Figures

- Out of 195 countries, **only 55** have capital punishment
- India joins USA, China, Japan, Pakistan, Iran, Iraq, North Korea, Somalia, Saudi Arab, etc. where death penalty is still legal
- China, Iran, Iraq, Saudi Arabia execute maximum nos. of convicts
- In India only **26** convicts were executed since 1991
- 1999, UN commission on human rights voted for worldwide suspension on execution ; EU follows complete ban.
- UN general Assembly passed resolution 7 times for suspending capital punishment- India voted against
- Law commission of India recommended abolition of death penalty- except war against nation and terrorism

Capital Punishment: Constitutional Provisions

- **Article 21:** No person shall be deprived of his life or personal liberty except according to procedure established by law
- **Article 72 :** Power of President to grant pardons, etc, and to suspend, remit or commute death sentences.
- **Article 134 :** An appeal shall lie to the Supreme Court from any judgment of a High Court if the High Court has on appeal reversed an order of acquittal of an accused person and sentenced him to death
- **Cr PC 302, 120 B, 307,etc.:** Under the IPC eleven offences are punishable by death. EX- Murder, Abetment of suicide by a minor or insane person, Dacoity with murder etc.
- **Rarest of rare doctrine:** *Bachan Singh v. State of Punjab* and *Machhi singh vs. State of Punjab* laid down several *aggravating and mitigating* circumstances for deciding whether the case is rare and fit for death sentence
 - a) something uncommon about the crime which renders sentence of imprisonment for life inadequate and calls for a death sentence?
 - (b). Are there circumstances of the crime such that there is no alternative but to impose death sentence even after according maximum weightage to the mitigating in favour of the offenders?
- Issue of arbitrariness and right to equality under article 14

Arguments in Support of Capital Punishment

Arguments in support	Counter arguments/comments
Death penalty- highest deterrence, more than life imprisonment	<ul style="list-style-type: none"> • No conclusive empirical evidence • Uses convicts as means to societal end- against Kantian moral principle
People under veil of ignorance, under Rawl's theory of Justice, would choose death penalty	<ul style="list-style-type: none"> • Either murderer or murder victim • murderer: against death penalty • Victim: might favour ; • Worst off more likely to be murderer and get punished
By violating victim's right to life murderer also loses his right to life	<ul style="list-style-type: none"> • Does rapist loses right not to be raped? Mugger not to be mugged? • Right to life is unforfeitable till we retain our status as moral agent
Value of life taken by murderers can only be compensated by death of the murderer	Eye for an eye doctrine (<i>lex talionis</i>) Cannot be defended logically and ethically
It is morally justified : Moral right to be angry with criminals and punish them	<ul style="list-style-type: none"> • Moral resentment vs anger and revenge • 'Hate the crime not the criminal' • Despite our right to punish severely morality guides us what we ought to do –least painful death even for dreaded murderer
<ul style="list-style-type: none"> • Rationally, it is best choice out of all possible alternatives • Best bet- choice (1) and (3)- max gain 	deterrent or no deterrent ; death or no death penalty 4 scenario: (1)deterrent + death penalty ; (2)deterrent + no death penalty ; (3)no deterrent + death penalty ; (4)no deterrent + no death penalty

Arguments Against Capital Punishment

Arguments in support	Counter arguments/comments
<ul style="list-style-type: none"> State/govt have no right to take life Against Social contract Right to life is unalienable 	<p>Circular argument</p> <p>Why not if it serves common good ?</p> <p>Right to life may not be absolute</p>
<ul style="list-style-type: none"> It ignores the value and sanctity of human life Human life is extension of God 	<p>Murderers' life is of little value to them or to the society</p> <p>Sanctity: religious argument</p>
It violates human dignity	Death penalty is state sponsored killing of citizen completely at the mercy of the state- against dignity
No empirical evidence of marginal deterrence of death penalty over life imprisonment	In dacoity/kidnapping/rape victims are not murdered because of fear of death penalty
Its administration is not fair, arbitrary, and very costly	<p>Criminal justice system is grossly corrupt, biased, and unfair</p> <p>Rarest of rare doctrine-arbitrary</p>
Against civilized characteristics of modern nation-states and International conventions	<p><i>For: more advanced civilization, less brutal punishments</i></p> <p>Against: Death penalty may not be brutal; Each society/culture has different need of retributive justice</p>
Punishment- retributive and reformatory justice and deterrence	<p>No reformatory, no conclusive evidence on marginal deterrence</p> <p>Retribution: to what extent?</p>

Debate on Capital Punishment

For

- Effective deterrence- saves life
- Serves common good of society
- Consistent with principles of justice- retributive and Rawl's
- Best rational choice under given scenario
- By taking life, murderer loses right to life

Against

- Against reformatory justice
- No conclusive empirical evidence of being effective deterrence
- state has no right to take life
- Against civilized order, dignity, value, and sanctity of life
- Criminal justice system unfair, corrupt, costly, discretionary, tipped against worst off

Summary

- More than 2/3rd of nations have abolished capital punishment. Despite this, no end to debate on its validity
- India is among 55 nations retaining capital punishment but actual execution has been rare because of multiple checks, and doctrine of rarest of rare case
- The debate raises fundamental issues of Justice, Rights, morality, value and dignity of human life
- Arguments for – effective deterrence, best rational choice, retributive justice, murderer losing right to life
- Arguments against – No empirical evidence of marginal deterrence, no reformation/rectification, no right to state to take life, Against civilized order, dignity, value, and sanctity of life
- Unfair, corrupt, costly, Criminal justice system, discretionary nature of death sentence, its being tipped against worst off further make demand for abolition of capital punishment stronger.

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- Political Theory: concepts and debates : Atlantic Research Division
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- Materials available on WWW and you tube videos

THANKS FOR WATCHING!

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AFFIRMATIVE ACTION

(In Hindi)

इस टॉपिक पर कैसे लिखे उत्तर ?

BA HONS. POLITICAL SCIENCE EXAM HELP

WHAT IS IN STORE?

Analysis of previously asked questions

Equality, Egalitarianism, and Affirmative Action: Introduction

Forms, features, and theoretical bases of Affirmative Action

Affirmative Action in Indian context

Pros & Cons of Affirmative Action

Past year questions

2018 : Note on Affirmative Action.

2017 :How does 'affirmative action' promote egalitarianism in society? Explain with suitable example.

2016 : Note on Affirmative Action.

2015 : Evaluate the concept of 'affirmative action' as a tool to redress background inequality

Equality, Egalitarianism, and Affirmative Action: Introduction

- **Equal moral worth** and equality on the basis of **humanity**
- **Egalitarianism**: equality as cornerstone of political arrangements and public policy
- Degree of equality: the **race metaphor**
 - All should start at same time : **equality of opportunity: formal** equality
 - All should run with similar sports gear, similar training: **substantive** equality
 - Physically weak/challenged should be compensated: may be by less numbers of lap! : **positive discrimination- affirmative action**
 - Reward of winning should be equal for all runners!: **equality of Outcome**
- Factors behind unequal outcome:
 - **Social Luck** : social background, family, education, inheritance, etc
 - **Brute bad luck**: disease, accidents, disabilities, disasters
 - **Natural Luck** : native talent, beauty
 - **Option Luck** : choices and preferences
- Affirmative Action try to **compensate** for social and brute bad luck or **background Inequalities**

} **Background
Inequalities**

Affirmative Action

- **Preferential treatment to persons from disadvantaged social/ethnic background** in jobs, political positions, education, and welfare services
- **Disadvantaged social/ethnic background:** US- African-American, Hispanic, women; **India:** SC,ST, OBC, Women
- Preferential treatment may range from **special concern to reserved quota**
- The phrase first coined in USA in the executive order by president Kennedy; was given legal sanction after enactment of Civil Rights Act in 1964
- Called employment equity in Canada, Positive Discrimination in UK, Alternative Access in South Africa, and **Reservation in India**

Affirmative Actions: Theoretical underpinnings (bases)

- Certain **minority** groups, **marginalized** community may suffer from **background inequality** due to long periods of social discrimination
- Formal equality of opportunity may not be sufficient for socially disadvantaged groups
- **Compensation** for social and brute bad luck – **classical fairness** : like treated like, unlike treated unlike
- To bring about **distributive and social justice** – **substantive equality**
- Democratic equality : **Justice as fairness**: Socio-economic inequality just if it is in advantage to the worst off.
- Representation in public offices, political positions, and education should reflect proportion in population
- Help bring about **lesser inequality of outcome, social harmony, national Integration**

Affirmative Action: Indian Context

- **Historical Account**

- 1901: reservation in Kolhapur Maharashtra for non-brahmin and backward classes by sahuji maharaj
- 1909: separate electorate for Muslims
- 1932: separate electorate proposed for Dalits
- 1935 Act: reservation in job for backward caste

- **Constitutional Provisions**

- **Article 15(4):** Nothing shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the SC and ST.
- **Article 16(4) :** Nothing in this article shall prevent the State from making any provision for the **reservation of appointments** or posts in favor of any backward class of citizens
- **Article 46:** The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the SC and ST, and shall protect them from social injustice and all forms of exploitation
- **Article 330, 332:** reservation for SC,ST in legislature
- **Article 340 :** Commission to investigate the conditions of **socially and educationally backward classes**

- Reservation in public jobs, public educational Institution for SC,ST,OBC, and legislature-SC,ST, Women
- Preference in land reforms, distribution of social welfare –scholarship, grants, health care, legal aid

Affirmative Action: Pros and Cons

In favour

- Egalitarian virtues
- Substantive equality
- Distributive and social justice
- Dignity and empowerment to hitherto marginalized citizen
- More inclusive development
- Promote national integration

Criticism

- Injustice and inequality to some
- Reinforces caste identity
- Disincentivise merit and efforts
- Used for electoral politics
- Created class differentiations among SC,ST.
- Leaves out minority and poor

References

- Political Theory : An Introduction by Bhargava & Acharya
- An Introduction to Political Theory : by O.P. Gauba
- Political Theory: concepts and debates : Atlantic Research Division
- Recommended reading list of DU Political Concepts syllabus
- Materials available on WWW and you tube videos

THANK YOU!

GOOD LUCK !

Affirmative Action Policies in India

Issues, Impacts, Debates

With Past Year's Paper Analysis

BA HONS. POLITICAL SCIENCE EXAM HELP

WHAT IS IN STORE?

Analysis of previously asked questions

Affirmative Action Policies: Introduction
historical background, constitutional provisions

Issues in Affirmative Action Policies in India

Impacts of Affirmative Action Policies in India

Pros & Cons of Affirmative Action policies

Past year questions

2018 : Intersection of caste and gender is major form of discrimination in Indian Society. Discuss the affirmative action policies in light of this statement.

2017 : Examine the issue of affirmative action policies in India. Do you think they have proved healthy for Indian Democracy?

2016 : Examine the issues and impacts of affirmative action policies on Indian society.

2015 : 'The affirmative action policies have narrowed down caste discrimination in India'; in light of the statement analyse the success of the affirmative action policies.

2014: How far the affirmative action policies fulfilled the goal of social justice envisaged by the Indian constitution?

Affirmative Action

- **Preferential treatments to persons from disadvantaged social/ethnic background** in jobs, political positions, education, and welfare services
- **Disadvantaged social/ethnic background:** US- African-American, Hispanic, women;
India: SC,ST, OBC, Women, minorities, LGBTs, Disables
- Preferential treatment may range from **special concern to reserved quota**
- **Justifications-** social justice, substantial equality, equality of opportunity and outcome
- The phrase first coined in USA in the executive order by president Kennedy; was given legal sanction after enactment of Civil Rights Act in 1964, became popular by 1980
- Called **Reservation**, employment equity, special or preferential treatment, concessions, protective Discrimination, Positive Discrimination, compensatory discrimination
Alternative Access

Affirmative Action policies in India

- Background of Affirmative Action policies in India
- 3 Dimensions of Affirmative Action policies in India
 - Reservation/quota in legislatures, govt. jobs, educational seats
 - Preferential treatment in govt. schemes/services- scholarship, loans, land allotment, housing, health care, legal aid,
 - Special protection to safeguard from oppression- special police station, commission, prohibit forced labour, etc
- Different trajectories of affirmative action policies for Dalits/SC, Tribal, OBC, Women, and other minority groups
- Arguments for and against the Affirmative Action policies in India

Affirmative Action: Constitutional Provisions

- **Article 15(4):** Nothing shall prevent the State from making any special provision for the advancement of any other **socially and educationally backward classes** of citizens of or for the SC and ST.
- **Article 16(4)** : Nothing in this article shall prevent the State from making any provision for the **reservation of appointments** or posts in favor of any backward class of citizens
- **Article 15(6) : provision for additional 10% reservation for any economically weaker sections of citizens in educational institutions- both govt. and private**
- **Article 16(6): provision for 10% reservation in appointments or posts in favour of any economically weaker sections of citizens**
- **Article 46:** The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the SC and ST, and shall protect them from social injustice and all forms of exploitation
- **Article 330, 332:** reservation for SC,ST in legislature
- **Article 340** : Commission to investigate the conditions of **socially and educationally backward classes**

Affirmative Policies in India: background

- **Affirmative actions for lower castes and minorities both in British India and princely states**
 - 1902: Kolhapur- 50% reservation in for backward castes by sahuji maharaj
 - 1909: separate electorate for Muslims
 - 1918: 1st backward class commission set up in Mysore state
 - 1921: 50% quota in higher civil services- increased to 59% by 1959
 - 1919: constitutional reform- reservation in legislature for Marathas in Bombay and non-brahmins in Madras
 - 1921- Justice party govt in Madras province reserved 48% in administration for non-brahmin
 - 1932: communal award : separate electorate and reserved seats to Muslims, Christians, Sikhs, Anglo Indians and depressed class
 - 1935 Act: reservation in job for backward castes
- In the constituent assembly consensus on reservation for SC/ST, but not on OBC, minorities, and women
- 1963 : SC delivered Balaji vs state of Mysore judgement – struck caste based and over 50% quota
- Following SC verdict, different HC took adverse view on caste based quotas in Bihar, AP, Kerala
- 1960-70s :Politicization of the reservation policy : Socialist party rallied for OBC Reservation
- 1978 : Janata govt. set up Mandal commission ; report submitted 1980 ; implemented in 1990 by V.P.Singh

Affirmative Policies for SC/ST

- **Preferential treatment to depressed class by colonial govt.**
 - 1932: separate electorate for depressed class
 - Gandhiji opposed it, Poona pact between him and Ambedkarji
 - Govt. of India Act 1935 : reservation for them
 - Schedule or list of castes and tribes which historically suffered hostile discriminations were made
- In constituent assembly, consensus on special concessions to SC/ST- Article 15(4), 16(4)
- Reservation in legislature, jobs, and educational admissions; 15%-SC, 7.5%-ST for 10 years...which is extended every 10 years
- No creamy layer filtering for SC/ST reservations

Affirmative Policies for OBCs

- Indian govt. under new constitution implemented SC/ST quota invoking article 15(4), and 16(4) but left out other socially and educationally backward classes
- **1953-1st backward class commission- Kaka Kalelkar Commission**
 - 4 criteria- degraded status, education, low representation in civil services, secondary and tertiary sectors – common denominator- lower caste
 - List of 2399 OBC castes, 32% population based on 1931 census
 - Congress govt. rejected the report on grounds of efficiency and socialist pattern of economic development
- **1978 : Janata govt. set up Mandal commission ; report submitted 1980 ; implemented in 1990 by V.P.Singh**
 - 3743 OBC castes, 11 criteria for backwardness, 52% population, 27% reservation
 - Justification: adequate representation in govt. job- higher social status- community elevated in social power structure
- **Subsequent reactions of upper caste politically mobilized OBCs**
- **1993: SC verdict validated caste based quota with some conditions**

Affirmative Policies for Women

- **During colonial rule women leaders were against 'special electorate' or reservations**
 - They wanted greater right to vote, social upliftment, education, and equal rights
 - Women's political rights were resolved in cultural terms- spiritual carrier of Indian nation
 - Personal vs political : degendered colonial public sphere
 - Women leaders were liberals and mostly from upper caste felt reservation would bring in conservative and undeserving women
 - In support of Gandhji's movement against 'untouchability' and separate electorate for Dalits they sacrificed their demand for reservation in legislature
- **Since 1990, focus shifted to reservation for women in legislature**
 - 1993- 73rd and 74th amendments reserved 1/3rd seats in Panchayati Raj
 - 1996: bill presented in lok sabha for reserving 1/3rd seats in legislature
 - 2010: the women reservation bill was passed in Rajya Sabha
 - But the bill failed to pass the Lok Sabha and is still pending
- **Main objection to the bill – caste criss-cross gender identity and hence unless caste based sub quota is made within women's quota, the benefit shall be cornered by upper caste women**

Affirmative Policies for Minorities

- **Preferential treatment to Minorities by colonial govt.**
 - 1909: separate electorate for **Muslims**
 - 1932 : Communal Award : separate electorate and reserved seats to Muslims, Christians, Sikhs, and Anglo Indians
- In constituent assembly, till 1947, the agreement was on reservation in legislature, cabinet, and govt jobs to Minorities, but was dropped post partition holocaust
- Sachar Commission in 2006 recommended affirmative actions for Muslims citing their backwardness - Equal Opportunity Commission
- **Some Affirmative Action for Minorities**
 - Ministry of Minority affairs
 - National Minorities Development and Finance Corporation's (NMDFC)
 - Reservation in legislature for Anglo-Indians
 - Special concessions to Minority Educational Institutions

Affirmative Policies for Economically backward sections (EWS)

- **Background**

- Post Mandal agitations, Narsimha Rao govt. in 1991 introduced 10% reservation for EWS through an executive order
- But the SC struck it down stating “economic backwardness couldn’t be a sufficient criteria” for reservation.

- **Jan 2019, parliament, through 103th amendment, introduced 15(6), and 16(6)**

- 15(6) : 10% quota for EWS in admissions to educational institutions
- 16(6) : 10% quota for EWS in govt jobs
- Subsequent executive orders provided 10% reservation to EWS of general category, over and above 49.5% for SC/ST, OBC, in govt. jobs and admissions

- **Criteria for economic backwardness**

- Family income less than 8 lakh per annum
- Less than 5 acres of agricultural land
- Possession of flat of less than 1000 square feet or plot of less than 100 sq. yards in notified municipal area; 200 sq-yards for other areas

- **The amendment is sub-judice in SC but no stay on its implementation**

Issues of Affirmative Action Policies in India

- Enlarging scope of reservation policy
 - After EWS reservation, almost 90% of population under quota system!
- Still no reservation for Women, Muslims and other minorities such as LGBT,
- Increasing politicization of reservation policy – quota politics
- Economic liberalization, privatization, and globalization has shifted the goal post
 - Less and less govt. jobs, and unattractive govt. run education
 - Upper caste and Bourgeois class shifted to private sector jobs, private education, and globalized job market

Impact of Affirmative Action policies in India

- **No systematic survey/study to assess the socio-economic impacts**
- **Social Impact**
 - Sense of social empowerment in benefitted communities
 - Reinforced caste identity
 - However status still linked to caste hierarchy
- **Economic Impact**
 - Well off individuals were benefitted at the cost of poor and more backwards
 - Increased economic disparities among the benefitted communities
- **Political Impact**
 - Politicization of the reservation policy
 - Politicization of caste and casteism in politics
 - Post Mandal political power shifted to OBCs
- **Problems in assessing the success and Impacts of Affirmative Action policies in India**

Affirmative Action: Pros and Cons

In favour

- Substantive equality
- Distributive and social justice
- Dignity and empowerment to hitherto marginalized group
- More inclusive development
- Promote national integration

Criticism

- Reinforces caste identity
- Quota politics
- Created class differentiations among SC,ST, OBCs.
- Disincentivise merit and efforts
- Leaves out minority, women, other marginalized groups

Summary

- Affirmative action policy in India has a long historical background
- Different trajectories of affirmative action policies for SC/ST, OBC, Women, and Minorities
- Enlarging scope of reservations, quota politics, leaving out women and minorities, and shifting goal post due to economic liberalisation are main issues
- Impact of affirmative policies are not systematically assessed.
- However, socio-economic impacts are mixed. It increased social empowerment but reinforced caste identities. It increased economic disparities within the benefitted groups.
- Political impact of reservation policy has been most visible. It led to rise in Dalit and OBC politics
- Post 'Mandal' OBC dominates Indian Electoral Politics. Upper caste and middle class shifted their arena to non-electoral and corporate to maintain their hegemony

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 - C. Jaffrelot, (2005) '***The Politics of the OBCs***', in Seminar, Issue 549, pp. 41-45.
 - M. John, (2011) '***The Politics of Quotas and the Women's Reservation Bill in India***', in M. Tsujimura and J. Steele (eds.) Gender Equality in Asia, Japan: Tohoku University Press, pp. 169-195.
- Materials available on WWW and you tube videos

THANKS FOR WATCHING!

GOOD LUCK !

MULTICULTURALISM

Meaning, Dimensions, Debates

(With past year's paper analysis)

BA HONS. POLITICAL SCIENCE EXAM HELP

WHAT IS IN STORE?

Analysis of previously asked questions

Multiculturalism: Meaning, Features, and Debates

Thin Vs Thick Multiculturalism

Cultural Rights and Recognition

Multiculturalism : Indian Context

Past year questions

2018 : What do you understand multiculturalism? Do you think that Will Kymlicka's theorization on multiculturalism adequately resolves the issues of minority rights ?

2016 : To what extent have plural society succeeded in accommodating diversity? Explain your answer with reference to multiculturalism and toleration.

Notes : Multiculturalism; Thick multiculturalism

Multiculturalism: Meaning and Dimensions

- As an ideas focused on the ways in which societies and nation-state should respond to cultural and religious differences
- Protecting rights and privileges of disadvantaged groups- minorities, women, LGBTs, disabled, etc,
- **Dimensions:**
 - A social fact, an idea, a policy, and a theory
 - Pillars of modern political concepts- justice, rights, equality, liberty, democracy – are liberal political theory and are culture-blind
 - Liberal ideologies- autonomy, rights, liberty, equality, dignity, tolerance and justice are individualistic
 - Multiculturism pose challenge to liberal political theory- how to protect the validity of these universal concepts against varied conceptions of these terms in different cultures?
 - Liberal democratic government face the challenge –how to accommodate cultural and ethnic claims within the overall framework of rights and justice

Thin Vs Thick Multiculturalism

Thin Multiculturalism

- All diverse culture in a nation-state guided by liberal beliefs
- Only weak disagreements over values and belief system
- Cultural groups compete only for diverse interests or objectives
- Ex: French and English speaking people in Canada

Thick Multiculturalism

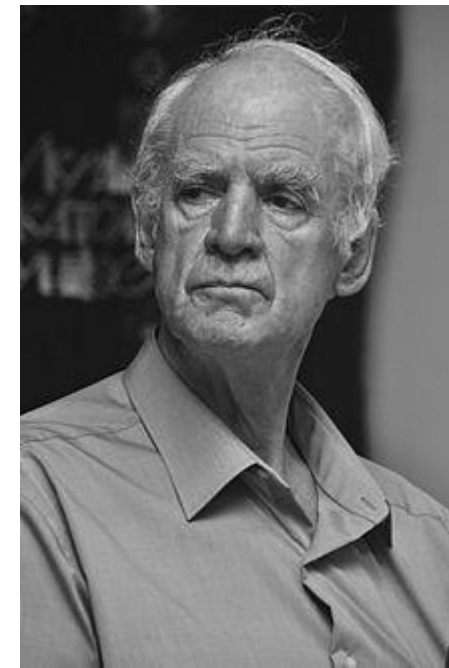
- Deep diversity- cultural groups have very different value systems and beliefs
- Issue of cultural relativism
- Pragmatic compromise to achieve peaceful co-existence
- Ex: Religious minorities in India



Will Kymlicka (born 1962): Canadian : ***Multicultural Citizenship: A Liberal Theory of Minority Rights***



Charles Taylor (born 1931): Canadian: ***the politics of recognition***



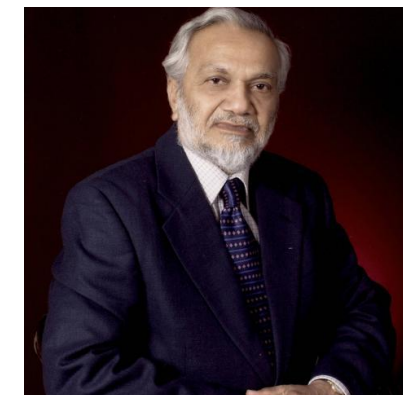
Political Thinkers Shaping Debate on Multiculturalism



Brian Barry: ***Culture & Equality: An Egalitarian Critique of Multiculturalism***



Bhikhu Parekh (born 1935): ***Rethinking Multiculturalism: Cultural Diversity and Political Theory***



Multiculturalism: Rights and Recognitions

- **Cultural Rights**

- Group differentiated Rights
- Individual Vs Group Rights

- **Dignity and recognition**

- Equal status and dignity to diverse cultural arts, practices, belief and value system
- Recognising other cultures as equally valuable
- Adequate space to diverse culture in school textbooks, popular media, public discourse
- Evolving a common or composite culture through dialogue among equal cultures

Rights to cultural minorities

- **3 kinds of Group differentiated Rights**

- 1. Right to self-government and representation
- 2. Right to Protect language, customs, symbols, value systems, and way of life
 - Right to exemption from common law
 - Right to get fund and establish minority educational institutes
 - Right to preferential treatment in admissions, education policies
- 3. Right to equal status and recognition
 - Adequate space to diverse culture in school textbooks, popular media, public discourse
 - Evolving a common or composite culture through dialogue among equal cultures

- **Justifications**

- State must treat each citizen with equal respect and dignity
- For developing self respect, dignity, and autonomy, one require a stable cultural structure or framework
- cultural or group rights are must to protect the cultural structure

- **Challenges**

- May interfere with individual's right to equality, liberty, autonomy
- May Pose threat to national integration, territorial sovereignty

Will Kymlicka : ‘Multicultural Citizenship’

- Theorizing multiculturalism from the liberal perspectives
- Stable cultural structure provide meaningful choices to its autonomous members
- **National minorities** in multination states vs **ethnic immigrants** in polyethnic states
 - Rights to national cultural minorities : self-government and representation rights
 - Rights to ethnic immigrants : affirmative action, exemption from some rules which may violate religious practices, and public funding of cultural practices.
- Justification for minority rights: Equality, Historical claim, Cultural Diversity
- External protection vs internal restrictions
- Solidarity and social unity in modern nation state.
 - shared civic identity
 - situation of deep diversity

Charles Taylor: 'Politics of Recognition'

- What it means
 - Going beyond cultural rights to cultural recognition
 - Positive attitude towards different cultures
 - Recognising other cultures as equally valuable –public affirmation of cultural differences
- **Justifications**
 - Articulated by Bhikhu Parekh, David Miller, Charles Taylor, young, Tully, and Tamir –
 - To have positive relation to themselves Individual require other's recognition– other's positive attitude/admiration towards one's cultural identity
 - Culture need recognition to help maintain autonomy of its members and its authenticity
- **Challenges**
 - Brian Barry : impossibly demanding and logically incoherent

Cultural rights may oppress the oppressed

- **Women's Issue in Multiculturalism**

- Women find themselves oppressed in most of the so called 'non-liberal' cultures
- Cultural rights like exemption from common legal code may keep women suppressed
 - For example : No Inheritance right for Hindu Women, No compensation/sustenance for Muslim women from divorced husband, 'Triple talaq', etc.
 - On extreme : domestic violence, genital mutilations, honour killings, etc may be culturally sanctioned
- Women may not be allowed to enjoy individual rights in case group differentiated rights are granted to minorities

- **Arguments against**

- Women should have freedom to exit oppressive culture.
- Group and individual rights need not cross always. Women may exercise individual rights to challenge injustice while maintaining their cultural identity.

Multiculturalism : Indian Context

- **Democracy and rights to minority** : “no democracy can long survive which does not accept as fundamental to its very existence the recognition of the rights of minorities” Franklin Roosevelt
- **Constitutional Rights for minorities**
 - **Preamble** : ...India as ...secular democratic republic
 - **Article 26** : religious minorities may establish institutions, movable and immovable properties, and administer properties
 - **Article 29** : Any section of the citizens ... having a distinct language, script or culture of its own shall have the right to conserve the same
 - **Article 30** : Right of minorities to establish and administer educational institutions and to receive aid from govt. without any discrimination
 - **Article 38** : The State shall ...endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people
 - **Article 46** : appeals State to take necessary measures and actions that promote with educational and economic advancement of the weaker sections of the people.
 - **Articles 331, 333, 334, 336 and 337**: reservation of seats and other concessions to Anglo-Indian Minorities
 - **Article 350(B)** : ‘Special Officer for linguistic minorities’ by the President
- **Indian Ethos of Tolerance, सर्व धर्म सदभाव ऐवम् समभाव, वसुधैव कुटुम्बकम्, synthesis and accommodation may be better way to handle the challenges of Multiculturalism**

Debate on Multiculturalism

For

- Essential for self-respect and autonomy of individuals
- Morally just and prudent to pursue multiculturalism
- Strengthen Democracy, enriches life, increases options and freedom

Against

- Undermine individual rights
- May oppress the oppressed
- Challenge to national unity
- Practically difficult and morally illogical to follow

Summary

- Multiculturalism- existence of diverse groups of people within boundary of modern nation-state- is socio-political fact, an idea, policy, and theory
- Issue of Multiculturalism has been articulated from the perspective of liberal democratic ideologies
- Will Kymlicka's 'multicultural citizenship' advocates group differentiated rights to national and ethnic minorities
- Charles Taylor- 'politics of recognition'- and others move beyond cultural rights to positive recognition of diverse cultures
- Arguments for Multiculturalism- help provide dignity, autonomy, and options to individuals, morally just and prudential
- Arguments against – may oppress the oppressed, cross individual rights, challenges to national unity, difficult to pursue
- Need to develop alternate theory of multiculturalism from the perspective of those who belongs to minority culture

References

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- An Introduction to Political Theory : by O.P. Gauba
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THANKS FOR WATCHING!

GOOD LUCK !

CULTURAL RELATIVISM

Universality of Human Rights Vs Cultural Relativism

Debates and Reconciliation

POLITICAL SCIENCE EXAM HELP

WHAT IS IN STORE?

Analysis of previously asked questions

Universal human Rights Vs. Cultural
Relativism : Introduction

Arguments in support of both the notions

Arguments against both the concepts

How to reconcile the tension between
universalism and relativism?

Past year papers

2017 : Explain the concept of human rights. How does 'cultural relativism affect the universality of human rights?

2016 : notes: debates on universality of Human Rights

2014 : Analyse some of the recent debates on the idea of rights. Which of these view points you agree with and why?

2015 : Notes: Communitarian critique of Human Rights

Notes: 1. Human rights 2. Human rights and cultural relativism

Definitions

- **Human Rights**

- Equal and inalienable individual entitlements against state/society only because one is human being of equal worth
- Rights listed in the Universal Declaration of Human Rights and the International Human Rights Covenants

- **Culture**

- Way of life, traditions, customs, social behaviours and practices, beliefs and value system, arts & crafts which members of particular human group share and are transmitted through learning.

- **Cultural Relativism**

- The theory that beliefs, customs, and morality exist in relation to the particular culture from which they originate and are not absolute
- Not judging any cultural practices from the perspective of other culture; reverse is **Ethnocentrism**

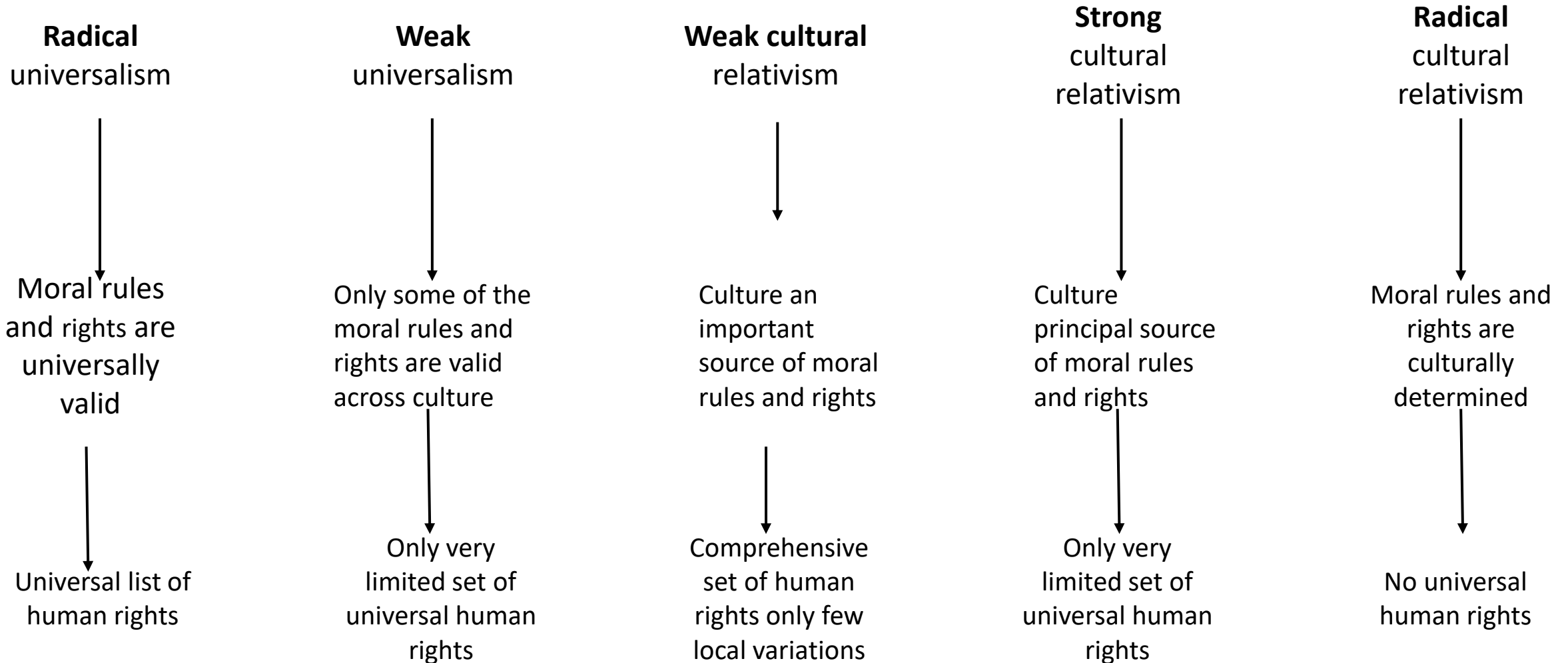
Universal Human Rights Vs Cultural Relativism



Western powers waging wars in Iraq, Somalia, Serbia, East Timor, etc in name of Human Rights

Universalism- Relativism Continuum

Afro-Asian despots taking shelter of culture to perpetrate crimes against their citizen



Universalism

Arguments in Support

Cultural relativism

Promotes individual autonomy, equality, choice, and democratic values despite these ideas differing in different cultures

Human rights best option to protect human dignity and value across culture

Protect women, indigenous people, and other marginalized groups in all cultures

Human rights essential to protect individuals against state and bureaucratic governments

human nature itself depends on culture- culturally relative

Different cultures may have other values, norms, customary laws to protect human dignity

Good life of community preferred over individual right

Universalism is Western ideology, undermines values of Asian, African, and other non-western societies

Universalism

Arguments Against

Cultural Relativism

→ superimposition of western ideologies- ethnocentrism

→ A kind of cultural imperialism, and cultural hegemony backed by hard, soft, and structural powers of western world, especially USA

→ Reminiscent of colonialism and imperialism

→ Denial of national and sub-national ethical and cultural autonomy, and self-determination

→ attempt to have supra-national authority which itself is unjust and unfair.

Universality of human rights not opposed by people but by oppressive regime in their self-interest

Women, poor and marginalised people suffer worst human rights violation in the name of culture

Not western ideologies but modernization makes human right most effective to protect human dignity in market economies and bureaucratic states.

Culture is not static; it is dynamic, evolving, adapting- why not it should include basic human rights consistent with established values in that culture?

Universal Human Rights vs Cultural Relativism : How to Reconcile?

Relative universality of human rights



Functional, overlapping consensus, and international legal universality

Rawl's law of people



People of all culture may agree for basic sets of human right based on reasoned and rational choice

Sen's Idea of Justice



Workable agreement based on practical public reasoning

Layered relativism



Human right: political conception of justice

Instead of idealistic rules/procedure and institutions- focus on realized justice

Concept-universal



form/interpretation
- may be somewhat culture relative



Practices/implementation: essentially cultural relative

International treaties on Human Rights

1948: UN declaration of universal human rights

1966: International Covenant on Civil and Political Rights (ICCPR)

1966: International Covenant on Economic, Social and Cultural Rights (ICESCR)

1979: Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

1984: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

1989: Convention on the Rights of the Child (CRC)

2003: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)

2006: International Convention for the Protection of All Persons from Enforced Disappearance (CED)

2007: Convention on the Rights of Persons with Disabilities (CRPD)

**Amnesty International and Human rights watch : International organisations act as watchdog;
National human rights commission in member states**

Summary

- Notion of Human Rights- equal and inalienable entitlements against state/society by virtue of being human of equal worth- is contested by cultural relativists- a theory that 'rights' exist in relation to the particular culture and are not absolute
- Universalism is supported on basis of universality of human nature, natural law, supreme moral authority, rationality, and positivism
- Cultural aspect of human nature, alternate mechanism to protect human dignity, preference of rights vs good of community, and respect for diverse cultural practices are forwarded in support of cultural relativism
- Instead of polar opposite notions, universalism and relativism lies on extreme of a continuum
- Reconciliation between universalism and relativism can be attempted by 1. overlapping and layered consensus by adopting weak cultural relativism 2. On rational ground as proposed in 'Law of people' by John Rawls 3. Practical public reasoning to arrive at consensus on minimum set of rights , and try to realize them for people across diverse culture.

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GOOD WISHES !