

Block 4
Debates in Political Theory



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BLOCK 4 DEBATES IN POLITICAL THEORY

Block 4 has four units that cover the main debates in political theory. **Unit 11** discusses the relationship between democracy and economic growth. It argues that the evidence is inconclusive about the relationship between democracy and economic growth. **Unit 12** highlights the inherent debate between liberty and censorship and argues that that any kind of freedom, which hampers and obstructs other individual's freedom, has to be restricted. But at the same time, any unreasonable restriction with the intention to control the free reasoning of individuals has to be challenged by citizens to restore the ideals of true democracy. **Unit 13** sheds lights on the debate between protective discrimination and principle of fairness. It says that for the enhancement of democracy, we must take appropriate actions to protect the deprived and marginalised one's to bring their conditions at par with the advantaged. **Unit 14**, the last unit deals with the relationship between family, law and state.



UNIT 11 DEMOCRACY VS. ECONOMIC GROWTH*

Structure

- 11.0 Objectives
- 11.1 Introduction
- 11.2 Democracy and Economic Growth: Meaning
 - 11.2.1 Concept of Democracy
 - 11.2.2 Economic Growth
- 11.3 Democracy and Economic Growth are not Compatible
- 11.4 Democracy and Economic Growth are Compatible
- 11.5 Let Us Sum Up
- 11.6 References
- 11.7 Answers to Check Your Progress Exercises

11.0 OBJECTIVES

In this unit, you will explore the concept of democracy and economic growth and how do they impact each other. After studying this unit, you should be able to:

- Explain the meaning of democracy and economic growth; and
- Know how democracy affects economic growth and vice-versa.

11.1 INTRODUCTION

There is a relationship between democracy and economic growth. Some experts argue that both are compatible with each other while others say they are not compatible. In the succeeding paragraphs, this unit will examine both the arguments to give further insights into the relationship between democracy and economic growth.

11.2 DEMOCRACY AND ECONOMIC GROWTH: MEANING

11.2.1 Concept of Democracy

The concept of democracy is more than 2500 years old having first appeared in Athens in the 5th century BC. Likewise, the word democracy is of Greek origin derived from the word '*demokratia*'. It is a combination of two Greek words, '*demos*' meaning people and '*kratos*' meaning power. Hence, democracy stands for rule by the people which gives true legitimacy to the government. It is one of the most debated issues in the field of Political Science as it is a 'contested concept'. This means although there is a general agreement on the meaning of democracy, yet there are differences on how to implement it. That is why; there are different types of democracy, direct, representative, deliberative etc. There

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is a consensus on the idea that democracy means popular rule and sovereignty, but how that will be achieved varies. There are, however, some inherent contradictions in the way democracy is practiced. How to achieve people's participation, balance between liberty and equality, protection of minority rights and to avoid tyranny of majority etc are some of the questions which democracies have to grapple with.

There are a number of advantages that a democracy has over other forms of governments. It prevents rule of the oppressors, fosters human development, facilitates protection of individual rights and freedoms and could even prevent wars at the international level as democracies normally do not fight against each other. In his 1861 book, *Considerations on Representative Government*, *J S Mill* has given three advantages of democratic decision making over non-democratic ones. *First*, strategically, democracy compels decision makers to take into account interests, opinions and rights of most of the people which would not be the case in an authoritarian or aristocratic form of government. *Second*, epistemologically, democracy brings in a number of varied views in the process which allows decision makers to pick up the best ideas. *Third*, democracy also helps in character building of citizens as it inculcates qualities like rationality, autonomy and independent thinking. This creates pressure of public opinion on political leaders who cannot ignore people's views in order to remain in power.

The idea of democracy has come a long way from its initial form in Greece which was not inclusive in nature. The Greek model of democracy excluded women, slaves and immigrants making it undemocratic in spirit. This spirit continued even in modern democracies like France, Britain and the US where some sections were not allowed to vote while the voting rights were given to wealthy men. The French Revolution of 1789 talked about liberty, equality and fraternity apart from popular sovereignty for mankind. However, women did not get the right to vote and it was only in 1944 that France started universal adult suffrage. In Britain, women got the right to vote in 1928 while in the US, they got this right in 1920. However, discrimination on the basis of colour remained in the US and it was only in 1965 that the African American women and males were given the right to vote. India has been progressive in this regard compared to Western democracies as it adopted universal adult franchise from 1950 when its constitution came into force and became the world's first democratic state to have universal adult franchise since inception. Saudi Arabia is the latest country which has allowed women to vote and in 2015, women for the first time exercised their right to vote in municipal elections. Democracy could be well understood by two different views – procedural (minimalist) and substantive (maximalist). The procedural dimension merely focuses on procedures or means in place to attain democracy. It argues that regular competitive elections on the basis of universal adult franchise and plural political participation would produce a democratically elected government. Substantive democracy tries to overcome the shortcomings of procedural view arguing that social and economic differences could hamper people's participation in the democratic process. It focuses on outcomes like social equality instead of ends in order to truly work for the governed. In a sense, it talks about 'common good' rather than benefit of limited individuals. The rights of marginalized sections like women and the poor are protected through redistributive justice so that conditions can be created through state intervention for their participation in political process.

The term democracy is generally used to denote ‘liberal democracy’ which implies a representative government in which the ability of the elected representatives to exercise decision-making power is subject to the rule of law, and usually moderated by a constitution that emphasizes the protection of the rights and freedoms of individuals. Its liberal characters are reflected in a network of internal and external checks upon government that are designed to guarantee liberty and afford citizens protection against the state. Its democratic features are based upon a system of regular and competitive elections, conducted on the basis of universal adult suffrage and political equality. The core features of liberal democracy are:

- Constitutional government based upon formal, usually legal rules.
- Guarantee of civil liberties and individual rights by the constitution.
- Institutional fragmentation and a system of checks and balances.
- Regular elections respecting the principles of universal adult suffrage and one person, one vote.
- Political pluralism in the form of electoral choice and a party competition.
- A healthy civil society in which organized groups and interests enjoy independence from government.
- A capitalist or private enterprise economy organised along market lines.

Importantly, the *last* point is relevant in the context of economic growth because in capitalism, economic system and ideology are based upon private ownership of the means of production and their operation for profit. In a capitalist market economy, decision-making and investment are determined by the owners of the means of production in financial and capital markets, whereas prices and the distribution of goods and services are mainly determined by competition in goods and services markets. The economic freedom in liberal democracies promotes economic growth or the per capita income.

11.2.2 Economic Growth

Economic growth is the process by which a nation’s wealth increases over time. In hardcore economic terms, it is increase in the market value of goods and services produced in an economy over a period of time. Long-term economic growth increases national income and employment rates in a country which improve standard of living. Here, a distinction should be made between economic growth and economic development. Development brings people out of low standard of living and provides them with employment and shelter. It also takes into account the issue of sustainability, meeting the needs of present without compromising needs of future generations. Economic growth, on the other hand, may cause issues of pollution and congestion without addressing issues of sustainability. Some factors that affect economic growth are as explained below:

- **Natural resources** – The amount of natural resources a country has will determine its economic growth prospects as well. For ex, countries in West Asia have large reserves of oil and by selling this commodity, their economic growth has accelerated.

- **Infrastructure** – Basic physical and organizational structures and facilities augment economic growth. Moving goods from one place to another in a country well connected by roads and railways will be cheap and easy than in a country that does not have good connectivity.
- **Labour** – Availability of labour is both a challenge and opportunity. Higher workforce helps in economic growth but it needs to be skilled as well.
- **Technology** - It increases productivity at lower costs.
- **Political stability** – There will be flight of capital from a country that lacks political stability and investors will not put their money in an economy that lacks political direction.

Democracy, economic growth and development have had a strong correlative and interactive relationship throughout history. The relationship between political democracy and economic growth has been at the centre of debate in the past fifty years. First in the 1950's and 60's, the debate was on the question of the under-developed countries of Asia, Africa and Latin America. After getting independence from colonial rule, these countries made it their primary objective to make their system democratic. However, soon a majority of them turned in to a dictatorship, whether it was Pakistan, Myanmar, Indonesia, Taiwan, Singapore, Nigeria, and Cuba etc. The exigencies of growth and survival compelled them to quell all political opposition and denial of civil and political liberties to their citizens. This raised the fundamental question — what comes first: democracy or growth? In other words, what should be given preference-giving civil political liberty and rights, democratic freedom and get the consent of citizens for government policies or removing poverty, illiteracy, and misery of the people through an authoritarian regime? There are two views on this question; one says that democracy and economic growth are not compatible while the other says they are compatible.

11.3 DEMOCRACY AND ECONOMIC GROWTH ARE NOT COMPATIBLE

There are some experts who believe that democracy may not be good for economic growth. *Robert Barro's* seminal research in this area concluded that “more political rights do not have an effect on growth ... The first lesson is that democracy is not the key to economic growth”. According to *Judge Posner*, dictatorship will often be optimal for very poor countries. Such countries tend not only to have simple economies but also lack the cultural and institutional preconditions for democracy. However, at the higher level of economic development, democracy would do a better job than non-democracy in encouraging economic development. As Barro concluded, “the middle level of democracy is most favourable to growth, the lowest level comes second, and the highest level comes third”. *Adam Przeworski* and *Limongi*, after analyzing countries from 1950 to 1991, have concluded: A democratic country that has a per capita income of under \$ 1500, the regime has a life of eight years, with \$ 1500-3000, it is 18 years and above \$ 6000, it is stable. About two-thirds of democratic countries which had the per capita income of \$ 9000 have been the most stable. *SM Lipset* has also echoed similar views as he too believes that better a nation; more chances are there for it to maintain democracy.

Both democracy and non-democracy can have beneficial or harmful effects on economic development. Three kinds of stability, viz., ownership stability (stable system of property rights), legal stability (rule of law) and social stability (lack of social unrest) are among the most necessary conditions for economic development, though not sufficient conditions. These conditions may be present either in a democracy or non-democracy and could aid economic development. In turn, even economic development can have an impact on democracy or an authoritarian state. Economic hardships can bring down any government. Poverty can bring down a democratic government as per A. Przeworski et al. Even authoritarian regimes are also at risk, as seen during the *Arab Spring* that swept many Arab countries in 2011.

One argument, mainly in the context of *East Asian* nations has developed privileging economic growth ahead of democracy. The central premise of this reasoning stems from the observation that development requires change, and that change affects some voters adversely. So governments dependent on electoral support in the next election will typically tend to avoid choices that impose hardship on significant numbers of voters. For ex, Singapore, post-reform China and Taiwan have been able to achieve high development levels than some democracies like India. It is called ‘Lee Hypothesis’ as it was developed by former Prime Minister of Singapore, *Lee Kuan Yew*. For Lee Kuan Yew, the ultimate test of a political system is whether it improves the standard of living for the majority of people. This school believes that political and civil rights come later while economic rights come first. If people are given a choice between political freedom and fulfilling economic needs, people will invariably choose growth to rid themselves of economic misery and deprivation. They would not *care* for democracy. Further, proponents of Lee Thesis also believe that liberal political freedoms are a western cultural priority and obsession, and culturally it is not that important for some cultures like these to be formed in the middle-east and Asia. In Asian cultures, order and discipline which facilitates prosperity are more important. As Lee Kuan Yew commented, “I do not believe that democracy necessarily leads to development. I believe that what a country needs to develop is discipline more than democracy”. The so called Asian Tiger economies have all followed a system that has been from less than democratic to quite dictatorial. Another way to put it is that supporters of Lee thesis give more importance to efficiency and stability than transparency and accountability. Development requires decisive policy choice and effective policy implementation; authoritarian regimes are more decisive and more effective in implementing policy. Also, ethnic and sub-national conflicts interfere with economic development, and are most effectively suppressed by a strong authoritarian government.

Check Your Progress 1

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What are the advantages of democratic decision making according to J S Mill?

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2) What is the difference between economic growth and economic development?

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3) What is the Lee thesis?

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11.4 DEMOCRACY AND ECONOMIC GROWTH ARE COMPATIBLE

Generally, it is believed that unlike the authoritarian regimes, democracy creates better opportunities for both economic growth and cultural progress. Progressive development requires policy choices that lead to a development pathway that produces a wide distribution of the benefits of growth; democratic regimes are more effective at producing a wide distribution of benefits (because of the strong tendency of authoritarian regimes to structure economic activity towards “rent-seeking” activities, enrichment of the ruling circle, and widespread corruption). Democratic governments are also less prone to corruption and rent-seeking; they are less “predatory”. There is, however, *no* consensus on the correlations between democracy and economic growth. Scholars like *Milton Friedman* believe that a higher degree of rights are conducive to economic development. Other studies suggest that democracy promotes economic liberalization and in the long term, democracy leads to sustainable growth. According to estimates of *World Economic Forum*, a country that switches from non-democracy to democracy achieves about 20 percent higher GDP per capita in the long run (over roughly the next 30 years). These are large but not implausible effects, and suggest that the global rise in democracy over the past 50 years has yielded roughly 6 percent higher world GDP. There are positive effects of democracy on economic reforms, private investment, the size and capacity of government, and a reduction in social conflict. These are the channels by which democracy can increase economic growth.

Nobel Laureate *Amartya Sen* has argued that democracy is a pre-condition for economic growth. He believes that the “Lee hypothesis,” is based on sporadic empiricism, drawing on very selective and limited information, rather than on any general statistical testing over the wide-ranging data that are available. “A general relation of this kind cannot be established on the basis of very selective

evidence. For example, we cannot really take the high economic growth of Singapore or China as “definitive proof” that authoritarianism does better in promoting economic growth, any more than we can draw the opposite conclusion from the fact that Botswana, the country with the best record of economic growth in Africa, indeed with one of the finest records of economic growth in the whole world, has been an oasis of democracy in that continent over the decades. We need more systematic empirical studies to sort out the claims and counterclaims.” Sen further states, “The economic policies and circumstances that led to the economic success of countries in East Asia are by now reasonably well understood. While different empirical studies have varied in emphasis, there is by now a broad consensus on a list of “helpful policies” that includes openness to competition, the use of international markets, public provision of incentives for investment and export, a high level of literacy and schooling, successful land reforms, and other social opportunities that widen participation in the process of economic expansion. There is no reason at all to assume that any of these policies is inconsistent with greater democracy and have to be forcibly sustained by the elements of authoritarianism that happened to be present in South Korea or Singapore or China. Indeed, there is overwhelming evidence to show that what is needed for generating faster economic growth is a friendlier economic climate rather than a harsher political system.” Sen has further argued that in the terrible history of famines in the world, no substantial famine has ever occurred in any independent and democratic country with a relatively free press. “China, although it was in many ways doing much better economically than India, still managed (unlike India) to have a famine, indeed the largest recorded famine in world history: Nearly 30 million people died in the famine of 1958-61, while faulty governmental policies remained uncorrected for three full years. The policies went uncriticized because there were no opposition parties in parliament, no free press, and no multiparty elections.”

In his book, *Development as Freedom*, Sen has argued that real development cannot be reduced to simply increasing basic incomes, or to rising average per capita incomes. Rather, it requires a package of overlapping mechanisms that progressively enable the exercise of a growing range of freedoms. Authoritarian systems do not give freedoms to citizens and hence, have a limited view of the broad concept of development and economic growth. The real meaning of economic growth can be achieved in a democratic set up as its space of political and civil freedoms which help in formation of values and needs of people. It also gives rise to multiple institutions like legal mechanisms, market structures, education, health, accountability etc which help in safeguarding human freedoms and capabilities.

Check Your Progress 2

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What is Amartya Sen’s concept of development as freedom?

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11.5 LET US SUM UP

A large number of empirical studies have been undertaken in the past to investigate the relationship between democracy and economic development. However, the empirical case is suggestive but inconclusive. The data support some optimism in support of the compatibility theory: that democracy has a net positive effect on economic development. However, the association is empirically weak, and there are a number of counter-examples in both directions: authoritarian regimes that have a good development record, and democratic regimes that have weak development records. What matters for economic development is in fact political stability, rather than a particular political institution. As it is safe to assume that any political institution will promote development as long as it is stable, it means that the danger lies in political instability. And as measured in the past by the frequency of strikes, demonstrations, riots, it is much greater in democracies, and a lot less likely in e.g. dictatorships. Under dictatorships, growth slows down significantly when the tenure of rulers is threatened. Similar outcomes emerge under various forms of “socio-political unrest” such as strikes, anti-government demonstrations and riots. Whenever the regime is threatened, or there are expected changes, workers or masses of people assemble to strike and protest against their opposition, that is the government, and the economy suffers. Under democracies, this is rarer, since democracy is sustained by institutions and not individuals. Everyone knows that the government will change from time to time, and while they know that they are able to protest in the same manner, most often they do not.

Democracy does contribute to a long term sustainable economic growth model while the same cannot be said with certainty about authoritarian states. One can see what happened in the Soviet Union after the Russian Revolution of 1917. While initially Soviet Union did have a good economy, slowly it started to stagnate and economic problems did contribute to its demise in 1991. Authoritarian regimes also have a tendency to tame the nature and disregard ecology in favour of development. Soviet Union undertook massive projects like dams in Central Asia but today, Central Asian ecology is fragile because it was over exploited by the Soviets. The tragedy of Aral Sea is one case in point. China too is moving in a similar direction and has constructed around 90,000 dams today which come at great costs of human rights of those affected and the environmental damage. Shashi Tharoor has rightly put it in perspective while comparing India and China’s models of development. He says that economic growth has happened at a breakneck speed in China but that means some necks have been broken in the form of human cost of development like population displacements, farmers thrown off their lands, villages flooded by dams, mounting pollution, absence of human rights and few checks on power abuse by the government. The South Korean, Taiwanese, Singaporean, and recent Chinese experiences provide convincing anecdotal evidence for the Lee thesis. However, in order ‘to assess the impacts of political regimes, one must examine their full record, not just the best performers’. *C H Knutsen*, in his analysis found no evidence for the Lee thesis, even in Asia. Using data from up to 21 Asian countries he found no significant effect of dictatorship on economic growth, regardless of the time period investigated.

11.6 REFERENCES

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11.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer should highlight the following three advantages:
 - Allows accountability.
 - Ensures best ideas are picked up from varied opinions.
 - Builds character of citizens.
- 2) Economic development is sensitive to the issue of sustainability, economic growth is not.
- 3) Highlight that Lee thesis gives importance to economic growth at the cost of democracy.
 - It also gives more importance to order and discipline.

Check Your Progress 2

- 1) Real development is not mere increase in basic income but it is a package of overlapping mechanisms that progressively enable the exercise of a range of freedoms.

UNIT 12 LIBERTY VS. CENSORSHIP*

Structure

- 12.0 Objectives
- 12.1 Introduction
- 12.2 Meaning of Liberty
 - 12.2.1 J S Mill on Liberty
- 12.3 Censorship: The Concept
- 12.4 Relationship between Liberty and Censorship
- 12.5 Let Us Sum Up
- 12.6 References
- 12.7 Answers to Check Your Progress Exercises

12.0 OBJECTIVES

In this unit, you will explore the concepts of liberty and censorship and how do they impact each other. After studying this unit, you should be able to:

- Explain the meaning of liberty and censorship; and
- Know their relationship.

12.1 INTRODUCTION

Freedom is regarded by many as the pre-eminent political value and from the very beginning both man and the state have been making efforts for the security of their share of freedom. Freedom is an essential condition without which neither state nor individuals can make any progress. History is full of records where a tussle can be witnessed between individuals and the state to ensure and widen their share of freedom. Almost everyone seems to agree that liberty of the individual is important and unprecedented legal protection should be provided by the state for overall development, but at the same time there is a wide contention among political scientists, lawyers, political leaders and citizens about the meaning of the concept of liberty itself and how much of liberty is acceptable in an ordered state. The state regards censorship as a tool to protect the interests, and in some cases, dignity of the individuals from misleading, false, trite or hate speech as it is believed that “reasonable restrictions” are important for the maintenance of social order in a democracy. Although there are scholars who argue that censorship has been evolved by the state to hamper individual freedom and is used by it for the maintenance of power. Censorship is found in various degrees in all political cultures and its source can be political, social, legal or cultural as well.

This unit tries to understand certain complicated questions like is limitations on freedom of speech and expression indispensable in a democratic society? To what extent should the freedom of speech and expression be regarded as “reasonable” and who will decide what is reasonable? We will also attempt to understand under what circumstances censorship can be justified and whether it

also leads to situations of conflicts of interests? How much power does the state legitimately hold to use censorship in order to act in “public good” and how to distinguish between those restrictions which are used for repressive purposes and those which are ‘legally acceptable’? At the end, we would also contemplate over the course of action to be adopted by the individuals against the state in case of repressive usage of censorship resulting in violation of rights.

12.2 MEANING OF LIBERTY

The concept of liberty is complex and has acquired different meanings at different times. It is often used interchangeably with the term ‘freedom’ and both are regarded as synonymous with each other. Although there are some scholars who draw a distinction between ‘freedom’ and ‘liberty’, arguing that the latter denotes political or legal freedom, whereas the former encompasses a broader range of activities within the ambit of the individual’s ability to act according to his or her own wish without any type of external pressure. In this unit, the distinction between the two has not been discussed and the two have been used interchangeably. The term liberty has been derived from the Latin word ‘liber’ which means absence of all restraints. In this sense, liberty means one has the right to exercise his choice without being subject to any external constraint. *G.D.H Cole* rightly explains the concept of liberty as “the freedom of the individual to express without external hindrances to personality”. Although in an ordered society, absolute liberty cannot exist as *McKechnie* argues that “Freedom is not the absence of all restraints, but rather the substitution of rational ones for the irrational”. *Mahatma Gandhi* also has given a similar definition of liberty. According to him, “liberty does not mean the absence of restraint but it lies in development of personality”. Freedom is, argues *Gerald MacCallum*, “always of something (an agent or agents), from something, to do, not do, become, or not become something. Thus, the above definitions make it clear that liberty is freedom with certain limitations, but the question arises what is the source of these restrictions, interferences or barriers and is there no scope of absolute liberty for individuals in any realm.

The answers to the above questions has been provided by *Sir Isaiah Berlin* in his famous essay ‘Two Concepts of Liberty’ (1941) in which he made a distinction between positive liberty and negative liberty on the basis of the role of the state. Negative liberty implies freedom from undue interference of the state. It implies an area in which the individual is free to do what he/she likes without being obstructed by others. The negative concept of liberty, in Berlin’s words, is involved in the answer to the question, “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?”. Positive liberty, according to Berlin, attempts to answer the question, “what, or who, is the source of control or interference that can determine someone to do, or be, this rather than that”? Thus, positive liberty implies freedom of ‘rational self’. Rousseau and other idealists believed that man is rational and individual freedom is achieved through participation in the process whereby one’s community exercises collective control over its own affairs in accordance with the “General Will” which was a synthesis of ‘goodwill’ of all. Thus, positive liberty is about being in control of one’s life. So, negative liberty is about being left alone whereas positive liberty is about the freedom of the individual to develop his/her personality. For positive liberty,

the state should create enabling conditions for capacity enhancement, moral development and self-realization. However, the state has no role to play in case of negative liberty as the individual should be left alone to pursue his goals and objectives in accordance with his nationality. The prominent advocates of negative liberty include *Adam Smith* and *David Ricardo* (proponents of *Laissez faire*), *John Locke*, *J Bentham*, *F A Hayek*, *Robert Nozick* and *Isaiah Berlin*. The main proponents of positive liberty include *T H Green*, *L T Hobhouse*, *Harold Laski*, *Ernest Barker* and *C B Macpherson*. *J S Mill* distinguished between ‘self-regarding’ and ‘other-regarding’ conduct. He argued that there should be no interference in ‘self-regarding’ conduct. Nobel laureate *Amartya Sen* has given a broader concept of freedom as expansion of human capacity. In his book, *Development as Freedom*, Sen says, “Development can be seen as a process of expanding the real freedoms that people enjoy. Focus on human freedoms contrasts with narrower views of development, such as identifying development with the growth of gross national product, or with the rise in personal incomes, or with industrialization, or with technological advance, or with social modernization.” He further states that development requires the removal of major sources of unfreedom: poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or over activity of repressive states.

Early liberalism is associated with the philosophy of individualism. The belief was that the fight against orthodoxy, ignorance and feudalism could be taken forward by individual initiative. It was based on the assumption of an autonomous and rational individual. It argued for the absence of restraints on individual freedom. At the political level, it argued for restraint on arbitrary state authority. In economic aspects, negative liberty implied the philosophy of *Laissez faire*. At the personal level, it sought liberty from state and society in individual matters. *Thomas Hobbes* defined liberty as ‘dependent on silence of law’. *Milton Friedman* in his book, *Capitalism and Freedom* argues that liberty is ‘absence of coercion of a man by his fellowmen’. In contrast to negative liberty, positive liberty associates liberty with society, socio-economic conditions, rights, equality and justice. This new vision believed that emphasis should be given to general good instead of individual freedom. It saw state not as an enemy, but as a promoter of liberty. It also believed that there can be no liberty with equality and equality is the basis on which liberty comes to have a positive meaning. Negative liberty concentrates and protects private property in the hands of a few, while the poorer sections are left to fend for themselves. Hence, the state should provide enabling conditions for the development of marginalized sections. *T H Green* opined that freedom is not absence of restraint, but ‘the positive power of doing and enjoying something worth doing or enjoying and that too something which we do or enjoy in common with others’. *Harold Laski* argued that ‘liberty is eager maintenance of that atmosphere in which men have an opportunity to be their best selves’.

12.2.1 J S Mill on Liberty

J. S. Mill’s essay ‘On Liberty’ (1859) is regarded as a landmark publication in the discussions of political freedom. To Mill, the development of the individual is impossible without liberty and goes on to argue that it is necessary for the happiness of the society as well. He believes that restraint is an evil and the individual should be “left to oneself”. Mill’s argument on liberty can be classified

into two categories i.e. freedom of thought and expression and freedom of action. Mill believes in absolute liberty in case of freedom of thought and expression and argues “if all mankind, minus one were of one opinion, and only one person were of contrary opinion, mankind would no more be justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind”. He further explains why suppressing even one individual’s voice can be dangerous for society and questions what if that person’s opinion is true? In that case, humanity is deprived of the truth and the opportunity of development is taken away. Secondly, he accepts that there is a possibility that the opinion to be suppressed is false, but in this case as well, expression is valuable as it will reaffirm the existing truth. Lastly, he also discusses the third option and agrees to the idea that the truth is often ‘eclectic’ and may be partly true and partly false. He argues that the decisions made by individuals are often based on beliefs which they assume are infallible and discard all options of discussion around it. But for Mill, progress in knowledge and understanding comes through open discussion as conflicting opinions will result in an advanced truth, an end to the pursuit of truth for mankind. Mill believed that clash of views facilitated by the freedom of expression provides the intellectual impetus for thought, discussion and progress. He was convinced that without such freedom, society will be dominated by dogma. Beliefs held by such a society degenerate into prejudices and opinions lack a rational foundation. It is the individuality which enables a human being to choose rather than blindly follow accepted modes of behavior, customs and practices. There is no pre-decided concept of ‘right’ or ‘wrong’ way of life and the content of ‘right’ choices depends on the kind of person one is.

Mill proposed that individuals should enjoy the greatest possible realm of freedom, but also recognized that unrestrained liberty may create probability of oppression and result in tyrannical behavior. Thus, he divides all human actions into two categories namely ‘self-regarding actions’ and ‘other-regarding actions’. Self-regarding actions are those which concern only the individual performing them and there should be no intervention in this realm and interference with the individual’s liberty of action is justified only to prevent him from ‘harming’ others i.e. in the case of other-regarding actions. In effect, the ‘harm principle’ ensures individual’s duty towards the society. Thus, it can be understood that although Mill provides absolute liberty in case of freedom of speech and expression, at the same time he is also supporting certain limitations on the ‘actions’ taken by the individual to maintain order in society. Here comes the concept of censorship as these limitations further take the shape of various kinds of censorship to maintain law and order in society.

Check Your Progress 1

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Discuss J S Mill’s views on liberty.

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2) What do you understand by positive liberty?

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12.3 CENSORSHIP: THE CONCEPT

The origin of the term ‘censorship’ can be traced to the office of censor established in *Rome* in 443 B.C. to regulate morals and ritually purifying the people. From this office derives the modern use of the term ‘censorship’ to denote the practice of examining, restricting and prohibiting public acts, expressions of opinion, and artistic performances. Censorship is today generally regarded as a relic of an unenlightened and much more oppressive age. The suppression or control of ideas, public communication and information circulated within a society is termed as censorship. *Ritu Menon* argues censorship is when a work of art expressing an idea which does *not* fall under current convention is seized, cut up, withdrawn, impounded, ignored, maligned or otherwise made inaccessible to its audience. Censorship is a tool which is used either by state or society for the maintenance of power, achieved through manipulation of the cultural sphere. Cultural realm plays an important role in deciding “ what is acceptable” in society as cultural hegemony declares some words or acts to be decent and others indecent, and goes on to control its meaning and thought. Apart from cultural understanding, there can be various other sources of censorship like religion, dictatorship and the market as well. Censorship can be first traced under religious leadership. Initially, all art and literary works were heavily influenced by religious thought and “good and acceptable” was associated with those works which would appreciate the existing status quo while those questioning, used to be regarded as “blasphemous, obscene and irrational”. The Roman Catholic Church developed the *Index Librorum Prohibitorum*, a list of proscribed books, the origins of which go back (in a primitive form) to the 5th century CE and which continued to have official sanction well into the 20th century. The most spectacular instance of the silencing of a thinker of note may well have been the restrictions placed upon Galileo Galilei (1564-1642 in 1633. The famous scientist had a hard time in Italy as his scientific findings were challenging the widespread explanations by the Church. This kind of control was not only limited to art, architecture or literary works, but also to language and placed the onus of maintaining sanctity and purity over women. It defined the way of life of an “ideal and moral” lady and anyone, who didn’t fit into the defined structure, was exposed to societal criticism.

The *Glorious Revolution* and the *French Revolution* marked a new era in history as people started demanding ideals like liberty, equality and role in the decision making process. The shift from religious to temporal power worked differently in different cultures. The world witnessed the rise of Nazism in Germany and Fascism in Italy due to high concentration of power resulting in the horrific Second World War. Hitler and Mussolini used engineered language to have

control over the minds of the people and curbed all forms of expression which might question their authority and legitimacy. Further, the Soviet Union during the period of Stalin was severely criticized for using censorship over art, literature, movies and other medium of communication. Language under dictators didn't just remain a medium of expression; rather, the state used it to define phrases of approbation and disapproval which had to be accepted by all. Such supervision, in the light of official Communist Party doctrines, was not limited to political discussions or to books and newspapers but seemed to cover all kinds of subjects and all forms of publication, including broadcasts. This led, in effect, to considerable self-censorship by authors seeking to be published in some form. The advent of government policies of glasnost (or "openness") in the late 1980s involved some relaxation of the censorship that marked the greater part of Soviet history. The advent of neo-liberal policies changed the structure of world affairs. Terms like privatization and liberalization came in vogue pressurizing the countries to accept the "magical" idea of free market economy. The market driven economies loaded by 'blitzkrieg advertisements' started influencing not only the purchasing power and need of the people, but also molding and remolding the political opinions of citizens. Election campaigns became subservient to advertisements which started distorting the meanings of words and presented phrases out of their context. The real danger with such indirect, cultural, market centered censorship lies in the fact that it does not impose any visible curbs on the 'right to think' and freedom of expression. Rather it altogether corrodes the 'ability' to think for oneself and questions the whole idea of individual being rational. Thus, the above discussion shows how censorship has always been used in various forms throughout history to control the minds of people and to maintain hegemonic power and gain legitimacy for their acts and policies by authorities under the garb of maintaining order in society.

12.4 RELATIONSHIP BETWEEN LIBERTY AND CENSORSHIP

The existence of a free society depends upon communication among various groups, free flow of information and space for continuous debate and criticism, as it allows the horizon of knowledge to expand and reinvent the existing truth. In a democracy, the citizens' consent is indispensable to grant legitimacy to the government's action which is possible only with the existence of active liberty structured on free speech and expression. This argument became the foundation of the ruling of The Supreme Court of India in the case of Raj Narain vs State of Uttar Pradesh (1976); that Right to information is a part of fundamental rights under Article 19(1). It also suggests the importance of the freedom which should be given by the state to the 'fourth pillar' of democracy i.e. the press. The right to information enriched through freedom of press enables the citizens to hear all sides of an argument and then formulate their free opinion over a subject and participate in the decision making process in an unbiased manner.

The state over a period of time, through various mechanisms of censorship tries to halt the free flow of communication. The continuous tussle between the state and citizens over liberty can be understood starting from Hobbes and Locke. Hobbes argued that in return for protection from the state, the citizens must surrender some of his/her rights. Thus, he supported the construction of a strong state with a huge set of rights justifying certain restrictions from the state over

citizens to maintain law and order in society. Locke being a true liberal argued that the state was merely to act as an arbiter and oversee the public and private transactions of individual citizens. He defended the liberal position of citizens in a state securing freedom of individuals. J S Mill argued against censorship, suggesting that human knowledge advances through exposing opinions to refutation, so that the distinction between truth and error can be clearly seen. Censorship interferes with that process, by arbitrarily declaring in advance that this or that opinion is erroneous or forbidden. Censorship, therefore has an inherent tendency to marginalize truth and the pursuit of truth, and to put conformity in their place.

Karl Popper also warned against any kind of regulation and argued in his “The Open Society and its Enemies” (1945) that any attempt to plan or regulate society would result in a reduction of human freedom. He further points out that human knowledge grows and changes with time and effects social events. Thus, the future is made by free individuals who have access to “open society”. A similar pattern of thought can be found in the words of Isaiah Berlin who argues that “enlightened despotism” inevitably leads to state monism and hence is “one of the most powerful and dangerous arguments in the entire history of human thought”. Totalitarianism has been linked with restrictions on liberty by Hannah Arendt, who explains ‘the atomization of society’ as an essential feature of totalitarianism where every immediate association like family, friendship, trade union, religion etc, was either destroyed or taken under control by the state. The state through its perpetual presence in all forms of governance and systematic use of terror sought to create isolated individuals who were absolutely loyal to the state. The concept of censorship has been perceived in a different manner by Herbert Marcuse in his book “*Repressive Tolerance*” (1965). He argued that lack of censorship laws in a state doesn’t necessarily guarantee the worthwhile exercise of free will of individuals. He further states that in a society where the general population has been indoctrinated and manipulated by those who control the media, free speech may simply serve the interest of the powerful elite. Thus, he focuses on the cultural realm of the power control and its influence over free will of the people.

The state repression theory of Louis Althusser is equally important to understand as he differentiates between the repressive and the ideological apparatus of the state. He explains that the ideological apparatus belongs to the private domain of society like family, education, religion, media etc. which constructs dominant ideology of society through control over information. Thus, censorship is not carried out by individuals or classes but it’s a process carried unconsciously by the private domain itself in which it is inherent. Thus, it can be concluded from the above arguments that censorship is not always used directly by the state to maintain its power, but at times it can be used thorough culture, society, media, religion, education etc. to create a dominant ideology. But the question arises how the state justifies the existence of censorship. Article 19 of the Indian Constitution guarantees freedoms like those of speech and expression, freedom of assembly, movement, settlement, profession etc. but these rights although fundamental in character are not absolute in nature and are subject to ‘reasonable’ restrictions. These restrictions can be imposed on the grounds of protection of sovereignty, integrity and security of the country, against defamation, protection of decency and morality etc. Thus, the concept of absolute liberty enters troubled waters the moment it is related with morality, decency or in easy terms ‘hate

speech'. Hate speech can be understood as that speech which is directed at certain people or communities with the intent to cause harm by asserting their natural inferiority (like racist speech), or speech that by its nature asserts domination of one group of people over another (like misogynistic speech).

Language and speech have always been a very powerful medium and at times they may be used to incite violence or hurt the sentiments of the people. Richard Delgado in his "Words that Wound" (1993) argued that racist speech leaves a deep psychological wound on its victims leading to self-hatred, humiliation and isolation. Thus, this argument underlines the necessity of certain restrictions over the freedom of speech and expression. In a similar fashion Andrea Dworkin and Catherine Mackinnon argued that sexually oriented speech should be regulated because it subordinates women and not only provides foundations for, but is also, violence against women. They demanded censorship of pornography as it glorifies humiliation and violence which is fundamentally inconsistent with the concept of equality. Thus, censorship may acquire a legal category in the state's constitution to provide protection to citizens from various kinds of "harm" existing in society. The best example to understand this is the Article 17 of the Indian Constitution which abolishes 'untouchability' and forbids its practice in any form. Thus, censorship and restriction was used by the state to restore social justice in society. With the advent of internet, the state faces a new challenge – how to regulate the digital media space? The internet is shifting power from the government to civil society, individual bloggers and citizen journalists. In authoritarian states like China, state media brands dominate the communication space as the state tightly regulates the content. Events of *Arab Spring* suggest that the internet can play a significant role in the downfall of a government by mobilizing people which has made states more vigilant about digital media.

Check Your Progress 2

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What are the views of Herbert Marcuse on freedom and censorship?

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2) How is the internet emerging as a challenge to governments around the world?

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12.5 LET US SUM UP

The relationship between liberty and censorship is a complex one which opens a Pandora's Box filled with questions like are all kinds of liberty absolute? What should be the deciding parameters to put restrictions? Who should be given the responsibility to judge whether the restriction placed is reasonable or not? Each one of these is an open ended question and it is difficult, if not impossible to answer satisfying all the groups existing in a society. In the words of Aristotle, "Man is by nature a social animal" and to live alone one must either be a beast or God. Thus, it can be suggested that any kind of freedom, which hampers and obstructs other individual's freedom has to be restricted. But at the same time, any unreasonable restriction with the intention to control the free reasoning of individuals has to be challenged by citizens to restore the ideals of true democracy.

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12.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer should highlight two points:
 - Distinguish between freedom of thought and expression and freedom of action.
 - Distinguish between self-regarding and other-regarding actions.
- 2) Your answer should highlight the following points:
 - Positive liberty focuses on general good instead of individual good.
 - State provides for enabling conditions for the marginalized sections to balance between liberty and equality.

Check Your Progress 2

- 1) Your answer should highlight the fact that the absence of ownership does not necessarily enhance an individual's liberty.
- 2) Your answer should highlight the fact that the internet is shifting power from state to civil society and can play an important role in sustaining or bringing about the downfall of a government.

UNIT 13 PROTECTIVE DISCRIMINATION VS. PRINCIPLE OF FAIRNESS*

Structure

- 13.0 Objectives
- 13.1 Introduction
- 13.2 Concept of Protective Discrimination
- 13.3 Principle of Fairness
- 13.4 Protective Discrimination vs. Principle of Fairness
 - 13.4.1 Formal v/s. Substantive Equality
- 13.5 Criticism
- 13.6 Let Us Sum Up
- 13.7 References
- 13.8 Answers to Check Your Progress Exercises

13.0 OBJECTIVES

The main objective of this unit is to understand the meaning of two key concepts in Political Science – protective discrimination and the principle of fairness. As you go through this unit, you should be able to:

- Explain the concept of protective discrimination;
- Know what the Principle of Fairness is; and
- Analyze the debate between the two concepts

13.1 INTRODUCTION

Inequality and injustice have been a part of all societies and India is no exception. After the departure of the British in India, the framers of the Indian Constitution acknowledged the gravity of the problem and decided to introduce protective discrimination as a measure to eradicate malpractices like the caste system. Accordingly, the Constitution of India has provided various institutional avenues for social welfare of weaker sections. Protective discrimination involves the deliberate act of preferential treatment by the state in favor of particular groups of people based on caste, religion, gender and even spatial location. The principle of protective discrimination is also known as reservation, reverse discrimination, positive/affirmative action, preferential treatment etc. The debate between protective discrimination and the principle of fairness is part of the overall relationship between equality and justice. Those aspects have been discussed in the following sections.

* Contributed by Chinmoyee Das, Research Scholar, JNU, New Delhi

13.2 CONCEPT OF PROTECTIVE DISCRIMINATION

The term protective discrimination refers to policy measures that are consciously designed by the state to discriminate among the citizens by certain specified criteria to protect the interests of the weakest among them. It is the policy through which special privileges are granted to the underprivileged sections of society, those who in the past or the present have been the victim of any discrimination. These are affirmative action programs undertaken by the state to bring equity and justice among all sections of society. These provisions together form the framework for the analysis of the concept of social justice in the Indian context. It aims to reduce the persistent discrimination or inequality in society by giving preferential treatment to the marginalized sections in the distribution of valued social goods and opportunities. The main agenda for introducing protective discrimination is to protect the weaker sections of society who have been socially and historically neglected and exploited and to free the disadvantaged sections of society from the hegemony of the powerful and resourceful by way of creating ample opportunities for their participation in the national mainstream.

For understanding the purpose of positive discrimination, it is necessary that we distinguish the concept of social justice from a general theory of justice. Any general theory of justice as a discourse takes into account the society as a whole independent of the existing social and power relations of a particular society. This is the reason, why the general theory of justice in spite of its claim of universality may not always prove helpful in the analysis of socio-cultural specific policies like positive discrimination. On the other hand, social justice derives its principle from a given socio-cultural specificity. It is based on some substantive premises about social life which are usually derived implicitly or explicitly from the actual context of the society where the theorization takes place. Therefore, social justice as a concept need not always conform to the general theory of justice, and since it is socio-cultural specific, it often comes in conflict with the general theory of justice. Moreover, the fact that the concept of social justice does not come from a vacuum, it is bound to come into conflict with the already existing power structure.

Ideally, the state regards all citizens as equal in the eyes of law and treats them equally. However, a modern liberal state has recognized the necessity and avenue for differentiated treatment among its citizens by their socio-economic backgrounds. If a significant part of population of a nation is plagued by discriminatory social practices and such an affliction has hampered their right to a dignified life and primary access to state resources, then that part of the population is considered fit for being treated preferentially. To remedy the situation and compensate for the past injustices perpetrated against the disadvantaged groups, preferential treatment in favor of these groups is ought to be provided by the state agencies. In India, despite its abolition under Article 17 of the constitution, discrimination against the lower castes still exists in various subtle or unconcealed ways. To reform and regenerate the society from these social evils, certain definite and bold measures for the eradication of these social maladies had become the need of the hour. According to some scholars, following are the arguments in favor of protective discrimination:

- Equality of opportunity is very feeble which does not exist unless made more effective.
- There is a causal relationship between being unequal and hence, poor, illiterate and socially and culturally backward.
- Any system of allocation of goods and services will fall short of equality of opportunity and will be unfair if the allocation works out unequally between different sections of the society.
- Protective discrimination is one of various means to correct such imbalance in distribution of goods and services and does not violate the principle of fairness.

Democracy becomes meaningless without transforming vertical inequality into horizontal inequality. The social and economic gap between the upper castes and lower castes was strikingly high at the time of independence. During the freedom movement, the leaders understood the political logic of inducting this large group of people into the political mainstream who were otherwise outcasted from mainstream society. They recognized that without the induction and mobilization of these people, the realization of a broad-based inclusive national movement would not be possible. One of the main concerns of the founding fathers of the Indian Constitution was to create an egalitarian society wherein ‘justice, social, economic and political’ prevails and ‘equality of status and of opportunity’ is made available to all. It is not, therefore, surprising to find the spirit of ‘equality’ pervading the provisions of the Constitution of India. The constitution guaranteed the fundamental right of equality of all citizens before the law, but it also categorically laid down that nothing in the constitution “shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or the Schedules Castes and the Scheduled Tribes”. The state is empowered to take special measures for the betterment and welfare of the disadvantaged sections of society. In other words, the policy of reservation or positive discrimination stands at least in the short run, as an integral part of the process of socio-economic change, integration and development of India. Some of these provisions are contained in Articles 15 and 16 (Right to Equality), Article 46 (promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections) and Article 340 (welfare of Other Backward Classes). The main areas where the state has pursued this policy of protective discrimination are education, welfare and economic activities (like housing, grant of land, etc.), public services and political representation. Except concerning political representation, provisions of which are *mandatory*, in all other respects, the Constitution has left it to the discretion of the state to provide for protective discrimination.

Check Your Progress 1

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What do you understand by protective discrimination?

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13.3 PRINCIPLE OF FAIRNESS

Before moving on to understand the principle of fairness, let us first confer what Rawls's theory of justice is about on which the principle of fairness is premised. Justice as fairness refers to the conception of justice that John Rawls presents in his book, *A Theory of Justice*. According to Rawls, certain moral principles are binding upon us because they would be acceptable by rational beings like us in the "original position". Justice for him is not the law of nature or something based on reason, but is a fair distribution on fair procedure. Rawls maintains that in society, all individuals do not have equal knowledge and do not live in similar economic and social conditions. He refers to his idea of veil of ignorance where some people are subjected to, and this veil excludes them not only from others but also from themselves—the least advantaged members of society. Thus, justice demands due care for the least advantaged members of society as well. Justice, according to him, is the distribution of benefits among all members of society not in proportion to what one does, but in such a manner that the weakest of the weak benefitted. Rawls feels such a distribution of benefits is not only fair, but also in accordance with the norms of justice. Thus, we can conclude that justice for Rawls is fairness. Justice as fairness assumes a view of society where there is a fair system of cooperation between free and equal persons. The object of justice as fairness is to find out appropriate principles which help in the realisation of liberty and equality. These appropriate principles that attempt to seek liberty and equality are the results of an agreement among the people concerned of their mutual advantage. When the people become free and equal, they soon realise that they need the same primary goods to pursue their conception of good. These primary goods include among other things, the basic rights, liberties, opportunities, income, wealth, self-respect. Thus, justice would mean that all the primary goods are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored. This conception of justice concerns society's basic structure—that is, "society's main political, constitutional, social, and economic institutions and how they fit together to form a unified scheme of social cooperation over time". According to Rawls, the fundamental idea in the concept of justice is fairness, and he considers justice only as a virtue of social institutions, or what he calls practices. The principles of justice are regarded as formulating restrictions as to how practices may define positions and offices, and assign to it powers and liabilities, rights and duties.

The principle of fairness on the other hand, states that if a number of people are producing a public good that we benefit from, it is not morally acceptable to accept free goods without service or enjoying the benefits without paying the costs. We owe them our fair share of the costs of the production of that good. Initially, the principle of fairness has been formulated by *H.L.A Hart* and then by Rawls, to ground a principle-based understanding of the distribution of burdens and benefits regarding the production of public goods in a fair scheme of cooperation. The principle of fairness grounds a moral obligation not to free ride as part of a fair scheme of cooperation, also called 'the duty of fair play'. If some people are contributing to the production of a public good, one should not simply enjoy the benefits without doing ones' share in the production of that good. This is a non-consequentialist moral obligation, for the underlying rationale is guided not so much by a desire to avoid the bad outcome of undersupply as by

a desire to set a standard of justice to aspire to. The underlying intuition is that it would be an injustice to those who contribute to the production of the public good if some of those who benefit from it turn out to be, in a patterned fashion, those who do nothing for its production. The principle can be invoked to justify some social and political obligations. Indeed, it is often invoked in various areas of applied philosophy as in social ethics in support of services that are normally associated with good governance or in response to some of the inequalities generated by the globalizing economy etc. Libertarians like *Nozick* and *Flew* do not agree with Rawls and deny his claim that those who are naturally disadvantaged have a claim on those with advantage. They believe in merit and excellence and natural inequality of human beings.

13.4 PROTECTIVE DISCRIMINATION VS. PRINCIPLE OF FAIRNESS

Talking about equality, we do not talk of legal equality only in the sense of equality of opportunity, but also equality of conditions and equality of outcome or results. Since the son of a doctor and the son of a poor man may not get equal opportunities, justice as fairness demands that the social environment must be changed if equal start for everyone is to be provided. However, for that, we need collective consent and decision to give favored treatment to the deprived and marginalised sections of society. In addition to that, ‘equality before law’ and equal protection of law’ mandate that everyone should *not* be treated alike.

13.4.1 Formal v/s Substantive Equality

Formal equality refers to liberal notion of equality before law. It involves the principle of universalisability where two persons are treated equally unless there is a differentiating principle. According to Lucas, the need for universalisability of laws arises from the fact that the state is unable to make as many laws as there are individuals because they are different. So, for practical reasons, the state makes universally applicable laws. This means formal equality can provide only procedural justice. On the other hand, substantive equality is a broader concept which also relates to other values like justice, rights and equality. According to Fredman, there are four approaches to substantive equality.

- **Equality of results:** Equal treatment does not guarantee equality of results.
- **Starting point equality:** True equality is unachievable if individuals begin the race from different starting points and an equal opportunities approach therefore, aims to equalize the starting point.
- **Right-based equality:** It treats equality as auxiliary to substantive rights.
- **Value-driven approach:** This approach emphasizes dignity, autonomy and worth of all individuals apart from their fair participation in society.

Although through legal equality, equality of opportunity has been achieved in India, eradication or reduction of economic and social inequalities prevalent in society is yet to be accomplished. The hegemony of the upper castes in gaining access to the resources of the state for centuries has created an extremely asymmetrical society that affects the compositeness of the whole society since there are wide disparities in political as well as the social system. In this situation, the empowered and powerful section of society more often wish to continue

with status quo and may resist any change in the existing discriminatory distributive pattern. The deprived and marginalised ones, on the other hand, may want a complete revolution in the social system and aspire for drastic measures by the state to ameliorate their social and economic position. Thus, both groups voice their demands and put pressure on the state agency to get them fulfilled which puts the state in a quandary. This kind of situation led to the emergence of a pertinent question as to what is to be prioritised, liberty or justice? However, in most cases, when the empowered groups vouch for liberty, justice becomes a matter of survival for the marginalised and deprived sections of society.

Thus, the practice of protective discrimination was introduced to uplift the conditions of the deprived sections to bring them at par with mainstream society. This policy of affirmative action is also called reverse discrimination because it guarantees differential treatment to certain deprived sections just as overtly as it was used or discriminated against them in the past. However, this practice of giving preferential treatment to certain members of marginalised groups has generated a fierce philosophical debate in contemporary political history. While the egalitarians and positive liberals are in support of such discriminations because it helps to achieve a just and fair society, the libertarians and legal positivists express their displeasure with such discriminations. According to them, it affects the excellence, merit of the overall quality and also the basic rights of freedom and property of individuals.

Taking into consideration the economic and social reality of a country like India, the idea of affirmative action still holds ground for delivery of social justice and the consequent full realisation of democracy. It is important to remember that the concepts of justice and equality are not opposing ones, as the claims of justice and equality do not clash with one another. The practice of providing preferential treatment to those who were discriminated and denied of basic facilities for centuries doesn't in any sense stand against the principles of justice. Rather, such preferential treatment essentially seeks to build the properties and environment of justice. Justice consists in the rightful allocation of benefits and burdens. Equality would be meaningful only when it is accompanied by a sense of justice. The exercise of granting and providing social justice to the needy ones leads to the strengthening of the claims of equality as it strives to bring unequals hitherto on parity with the today's equals. Quite a few scholars have finely articulated some important arguments relating to the debate.

Any society is characteristically divided between the rich and the poor where the prosperity of the rich doesn't match with that of the poor and the weaker sections of society. Thus, in a society of equals, it is the weaker that need protection, it is the downtrodden that need special care, and it is the poor who needs security. In simple terms, we need to distinguish between a wolf and a lamb and decide in favor of the one who is the most vulnerable. The practice of protective discrimination is an important feature of the Indian Constitution that provides protection in the form of special measures for the socially and economically weaker parts of society. However, India is not the only country in the world having provisions for protective discrimination. The idea behind the *US* affirmative action in favour of the Blacks is the same as that of protective discrimination enshrined in our constitution, and both do not violate any claim of equality, or any principle of fairness.

To provide equal opportunities to people is something which is always appreciated and in no ways does it deny the principle of fairness and to that extent, such claim of equality is not opposed to the claim of justice. The idea of protective discrimination is described as the idea of correcting a wrong done against the weaker and marginalised sections of society. The basic idea is to seek compensations for the injustices carried out by one's forefathers. However, the idea of compensating for decades without any definite indication of its culminating period presents an unfair situation to many. Another debate circulating the practice of protective discrimination is that it essentially leads towards increasing the functions and jurisdiction of the state, which in turn, restricts the liberties and rights of the people in general and of the empowered in particular.

Check Your Progress 2

- Note:** i) Use the space given below for your answer.
ii) Check your answer with that given at the end of the unit.

1) What do you understand by 'equality of condition'?

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13.5 CRITICISM

The idea of protective discrimination has generated a lot of debate and discussion among scholars around the world. Those who oppose it see it as one form of discrimination substituting another. Advocated of procedural equality stand for market logic where merit should decide allocation of resources. However, merit should be seen in a social and cultural context and there is a need for culturally neutral definition of merit in order to avoid hegemony of dominant interests. Another point of criticism is that affirmative action had to be a temporary measure; it has become a permanent feature as it leads to political benefits for those in power. Among the target groups, the benefits have generally gone disproportionately to the members who are better-off. The benefits have not reached the ones who are really disadvantaged among the marginalized sections. There may be many arguments against protective discrimination but one cannot simply do away with distributive justice in a complex society like India. It is justifiable in morally compelling cases.

13.6 LET US SUM UP

In conclusion, it can be said that to establish a fair and just society, we must be able to distinguish between the weakest and the vulnerable sections and the empowered and advantaged sections of society. For the enhancement of democracy, we must take appropriate actions to protect the deprived and marginalised one's to bring their conditions at par with the advantaged. True

justice would be only realised when its benefits reach those who *most* deserve them. The exercise of granting and providing social justice to the needy ones leads to the strengthening of the claims of not only equality, but also of democracy.

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13.8 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer should highlight the following points
 - Efforts by the government to protect weaker sections of society.
 - Also called affirmative action.
 - Arguments supporting such policies.

Check Your Progress 2

- 1) It means social environment must be changed to provide equal start for everyone.

UNIT 14 FAMILY, LAW AND STATE*

Structure

- 14.0 Objectives
- 14.1 Introduction
- 14.2 Concept of State
- 14.3 Concept of Family
 - 14.3.1 Family: Basic Social Unit
 - 14.3.2 An Agent of Socialisation
 - 14.3.3 Seedbed of Democracy
 - 14.3.4 An Agency of Informal Social Control
- 14.4 Family and State Relationship in Political Theory
 - 14.4.1 Traditional or Greek View
 - 14.4.2 Marxist View
 - 14.4.3 Liberal Perspective
 - 14.4.4 Feminist Perspective
- 14.5 Let Us Sum Up
- 14.6 Some Useful References
- 14.7 Answers to Check Your Progress Exercises

14.0 OBJECTIVES

This unit examines the concept of family, its functions and the relationship between the family and the state in political theory. After going through this unit, you should be able to:

- Know the concept and functions of family;
- Analyse the relationship between the family and the state; and
- Know the public-private debate regarding the family in political theory.

14.1 INTRODUCTION

Family and state share a complex relationship as the boundaries between the two are not clearly defined leading to confusion and contestation. For instance, in case the family responsibility is not met, the state may intervene. Individuals in happy families are likely to be good citizens; whereas unhappy, dysfunctional families can be a catalyst for many social problems and instability. State's interest in fostering good citizenship, promoting individual happiness, encouraging social stability, and preventing a drastic increase in social problems gives it an incentive to foster ideal families. But this is not a one way relationship as families can affect how the state behaves, as well as being on the receiving end of its actions. J J Rousseau saw an important role for families in making good citizens and argued that to be good citizens capable of participating effectively in self-government; the family must provide future citizens with certain tools in childhood. The type of a state also impacts the state-family relationship. Totalitarian states tend to isolate families and destroy natural communities that

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might foster competing loyalties vis-a-vis the state. Democracies, on the other hand, see a family as a training ground for preparing good citizens. American linguist, George Lakoff has argued that people with a right-wing ideology have families based on the values of patriarchy and morality. For the left leaning people, the ideal is a family based on unconditional love. Let us study the concepts of state and family before we explore the relationship between them.

14.2 CONCEPT OF STATE

Defining the term 'state' is not easy as there is no general agreement on its definition. It must first be noted that there are various forms of the state, which differ from one another in important ways. The Greek city-state is clearly different from the modern nation state, which has dominated world politics since the French Revolution. The contemporary liberal-democratic state, which exists in Britain and Western Europe, is different from the fascist-type state of Hitler or Mussolini. It is also different from the state, which existed in the former USSR and in Eastern Europe. An important part of the study of politics, and certainly an integral element of this book, is the explanation of what is meant by these terms. The purpose is to show how each form distinguishes itself from the other and what the significance of such distinction is. There are different forms of the state, but whatever form one has in mind, the state as such is not a monolithic block. To start with, the state is not the same as the government. It is rather a complex of various elements of which the government is only one. In a Western-type liberal-democratic state, those who form the government are indeed with the state power. They speak in the name of the state and take office in order to control the levers of state power. Nevertheless, to change the metaphor, the house of the state has many mansions and of these, the government occupies one. One needs to understand that the state is different from civil society and nation. The state represents coercive power while civil society is based on voluntary participation. A nation could be defined as community feelings among people who feel they are distinct from other communities and wish to control their own affairs. This distinction could be based on common religion, language etc. When the entire population shares this feeling, we have what is called a nation-state. However, this is not the case with all the states and that is why, state and nation may not coincide. For ex, the Kurdish people spread across Iran, Syria, Iraq and Turkey consider themselves to be a nation. There are four elements of the state namely population, territory, government and sovereignty.

The idea of state has been treated differently by different thinkers. Some glorify it; some reject it while others seek to restrict its role and functions. Hegel called the state as 'march of the God on earth'. Plato talked of his ideal state in his book, *The Republic*. Aristotle argued that man was a man only because he was a member of the polis which made virtuous and a good life possible. The Greek idea corresponds more accurately to the modern concept of the nation — i.e., a population of a fixed area that shares a common language, culture, and history — whereas the Roman *res publica*, or commonwealth, is more similar to the modern concept of the state. It was not until the 16th century that the modern concept of the state emerged, in the writings of Niccolò Machiavelli (Italy) and Jean Bodin (France). For Machiavelli, state is 'the power authority over men'. He gave more importance to strength and durability of the government sweeping aside all moral considerations. However, for Bodin, his contemporary, power was not sufficient in itself to create a sovereign; rule must comply with

morality to be durable, and it must have continuity — i.e., a means of establishing succession. Thomas Hobbes, John Locke and J J Rousseau explained the state as a result of social contract which is an agreement between the ruled and their rulers, defining the rights and duties of each. In primeval times, according to this theory, individuals were born into an anarchic state of nature, which was happy or unhappy according to the particular version. They then, by exercising natural reason, formed a society (and a government) by means of a contract among themselves. In the 20th century, concepts of state ranged from anarchism, in which the state was deemed unnecessary and even harmful in that it operated by some form of coercion, to the welfare state, in which the government was held to be responsible for the survival of its members, guaranteeing subsistence to those lacking it.

Modern state is identified as the nation state. The state has come to acquire its present character through a historical process that extends to thousands of years. It is interplay of various factors like religion, kinship, war, property, political consciousness and technological advances. In the process of historical evolution of state, there have been following forms – Tribal State, Oriental Empire, Greek City State, Roman World Empire, Feudal State and the Modern Nation State. The modern nation state arose after the *Treaty of Westphalia* was signed in 1648. It led to the emergence of the territorial state consolidating political authority within a particular territory excluding domestic from external. The separation of territory into distinct states each with their own national spirit paved the way for the establishment of modern nation State along with the rise of international law, legal equality of states and modern theory of sovereignty. American and French revolutions further contributed to the emergence of nation states. The modern concept of state is dominated by Liberal and Marxist perspectives. The liberal perspective is dynamic as it has changed with time depending on interests and needs of individuals and society. The early liberal view of state was negative as it favored non-interference in individual matters. However, 20th century liberalism is associated with the welfare state which tries to reconcile individual liberty with social good. Contemporary discourse on state is influenced by Neo-Liberalism wherein the state is supposed to play a minimum role and primacy is attached to market forces. The Marxist notion rejects liberal idea of state, calling the state as an instrument of class and seeks to establish a classless and stateless society through the proletarian revolution. However, that did not happen after the Russian revolution in Russia and instead of a classless and stateless society, we saw power getting concentrated in the hands of a few during Soviet times. Feminist perspectives on state can be mainly seen from two angles – liberal and radical. Liberal feminists say that the state can play a role in bringing equality among men and women by taking steps like increasing seats for women in parliament, extending welfare schemes to women etc. However, radicals see state as an instrument of power and blame unequal distribution of labour in a family for women's unequal status in society. Hence, they contest the liberal view that the state is impartial and neutral.

14.3 CONCEPT OF FAMILY

The family is the basic and most important primary group in society. The family as an institution is seen as universal, permanent and pervasive. All societies; both large and small, primitive and civilised, ancient and modern, have some

form of family or the other. The family is a social group consisting ordinarily of father, mother, one or more children and sometimes near or distant relatives. The meaning of family can be explained better by the following definitions:

According to Eliot and Merrill, “The biological social unit composed of husband, wife and children is a family”. Burgess and Locke define family as “a group of persons united by ties of marriage, blood or adoption constituting a single household interacting and intercommunicating with each other in their respective social roles of husband and wife, father and mother, son and daughter, brother and sister, creating a common culture.” According to Ross, four sub- structures of family can be identified:

- Ecological sub-structure; that is, spatial arrangement of family members and their households.
- Sub- structure of rights and duties; that is, division of labour within the household.
- Sub- structure of power and authority; that is, control over the actions of others and
- Sub- structure of sentiments; that is, relationship between different sets of members.

Family has a number of functions which are discussed in succeeding paragraphs.

14.3.1 Family: Basic Social Unit

Reproduction is essential to the survival of humans as a whole, and all societies must have a way of replacing their members. Family regulates the sexual behaviour of man by its agent, the institution of marriage. The process of reproduction is institutionalised in the family. Thus, family introduces legitimacy into the act of reproduction. By fulfilling its reproductive function, family has made it possible to have the propagation of species and the perpetuation of human race. Family is an institution which provides the mental or the emotional satisfaction and security to its individual members. The individual first experiences affection in his parental family as parents and siblings offer him love, sympathy and affection.

The family also performs a pair of functions – status ascription for the individual and the social identification for the individual. The family provides the ascribed status. Ethnic, nationality, religious, residential, class status and sometimes political and educational status are all conferred upon an individual by the family. Status ascription and social identification are two faces of the same process which are facilitated by the institution of family. Being a member of a family also means having certain legal and cultural rights and responsibilities, spelled out in formal laws, as well as informal traditions. In America, for example, parents have legal obligations to provide basic necessities e.g., food, shelter, clothing etc. for their children. Should they fail to do so, parents may face legal charges of neglect or abuse.

14.3.2 An Agent of Socialisation

The family serves as the instrument of culture transmission in an individual. The family guarantees not only the biological continuity of the human race but

also the cultural continuity of the society of which it is a part. It transmits ideas and ideologies, folkways and mores, customs and traditions, beliefs and values from one generation to the next. The family is an agent of socialisation as well. Socialisation is the process whereby one internalises the norms of one's groups so that a distinct 'self' emerges unique to individual. The family indoctrinates the child with the values, morals, beliefs and ideals of a society. It prepares its children for participation in the larger world and acquaints them with the larger culture. It is a chief agency which prepares the new generation for life in community. It emotionally conditions the child. It lays down the basic plan of personality. Indeed, it shapes the personality of the child. Family is a mechanism for disciplining the child in terms of cultural goals. It transforms the infant barbarian into a civilised adult. The family provides the basis for the child's formal learning. In spite of great changes, the family still gives the child his basic training in social attitudes and habits important for adult participation in social life. The manner in which he learns how to get along with his family will be carried over to his interactions with school authorities, friends, religious leaders, the police and other agents of social control.

14.3.3 Seedbed of Democracy

The family is the seedbed of democracy. Home is the place where an individual gets first ideas about his self, develops attitudes toward other people, and also the habits of approaching and solving problems. It is at home that children learn lessons about cooperation, commitment, sharing, sacrifice, and obedience to the unenforceable, which form the foundation for self-government. Children learn from parents to adapt to shortages, care for others, be happy, fulfil one's duties, and learn critical citizenship and social skills of mutual respect and cooperation. The interconnectedness of our lives with government, especially self-government, is first learned at home. The home is the most important learning institution in a democracy. Family is a primary agent of political socialisation where the children inherit political attitudes, ideologies and orientations, which have a considerable long lasting impact on them. It is likely that in the initial years their voting behaviour is an extension of their voting patterns of the family members.

14.3.4 An Agency of Informal Social Control

The family has always provided a strong means of social control. Parents provide children with direct guidelines to follow regarding acceptable behaviour. Social control through the family is achieved by both positive and negative means, with children keen to gain praise from their parents, while wanting to avoid punishment in any form for disobedience. According to social control theory, those who are socially integrated are more likely to engage in socially accepted behaviours and less likely to engage in risky behaviours. In this way, social integration offered by the family unit helps to encourage socially accepted behaviour. The relationship between adolescent criminal behaviour and family deterioration from dysfunction has long been known. Society, therefore, has a profound interest in strengthening the family structure and maintaining stability in order to prevent a host of social problems that can so cruelly afflict the younger rising generation of its citizens and so severely burden the rest of society. These societal interests give the government motivation to regulate the form and structure of marriage and the family. With the advent of modernization, the

institution of family is undergoing changes as we can see single parents, increase in divorce rates, surrogacy and increase in number of nuclear families. The challenge for the state is to adapt to these rapid changes so that its relationship with the family remains in tune with contemporary changes.

Check Your Progress 1

- Note:** i) Use the space given below for your answer.
- ii) Check your answer with that given at the end of the unit.

1) What do you understand by the institution of the family?

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14.4 FAMILY AND STATE RELATIONSHIP IN POLITICAL THEORY

The family state relationship in political science has been an understudied subject because of the general belief that family is a private matter of an individual and the state should stay away from it. There has been a debate over state intervention in family matters. Those who support state intervention believe that the family is a public and political entity and the state should have a say in its management. On the contrary, others believe that the family is a private and apolitical institution which should be run by family members and not the state. In this context, let us study the main perspectives pertaining to this debate in political theory.

14.4.1 Traditional or Greek View

In ancient Greek times, the wide held belief was that the family is a private institution and the state should not intervene in it. However, Plato held a contrary view and placed the institution of family at the mercy of the state. Plato advocated collective nurture of children, education and ownership in his book, *The Republic*. He believed that private property and family are the sources of all evil and corruption in the state. Feelings of compassion and ownership towards family turn a man into a selfish being and these feelings lessen his commitment to the state. Plato saw unity between the individual, family and the state with no distinction between self and other. So, he argued for communism of wives and property where marriage and private property will be abolished and would not be recognized by the ideal state. However, Plato seemed to put no restrictions on the state as it could even intervene in family matters and he also lacked sensitivity towards females as they were treated merely as recipients and passive subjects under the state. *Plato's* disciple, *Aristotle* did not agree with him and argued for a case where state should respect the institution of family giving a celebrated defence of marriage, the family and the household in his book, *Politics*. He argued that there is a natural progression of individuals from the family to

polis through small communities. A household, according to him consisted of family, property and slaves. He said that family is the cradle of virtue and property is an essential feature of household. Ownership of property gives a sense of security to an individual who seeks to increase his wealth. Aristotle defended the institution of family and private property on the basis of the necessity of development of individual's moral virtue, which is necessary to the well-being of the state. He viewed family as a sanctified private affair and placed it in the personal arena. However, he believed in the superiority of male over female in the family and also did not give due regard to rights of slaves as they were under the command of the master.

14.4.2 Marxist View

Marxism offers a conflict perspective in terms of social conflict and inequality when explaining the family state relationship. Marxist theories of the family focus on how the capitalist system, which maintains an exploitative relationship between capitalists and workers, shapes other social institutions such as the family, which in turn help consolidate the capitalist system. Family is seen as aiding capitalism by serving as a consumption unit. Marxists also believe that the nuclear family is a tool of the ruling class, an institution used to teach its members to submit to ruling class authority. Friedrich Engels argued that the three institutions of private property, the family, and the state are connected, and that family relations develop in response to property relations. His work, *"The Origin of the Family, Private Property and the State"*, published in 1884 traces the origin of the family and to link its evolution to the changes in the mode of production and the emergence of private property and capitalism. Engels believed that during the early stages of human evolution, property was collectively owned and that the family as such did not exist. The community itself formed the family and there was no limitation to sexual access. However, with the emergence of private ownership of property and the idea of having heirs who were to inherit the property, the question of paternity grew in importance and the rules of monogamous marriage were created to control women's sexuality and assure the legitimacy of heirs. Marx and Engels also criticised the superficial distinction between the public and private sphere, by liberals. Marx said that the state does not stay away from the private sphere (family) and it reproduces the contradictions in the family.

14.4.3 Liberal Perspective

The idea of public and private distinction can be seen in the liberal perspective. Isaiah Berlin in his essay, 'Two Concepts of Liberty' said a frontier must be drawn between the area of private life and that of public authority. The public private distinction has European origin which signifies division of sovereignty through rights. Public belongs to the state while private belongs to the individual. Classical liberal theorists continued to treat family as a natural, biological and a personal unit. They claimed that the family is composed of individuals who enter the institution through their free will, and the state must not intervene in that institution. John Locke had argued that family starts due to voluntary consent between man and woman and state interference should be avoided. John Rawls says that the family is one of the social institutions to be evaluated by the theory of justice but for him the traditional family is just and remained on the fringes of his theory of justice. J S Mill recognized a link between virtue and good politics.

“If we ask ourselves on what causes and conditions good government in all its senses depends, we find that the principal of them, the one which transcends all others, is the qualities of the human beings composing the society over which government is exercised”. He believed that good citizens do not simply spring up like mushrooms and there is societal responsibility for raising a child to foster goodness and wisdom. Mill said the families are a training ground for democratic citizenship and they must reflect the values of equality and justice on which a democracy is based. He, therefore, condemns the inequality of women in the current family structure as inhibiting the development of children’s democratic character. But even he justified the sexual division of labour within the family as it is based on consent and general customs.

14.4.4 Feminist Perspective

Feminists have sought to analyse the impact of family life on women. Despite the numerous differences in their approach and main concern, different feminists tend to agree that women occupy a subordinate position in the family and are exploited in various ways. The Marxist feminists consider capitalism as the main exploiter. This exploitation is seen in terms of the unpaid work they carry out at home. Like the Marxist, they believe that the family also serves capitalism by reproducing the future labour force, but they also assert that it is not the family as such that suffers more, but the women. It is women that bear the children and assume the main responsibility for their care. Women are also exploited in that they are expected to provide outlets for all the frustration and anger that their husband experience at work and therefore prevent them from rebelling against their employers. Radical feminists agree with other feminists about the disadvantage that women suffer in families. Yet, they do not consider capitalism as the main source of exploitation. Their focus is on men and the patriarchal nature of society. They argue that inequalities between partners at home are a result of the fact that most of the heads of households are men. This implies that men have more decision-making power, consume more of whatever the family has and retain control over finances. J S Mill had famously said, “An egalitarian family is a much more fertile ground for equal citizens than one organized like a school for despotism”. To bring about equality between men and women, liberals believe there should be constitutional reforms by which men will contribute to household work. This is called civic feminism. Socialist feminists want expansion in areas like free birth control, abortion, health facilities for women and state recognition of domestic labour. Radical feminists want women’s entry into public sphere for making them active citizens and state intervention in family matters to make it gender just. Thorne and Yalom argue that feminism has contributed a number of broad themes to the understanding of family.

- First, feminists have challenged the ideology of “the monolithic family,” which has elevated the nuclear family with a breadwinner husband and a full-time wife and mother as the only legitimate form.
- Feminists have recognised that structures of gender, generation, race and class result in widely different experiences of family life, which are obscured by the glorification of the nuclear family, motherhood, and the family as a loving refuge.
- Feminism has challenged traditional dichotomies between private and public, raising questions about family boundaries and showing that family

isolation is in part illusory, given the close connections between the internal life of families, and the organisation of paid work, stateorganised welfare and legal systems, schools, childcare and other institutions. That is why, in 1970s, the main slogan of women’s movement was ‘*The Personal is Political*’.

Check Your Progress 2

- Note:** i) Use the space given below for your answer.
 ii) Check your answer with that given at the end of the unit.

1) What are Plato’s views on family and state?

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2) Discuss J S Mill’s views on the status of women in a family.

.....

14.5 LET US SUM UP

The family state relationship in political science has been an understudied subject because of the general belief that family is a private matter of an individual and the state should stay away from it. There has been a debate over state intervention in family matters. Those who support state intervention believe family is a public and political entity and state should have a say in its management. On the contrary, others believe that family is private and an apolitical institution which should be run by family members and not the state. Plato argued for state intervention in the institution of family while his disciple, Aristotle argued otherwise. The Marxist theories of the family focus on how the capitalist system, which maintains an exploitative relationship between capitalists and workers, shapes other social institutions such as the family, which in turn help consolidate the capitalist system. Liberals have supported the public-private distinction keeping the family in private sphere. However, the feminist perspective has challenged this distinction and argued for equality between males and females. Radical feminists want state intervention in the family so that oppression of women can be stopped through patriarchy. If one sees the family-state relationship closely, the state already intervenes in family as marriage and divorce laws are made by the state. The state legally defines the institution of marriage and how it can be dissolved. Even termination of a marriage requires state approval. Hence, a great deal of

the blame for the current evils of marriage and family system can be attributed to the state as well.

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14.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer should highlight the definitions of Eliot and Merrill, Burgess and Locke.

Check Your Progress 2

- 1) Your answer should highlight communism of wives and property.
- 2) Your answer should highlight following two points:
 - Equality between men and women.
 - Civic Feminism.

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