

FUNDAMENTALS OF POLITICAL PHILOSOPHY

Dr. Roopa Traisa
Prof. Anshu Bhatia



ALEXIS PRESS
JERSEY CITY, USA

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Published by: Alexis Press, LLC, Jersey City, USA
www.alexispress.us

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First Published 2022

A catalogue record for this publication is available from the British Library

Library of Congress Cataloguing in Publication Data

Includes bibliographical references and index.

Fundamentals of Political Philosophy by *Dr. Roopa Traisa, Prof. Anshu Bhatia*

ISBN 978-1-64532-343-3

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CHAPTER 1

METHODS OF ETHICS AND POLITICAL PHILOSOPHY

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ABSTRACT:

Ethical methods as logical processes "for deciding the proper behavior in every specific scenario." It asserts that there are three universal techniques for choosing values that are often used in everyday morality: egoism, utilitarianism, and intuitionism. In this chapter author is discusses thereflective equilibrium.

KEYWORDS:

Conflict, Demand, Ethics, Political, Philosophy.

INTRODUCTION

It is necessary to restore the desire for philosophical reflection since the spirit of philosophy that emerges from naiveté quickly dies. I speculate that it is an acquired taste brought on by some peculiar circumstance. Who knows why you chose this particular book? Nonetheless, certain types of philosophical investigation are more likely to be triggered than others. It would be strange for a teenager to start thinking about the nature of numbers. Youthful revolt, on the other hand, often sparks simple philosophical thoughts about social norms. What is the nature and scope of parental authority? What does it mean when parents say something is the correct thing to do but the adolescent maintains that he is doing no wrong by not doing it? What level of adherence to their regulations is necessary? They may be able to impose their demands, and propriety may require that it be complied with, but does it make it right? The question of how to decide will undoubtedly arise if the issue of who determines what behavior is appropriate and what is not. Is it a question of personal belief, preference, or choice? so on.

Such concerns fall under the category of ethics, and I assume that the majority of people at least dip their toes into the topic by acknowledging that there are questions to be addressed and arguments to be made. The philosophical issues that are raised in political life have this trait. The same questions are raised by totalitarian governments and parents. Democratic governments have discussions regarding opposing policies in terms of the ideals they represent. Justice and liberty may not go together. People's rights may need to be sacrificed for the sake of the community. This is the usual fare for editorials in broad-sheet newspapers as well as tabloids. Political philosophy and ethical issues are pervasive; they are present in everything. Many people are surprised to learn that the issues are not new, that there is a long history of thoughtful discussion around them, and that the issues that appear unique in 2000A have often been documented as being discussed during the previous 2.5 millennia.

This rich legacy of intellectual debate is passed down to us. While philosophical issues appear to crop up daily like mushrooms, people have been concerned about issues akin to these for as long as intellectual issues have been documented. When we seriously consider the philosophical issues that are raised in political life, we are immediately confronted with a vast body of

literature that is organized around the issues that humanity has faced, the philosophers who have contributed to solving them, and the theories that have repeatedly been put forth as a means of solving them [1], [2].

The future may seem bleak. Do I have to follow the law, you inquire? when one of nature's professors provides you a reading list, from Plato to NATO, as they say. In actuality, this should be exciting since unlike the history of science, philosophy does not portray itself as a field that is progressing. Not least since the present is a tiny parish hindered by parochial concerns, you may learn from the Ancient Greeks. In philosophy if not physics, retreating into old paradigms of thought may be liberating. What a wonder it is to read Plato's analysis of why might is not right in the Republic of Socrates, or Hobbes' description of anarchy and justification for the need of an absolute or unrestrained sovereign authority during the English Civil War. You will want to dispute with these folks, but you may find it difficult much to your delight.

The history of political philosophy is something that everyone who studies it must be familiar with since it is both a rich resource and a topic of antiquarian fascination. Yet, this history will not be openly addressed in this book. Instead, we will focus on the fundamental issues in political philosophy and the dominant ideas that have been used to address them. In order to clarify the link between theory and judgment in the field of ethics, of which political philosophy is undoubtedly a part, I wish to focus on the methodology of political philosophy for the time being.

Let's start our reflections off with a tired illustration. Imagine a sheriff who shares the utilitarian philosophy's conviction that the best course of action is the one that results in the greatest amount of benefit for all people. He determines that a scapegoat is necessary in order to stop extensive damage when faced with a riotous crowd. When he chooses a believable offender to punish, peace returns. The poor innocent suffer harm and injustice, but the larger evil is stopped. The utilitarian sheriff argues that his course of action was appropriate given the circumstances. An opponent objects. Action taken by the sheriff was improper because it was unfair. No amount of benefits to several other parties can justify punishing an innocent person. The idea is unbreakable.

How should the matter be decided? There is a complex and tenable moral theory on the side of the sheriff, assuming that all of the case's facts are accurate. It's unfortunate that he is forced to do what is often seen as a bad action because of this understanding of what makes for appropriate behavior. The idea that punishing the innocent is unfair and, thus, wrong is on the critic's side. The sheriff has a philosophy that he can defend if necessary and that gives him the ability to decide what is right in complex situations like these[3], [4]. If his theory permits him to behave in a manner that contravenes her principle, she believes it to be inadmissible. Therefore, do we maintain the theory while giving up the principle, or do we abandon the theory because we lack the willpower to do so?

DISCUSSION

This often asked topic is really just a disagreement about approach in the context of utilitarianism debate. There are several paths forward, and each one is debatable since philosophical disagreement extends to the theories underlying ethical and political theory as well as the kind of issues that give rise to questions about the best approach to solving them. We must first comprehend the sheriff's use of the concept of a theory. The theory is seen as a systematization of the moral and political judgments we are prone to make in the first and

simplest notion. We often find ourselves making judgments on whether one behavior is good or bad, or if one system is just or unfair. And we give these judgments a high degree of respect. We are more inclined to adhere to them than we are to accept a hypothesis that is inconsistent with them, even if they are neither self-evident nor completely impenetrable. The utilitarian principle, which holds that acts and behaviors are morally correct if they enhance well-being, is the fundamental principle that underlies these moral judgments. We acknowledge that humans function with a large and complicated stack of moral principles. We have discussed our conclusions, but this discussion might have broader implications. That could help us when we encounter a challenging conundrum. The idea could point us in the right direction when faced with completely unique situations, the kind that modern medicine seems to produce on a regular basis. Reviewing the aforementioned case makes it clear that this understanding of moral theory is of no use to us. On the question of whether the instance serves as a crucial example that should prompt us to reject or qualify the theory, the sheriff and his critic have a clear disagreement. I will refer to this perspective as "particularist" since both hold that the authority of the specific moral judgment or norm is what counts.

A distinct interpretation of moral theory has a completely different perspective on the theorist's job. Thus, the purpose of moral theory is to establish or confirm moral concepts in order to act as their basis. Utilitarianism may be seen in this way as well since, as we will see, its methods can be used to evaluate not only particular behaviors and practices but also moral standards. Consequently, our intuitions about subordinate principles are all subject to revision in light of the theory at hand, whether it be utilitarianism, contractualism, Kantian formalism that employs the test of the categorical imperative, or the theory of Divine Command. If this is true, if some such theory finds conviction. Such a theory would resolve the conflict created by the sheriff's conduct and the critic's objection. We may refer to this theory as "foundationalist," however we should once again exercise caution when using the word. Regrettably, I don't have a thought like that since I think that it has been impossible to define such a vast undertaking.

The status and revocability of the moral judgments and principles that such theories cover are accounted for differently in the two distinct conceptions of moral theory that we have. It is important to note that intense disagreements over the proper procedures of political philosophy reflect similar debates concerning the nature of normative ethics. Hegel observed that contemporary subjects assert what he called "the right of the subjective will," a distinctly contemporary attitude that asserts "that whatever it is to acknowledge as legitimate shall be regarded by it as desirable." ² This viewpoint may be referred to as "individualist" or even "liberal." It is similar to Kant's assertion that "Our era is the actual age of critique, to which everything must submit" (3). The idea is that the person who is looking at the legitimacy of ideas or institutions has removed himself from their moral "pull" in order to do so. He has elevated himself above the fray, removing himself from any bias and attachment in order to conduct a thoughtful analysis of what theory demands. Imagine that I am beginning to doubt the responsibilities I have always felt for a parent or a kid. I see how some people behave differently and consider if I would be able to do the same. It seems that the only way I can investigate these issues is by leaving the confines of domesticity and having them evaluated by a third party. Now let's say I find myself violating the law in a rural bar, purchasing my underage kid a drink of cider, with no consequences and no feeling of shame. Being philosophical, this makes me consider if I should always follow the law. Once again, after being prompted or after the question has been posed, I find myself removed from the pressure of what I had previously seen as an obligation. I may conduct my research as an outsider would by distancing myself from the moral

pressure of the institutions that tie me to their norms. Should I follow this basic principle, change it, or reject it in light of the strongest argument I can muster and the strongest theory at my disposal?

For a number of reasons, political philosophers in the seventeenth century started to doubt the justifications for their loyalty and the validity of the constitutions of certain nations. What perspective may be used to undertake this evaluation? Some thought it was obvious that the best way to determine whether or not they had a good reason to submit to a sovereign power was to assume that they didn't, and then to consider whether or not rational agents with a particular set of desires or desires and values would have a good reason to establish one. They reasoned that people who did not already have a sovereign power would acknowledge the need for one, while those who were already subject to claims of a sovereign authority should acknowledge their legitimacy. Any skeptic might argue their own line of thought that led to these findings. This methodological individualism stems from a sceptical urge that questions what many people consider to be the foundations of one's moral and political system. It is obviously required to have some theory on hand that can be used as a test of the guiding principles for judgment in order to undertake this examination. To summarize, this is why individualism as I have defined it may also be referred to as "liberalism." People who detach themselves in thought from the actual requirements of the institutions that govern them, seeking a justification that should be good for any inquirer, typically attribute to all persons a moral status that endows them with liberty and equality as well as the universal ends of survival and "commodious living".

A other perspective, on the other hand, will rule out the existence of this profoundly abstracted self. Name the main character the "communitarian." She will say that we cannot, even in thinking, remove the defining characteristics of our personalities since our moral foundation extends to such a depth. We are burdened, for better or worse, by intuitions about the moral standing of both ourselves and others, as well as what it means for people like us to live well. Our opinions on these issues will be profoundly ingrained in how we speak and think; they are not optional extras. In an extreme perspective, we simply discover ourselves at a specific, definable, moral location. Some feminists believe that people have a socially created gender that has fundamentally shaped how they see categories of norms and obligations or virtues of caring and compassion. Most of us are deeply rooted in families, whose structures may be described in terms of rights and obligations that we are unable to violate without breaking the law. These families could have their beginnings, ongoing support, and intricate regulation inside a tribe or race, which might follow a religion or worldview that lends meaning to its rites and ceremonies. Such larger groups may reside in an area with environmental constraints that shape their household structure. In the contemporary world, they are probably governed by a nation whose history has a strong hold on the hearts and minds of its citizens.

All of these sources, as well as others, may be abundant in our identities, and these attachments and emotional links may be so strong that they cannot be denied or even questioned without causing severe personal loss and disintegration. Such a complex moral discourse Hegel referred to as our "ethical existence." He referred to its truth and the objectivity of the assertions it makes about us as having "ethical content." The current argument between individualists and communitarians is not a passing trend. It is reminiscent of the conflicting perspectives of Plato and Aristotle on the ideal society, with Plato advancing a utopian vision based on a just system he laboriously developed, and Aristotle outlining the institutions humanity has found to be

essential for the fullest expression of human nature. Kant and Hegel, two other close contemporaries, engaged in a new debate at the turn of the twentieth century. Kant aspired to a standpoint of reason that in ethics takes us right outside the phenomenal world of everyday experience into a noumenal world where principles of practical reason are disclosed to any dispassionate enquirer; Hegel, on the other hand, found this standpoint "empty" and advised us to seek a deep understanding of the principles and practices of ethics. To crudely caricature the distinction, the communitarian articulates a description of ethical reality whereas the individualist seeks a viewpoint of reason.

I'm inclined to categorize the two factions in terms of political ideology as "radical" and "conservative." The individualist stance is radical because it implicitly pledges to assess all institutions and ideas without giving any a special status of critical immunity. The communitarian stance is conservative in that it recognizes the legitimacy of fundamental categories of moral self-description that are ingrained in social customs and institutions. We are unable to escape the moral vision and emotional ranges that society has confined us within. We would not deploy the keen insight of the detached critic outside of the sense of ourselves that the communitarian philosopher articulates; instead, we would be completely lost and aimless, without any awareness of typical human aims or desires. We must start from where we came from.

While the subject is complicated, it shouldn't be too difficult to grasp how the methodological disagreements previously mentioned are reproduced in this discussion regarding the nature of political theorizing. The first one ought to be clear. The foundationalist, a theorist with a strong theory, and the particularist, a thinker who bases her arguments on principles or intuitions, were compared in the first section of this chapter. The disparities between these two methods are the result of two opposing tendencies: a bottom-up urge for explanation and systematization and a top-down drive to legitimize. I think the same two attitudes are at play when it comes to the individualist/communitarian divide as it relates to the methodology of ethics and politics. As I have described this perspective, the individualist is dedicated largely to assessment from a theoretical standpoint he supports. Without being able to be justified in the context of higher values that he upholds, he will not sanction rules, principles, practices, or institutions since they have no claim to legitimacy. The ideas, principles, practices, and institutions that make up the communitarian's historically contingent identity, in contrast, are what she takes for granted. She is really unable to disengage in principle in order to choose a position from which to evaluate her commitments.

Reflective equilibrium

Return to the predicament facing the sheriff. Because we lack a theory that can analyze the scenario and determine definitively whether the sheriff or his critic is correct or incorrect,⁵ the first step is to increase the amount of facts that can be used for judgment in the hopes that more information would lead to an agreement. We could make the example more specific. We have assumed that the description that is currently accessible is accurate, but this does not prove that it is sufficient to draw a just conclusion. In actuality, the reverse is true. A agreement on whether the sheriff's actions are correct or incorrect cannot be reached with the facts provided in the scenario. It may turn out that theory and intuition are brought into line as protagonists agree that the example has not demonstrated that maximizing human welfare can necessitate acts of injustice. This may happen if the critic can persuade the sheriff that he can't keep his practice of

framing innocent people a secret because many citizens will worry that they may be chosen as scapegoats.

The hypothesis may be reviewed next. We might limit its goals and rein in some of its horns. We may add another, distinct theory to the constrained one that provides a better justification or explanation for the problematic circumstance. The resultant collection of theories will be messier, less elegant intellectually, and might lead to boundary issues within the body of thought that has been combined. Yet if the resulting structure provides a knowledge of how humans make judgments in an unnervingly broad variety of situations, then this could be a price worth paying. We may restrict utilitarian thinking in the sheriff's case and urge that separate retributive justice rules must be followed.

Next, we may go over the idea that the reviewer was so sure about. Maybe we can convince her that there are situations—real or imagined—where it appears to infer conclusions that are undesirable. The reality of criminal justice systems is an illustration that makes a similar argument to the sheriff who lynches the easy target but which might elicit quite different responses. Let's all accept that it is pretty hard to design a criminal justice system that can be guaranteed to never condemn an innocent person in this world of flawed humans. Various combinations of procedural rules will result in varying odds of innocent people being found guilty or not guilty. Imagine that we must either create such a system from scratch or support an existing one. We are aware that an innocent person will eventually face punishment. We are aware that someone will ultimately be made to pay for the benefit of our having put in place a reliable system of criminal prosecution and punishment. The critic may realize that any solution will, in reality, allow accidental and undetected miscarriages of justice in light of the need to develop some systematic procedures for reacting to crime. Instances like these could make a critic who is sure of her moral intuitions about the punishment of the innocent notice a qualm. When theory and intuition conflict, she could also be open to entering talks.

Let's go through the findings of this debate on ethical methodology. There are two antagonists in my novel. The first is the philosopher who contends that one cannot advance in ethics until they have discovered, through a priori reasoning or the investigation of a sufficient range of moral judgment, some high-level theory of ethics that can be used to test lower-level action principles and produce verdicts of right/wrong, good/bad, and just/unjust for any specific action brought forward for judgment. The second villain is the philosopher who thinks they have a set of moral intuitions or principles that are, in theory, immune to correction, brook no qualification or exception, and don't need to be carefully contextualized. What is left is a pair of tendencies that repel and interact with one another in a harmonious coexistence. The first is a bottom-up initiative to compile verdicts rendered in particular instances and develop principles that explain the justification of these verdicts. We continue. With a collection of principles in hand, we may attempt to see if they have any common characteristics that we can use to suggest an even more general theory of ethics. If we were to succeed in this endeavor, our knowledge of a wide variety of important human behaviors would be improved.

The second tendency is just as strong as the first and is best understood as a top-down need to purge our intellectual foundations. It has its roots in what may appear to be an unquestionable understanding of the nature of morality, and there are many obvious contemporary contenders. According to the utilitarian, morality is fundamentally concerned with the advancement of human welfare and the alleviation of human suffering; according to the Kantian, it expresses our nature as rational, autonomous beings; according to the contractualist, it elucidates and

represents the application of a need to reach consensus in order to prevent conflict and facilitate cooperation; or, alternatively, it expresses the need we feel to defend our actions to others. Regardless of the central idea we choose, it is then transformed into a theory with broad applicability, which is then used to a review of our evaluations of institutions and behaviors. But, as with earlier stages of evaluation, rules and principles will likely be examined.

Since we behave, assess, and think in both conscious and spontaneous ways, I propose that both bottom-up and top-down tactics are propensities. We assess acts in light of principles, and we investigate principles in light of their decisions in specific circumstances. We evaluate potential principles by determining if they can be derived from an overarching theory, and we support or reject hypotheses based on the principles they include. John Rawls has named this ideal of contentment that our combination of theories, principles, and judgments is in good order "reflective equilibrium."⁶ Yet, in the actual world of imperfect knowledge and varied judgment, the image fails. We will need to establish reflective equilibrium repeatedly when unsettling facts and the unsettling effects of our beliefs and values are made clear to us. Given this understanding of the role of ethics, it is not unexpected that the field has a rich past and a promising future. Our contribution to this effort will be to show as complete a balance in our political reflections as is possible.

With the prospect of reconciliation through the pursuit of a reflective balance, we have struck an upbeat note. I want to keep my positive attitude going. In settling the conflict between the individualist and the communitarian, something similar to reflective balance must be found. My caricature of these two perspectives lacks conviction because it is too quick and hurried, even if it may shed light on key ideas in the writings of eminent philosophers. This will become clear as soon as we call these preconceptions out for what they are. We must be adamant that the communitarian is exposed by her account as soon as it is seen as standing up for the inadmissible. There is no lack of candidates for your favorite abhorrent practice with strong cultural and historical roots, whose proponents seem ignorant to the injustice: slavery, forced conversion, suttee, trial by fight, female circumcision, ethnic cleansing, etc. Any amount of information demonstrating how deeply such practices are ingrained in the belief- and value-structures of particular communities cannot insulate them from criticism.⁷ At the very least, we can make an effort to demonstrate how far these traditions are based on false beliefs where this is apparent. So, we should be very wary of assertions that the identification of potential villains is somehow determined by adherence to moral principles or affiliation with organizations. No matter how ingrained their illogical beliefs may be, they should be seen as amenable to change.

Equally, however, we shouldn't let our disdain for evil and brutality deceive us into thinking that we have hit the pinnacle of moral certainty. There has to be some methodological humility. After we eliminate the too ambitious claim to algorithmic reason, individualism, as I have defined it, demands some idea of the desires and values of ordinary persons. Hobbes noted a common desire to postpone death and lead comfortable lives. Our tenuous understanding of human nature makes us vulnerable to chance. John Locke also believed that these aims were universal, and he supported his position by asserting that in order for humans to fulfill the purposes that God had established for them, they must be subject to natural law and acknowledged as being free, equal, and holders of natural rights. These premise are also up for debate. Individualists may thus promote their critical perspectives on the basis of moral principles, which might be difficult to justify, just as groups may propagate misinformation. If communities need to find a home for

bloodthirsty critics, then those critics shouldn't be shocked to learn that their position can be contentious and prone to error[5], [6].

As always, a compatibility of temperaments and viewpoints must be found. A model also presents itself. We are the beneficiaries of several generations of thoughtful moral philosophy, which has both benefited from and contributed to a shared social existence governed by laws and institutions. We are compelled to define ourselves in terms of morally significant categories. As a result, we feel obligated to and accountable for both the welfare of others and our own. As holders of rights that impose obligations on others, we insist on being treated with respect as individuals. We make the claim to be independent, and we need a space where we may practice that autonomy. We refuse to accept any moral authority that can decide for us and tell us what our obligations are. Nothing will be expected of us that we can't, in theory, agree with or disagree with.

At the same time, and equally inescapably, we find ourselves living within communities of incredible complexity, our lives entwined with those with whom we engage in pursuit of home, economic, artistic, intellectual, religious and political purposes. These activities also help to shape our diverse perceptions of what is important to us and how we might live effectively. My conception of our moral repertory, which I concede I have gleaned from Hegel, is that it consists of an organized group of the above-mentioned principles articulated in institutions, with the law predominating among them. All of these approaches, as well as others, are how we define ourselves and identify others. Since we must behave toward others in accordance with the moral standards that make up these patterns of identification, the fundamental words of self-ascription have moral force. So, to claim respect for one's rights as one respects the rights of others is to be a person, the most fundamental moral category. Being a parent involves many responsibilities, including having a responsibility of care for the children you have brought into the world. Being a citizen entails actively creating laws that require the submission of those who created them. so on.

I've made a point of highlighting how complicated this inheritance is since it determines the philosopher's path. This is a home that need urgent organization. Each component must be carefully considered, together with the motivated notion of the self and its corresponding values. We need to ask ourselves if this system can hold together and whether we can be everything to everyone at once. It is conceivable that we ask more of ourselves and others than we are capable of providing, that roles and morals may diverge, and that societal and personal conflicts may arise.

This is the inference I hope my short reflections on political philosophy and ethical techniques will lead us to. We don't need to discover some fundamental touchstone that will judge all of our views simultaneously, classifying this one as gold and that other as dross, in order to develop in ethics. Yet we do not need to support everything that we find ourselves approving before reflection. We have a lot of work to do in order to describe, clarify, organize, and check for inconsistencies with the collection of political principles that our past has produced. We don't need to hide from the expectations of our societies, but we also shouldn't believe that the moral demands they make of us are in accord with reason. Starting with a healthy dose of skepticism based on concerns of confusion and incoherence is sufficient [7]–[9].

CONCLUSION

One of humanity's most fundamental needs is undoubtedly morality. Additionally, a world devoid of ethics would have been a chaotic and horrible one. Also, without ethics, mankind cannot grow. The young in the community need to be well-aware of ethics. In order to speak the truth, maintain our word, or assist a stranger in need, we must follow ethical principles. Everyday choices we make are guided by an ethical framework that helps us avoid unjust results and helps us make decisions that have good effects on the world. A normative science called ethics deals with the moral principles that should guide human behavior. Being a science of morality, it does not investigate the causes of human behavior instead focusing on the components and diverse issues of moral awareness, such as motivations, intents, free will, and other issues.

REFERENCES:

- [1] S. Taekema and W. van der Burg, "Legal Philosophy as an Enrichment of Doctrinal Research Part I: Introducing Three Philosophical Methods," *Law Method*, 2020, doi: 10.5553/rem/.000046.
- [2] S. Houlgate and F. C. Beiser, "The Cambridge Companion to Hegel," *Philos. Q.*, 1994, doi: 10.2307/2219621.
- [3] C. Hickey and I. Robeyns, "Planetary justice: What can we learn from ethics and political philosophy?," *Earth Syst. Gov.*, 2020, doi: 10.1016/j.esg.2020.100045.
- [4] C. Horn, "The Concept of Justice: How Fundamental Is It in Ethics and Political Philosophy?," *ethic@ - An Int. J. Moral Philos.*, 2014, doi: 10.5007/1677-2954.2014v13n1p01.
- [5] S. Venkatapuram, "Health Research and Social Justice Philosophy," *Hastings Center Report*. 2020. doi: 10.1002/hast.1197.
- [6] E. Bietti, "From Ethics Washing to Ethics Bashing: A Moral Philosophy View on Tech Ethics," *J. Soc. Comput.*, 2021, doi: 10.23919/JSC.2021.0031.
- [7] M. Doria, "The unreasonable destructiveness of political correctness in philosophy," *Philosophies*, 2017, doi: 10.3390/philosophies2030017.
- [8] P. R. Giacobbi, A. Poczwardowski, and P. Hager, "A pragmatic research philosophy for applied sport psychology," *Sport Psychol.*, 2005, doi: 10.1123/tsp.19.1.18.
- [9] K. Mathiesen, "Toward a political philosophy of information," *Libr. Trends*, 2015, doi: 10.1353/lib.2015.0000.

CHAPTER 2

A STUDY ON UTILITARIAN THEORY

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ABSTRACT:

A moral theory known as utilitarianism favors activities that increase happiness or pleasure and disapproves of those that increase sadness or damage. A utilitarian ideology would seek to improve society as a whole when used to guide social, economic, or political choices. In this chapter author is discusses the structure and main variants of utilitarian theory. Political philosophy might be broken up in a variety of ways, with the hope that a methodical approach would provide students a firm understanding of the main points of contention. One may start with fundamental ideas and ask to what extent they provide a set of rules that can be successfully applied to a typical list of philosophical issues that arise in our political lives. Thus, one may research utilitarianism, natural law and/or natural rights theory, Kantian theories based on individual autonomy, contractualist theories, and no-theory theories in that order. And there are undoubtedly going to be more hypotheses.

KEYWORDS:

Authority, Political, Philosophy, Utilitarian Theory, Variant.

INTRODUCTION

With our attention now narrowed, we could examine the efficacy of these theoretical perspectives, e.g., to determine whether we have good reasons for accepting the state or whether we would function better in a state of anarchy without one; to determine the best constitutional structure for the state's authority; to determine the appropriate scope of political power, including whether there is a private domain that can be used to restrict the legitimate use of the s. Can these ideas provide a justification for what belongs to whom, how benefits should be distributed, and which responsibilities should be regarded as justifiable? If we assume that these issues have already generated a number of definitive solutions before being theoretically explored, we may reorganize the way we conduct our inquiries. We may properly frame the question, list the solutions that best capture our intuitions, then look for a theory that might explain these findings [1]–[3].

I'll use both of these strategies in the chapters that come after this one. I'll talk about utilitarianism's contribution to political philosophy in paragraph 1. I decide to look closely into utilitarian theory for a variety of reasons. First, due to the clarity and intensity of how it has been expressed. There may not be many utilitarians in philosophy nowadays, or at least not many who embrace the idea without any reservations. Yet, the classic sources of utilitarianism are the writings of J.S. Many philosophers after Mill have improved and refined the basic notion. There are several variations, and each has evolved in reaction to both sympathetic and unrelentingly harsh criticism. Its complexity as a corpus of normative philosophy is unmatched. Second, it has been steadfastly implemented in the field of actual politics from its Benthamite origins. This

practical influence has also made it the target of those who dispute its credentials, both generally and in the context of specific policy application. Its main insistence on computing the benefits and burdens of all those who are affected by policy decisions has ensured its continued use by both politicians and those who criticize them. Finally, the critique of utilitarian theory has often served as the beginning point for those who have created alternative theoretical viewpoints. For instance, it has recently come under fire for its involvement in discussions on environmental policy. Nowhere is this more evident than in John Rawls' development of the argument in *A Theory of Justice*. In such situation, it's critical that utilitarianism isn't used as a scapegoat; assessing these opposing ideas calls for an understanding of utilitarianism's strength and plausibility.

The framework and basic varieties of utilitarian theory are outlined in the first section of chapter two, along with the most significant lines of criticism and utilitarian replies to them. You free to skip this moral philosophy activity and get straight to the political philosophy issues that concern you. In the second section, I examine utilitarian theory's political components more closely by describing traditional or typical utilitarian views of the three main political values—liberty, rights, and fairness in the allocation of commodities. I briefly discuss the utilitarian explanation of political responsibility and the utilitarian argument for democracy in my last two sections.

We will go more into the philosophical foundations of these fundamental critical principles in the three chapters that follow. In 3, I look at the importance of liberty. Given that liberty is the most ambiguous of values, completing this assignment will prove to be difficult, if not impossible. Despite the fact that I will be concentrating on the issues of whether or if liberty is a value and, if it is, why, the literature has left us with a challenging job of thorough examination, looking at a number of significant explications of the idea of liberty. We will find that they raise more questions about value than they do answers, and that a sophisticated account must be built. The problematic assertion that liberty as a political ideal can never call for individuals to have the ability to commit evil is at the core of this argument. After defining the conceptual foundation and outlining the reasons why claims of liberty should be respected, I consider what institutional provisions are necessary for liberty, the extent to which the value of liberty supports democratic decision-making processes, and the guiding principles that ought to guide the legitimate restraint of liberty by law and other less formal social mechanisms [4]–[6].

In 4, I address issues brought up by the idea of rights. The moment for philosophical study could not be more appropriate given the prevalence of rights claims and the political emphasis on human rights in both national and international settings. Similar to liberty, there is a first layer of analysis, terminological differentiation, and language that has to be clarified. We benefit from the work of jurists who, starting with Bentham, have been meticulous in defining terminology. Yet, this does not imply that their contributions are without controversy. Before discussing the complex subject of the justification of rights claims, we also take a quick look at the issue of collective rights. We are far better at asserting our rights as citizens than we are at protecting them.

We will look at a few conventional methods for evaluating the legitimacy of rights claims. While Locke's theological theory is a good example, it is argued that the underlying assumptions are too contentious for it to be widely accepted. Arguments from autonomy are more persuasive and effective than those from rights in several areas. Nonetheless, I contend that certain rights are more obvious than the justifications put up for them. Others, most notably political rights, are said to be a kind of collective right for which justification on the grounds that they promote

personal autonomy is inappropriate. The utilitarian case for rights is then revisited and examined in more depth than before. I contend that this is more effective than many of the opponents acknowledge. Yet for utilitarian theory to be fully satisfying, it has to be accepted. It may not be open to the criticism that it cannot protect rights, but other criticisms could be more difficult to refute. The no-theory hypothesis is a little-known but compelling viewpoint that I investigate last. Thus, the reason why claims of rights succeed is because history has taught us to make them and understand that doing so necessitates respecting all people as right-bearers. In Chapter 5, we'll discuss distributive justice, including how private ownership could be justified and what standards we should use to determine who should own which benefits and obligations. We start with Robert Nozick's "entitlement" idea, another common sense, non-theoretical theory. Here, we will demonstrate that failing to provide a theory to support the distribution of property is a disadvantage rather than a benefit, since claims to property will be contested in the name of justice by non-owners and by the state, which seeks to redistribute wealth and income. The underlying flaw in Nozick's thesis will be revealed: shouldn't everyone be entitled to some private property if claims to it are so valuable that they should be treated as sacred and taxes is equivalent to forced labor? At this point, I'll also talk about F.A. The denial of social justice by Hayek.

Suppose that justice requires everyone to own some kind of property. This emphasizes the necessity for fair allocations to be determined by principles, and in what follows, we consider a variety of traditional candidates. The need principle must be evaluated first. We will discover that demands for needs need to be clarified by rigorous examination and, when the work is done, compel respect, much as principles of liberty and rights. A venerable principle is equality. Again, further clarification is required to address the following question: Equality of what? There will be an examination of a variety of potential equality matrices. A well-known just distribution criteria is the desert.

DISCUSSION

People should get and retain what they have earned is a colloquial way to state this idea. This viewpoint is looked at but mostly disproved. Lastly, we examine the fairness theory advanced in John Rawls' *A Theory of Justice*, one of the great achievements of twentieth-century political philosophy. While Rawls' theory of justices tries to address more issues than who should own what and who should bear what costs and benefits, we will analyze it primarily in light of its responses to those particular issues and attempt to gauge its value.

Focuses on the issue of political duty, one of political philosophy's thorniest issues. The main concerns here are with the power that the government claims when it addresses legislation to the people, as well as the legitimacy of its orders. The issue of "Do I have a responsibility or duty to follow the law, comply with the desires of the sovereign, or otherwise be a good citizen" will often be asked from the viewpoint of the citizen.' This collection of connected concerns may be traced back to Socrates in his Athenian prison cell, contemplating whether to accept the death sentence or flee with the aid of his companions, according to political philosophy literature.

After some preliminary sparring, I pose these concerns in the perspective of the state, which places expectations on its people, and I discuss two strategies that reject the endeavor of defending the legitimacy of the state. The first of them, anarchism, maintains that the state is an evil that cannot be justified and that using force is both superfluous and unethical. The communitarian, who denies the citizen any position from which the concerns might be

appropriately asked, makes a second effort to dismiss the question. The state's power is beyond the scope of our critical analysis. However, none of these skeptic methods carries enough weight to exclude more research.

The anarchist merely fails to capitalize on the knowledge that the state seems to be a bad operation on any basis of its capabilities. And saying "may" is wrong. This establishes the first and most evident justificational argument made by the state: regardless of how harshly these powers are used to individuals, the legitimacy of the state is acknowledged provided those persons give their permission to the institutions using those powers. This argument is unchallengeable, but it does not mean the issue is resolved since it turns out that the phenomena of consent is easier to charge than to observe. Some people give their permission outright, while others do so inadvertently, but there are too many bloodthirsty citizens who may justifiably deny their assent for these arguments to be useful to the state, which seeks universal fealty. The strongest case for consent is made for democratic individuals who participate in the decision-making processes that affect them, but even this case has to be heavily qualified and still won't persuade all skeptics.

The state has to provide more justifications if it wants to keep using its coercive dissenter-suppressing capabilities. A potential strategy transforms the concept of hypothetical consent into the building of a hypothetical contract, the provisions of which conclude that reasonable people should accept the power of the state on the basis of premises acceptable to everyone. We won't be able to assess this strategy with certainty. Despite the efforts of the great thinkers who are now gone. In this line, a complete current statement of the argument is required if it is to convey conviction. Hobbes, Locke, and Rousseau. In a similar argument, H.L.A. Hart makes the assertion that everyone who benefits from the cooperative efforts of others may be compelled to bear the burden of contributing to the upkeep of the state-run system that protects them. Exists such a fairness convention or rule? If so, does it set out how the state and its citizens should interact? These questions don't have apparent answers. The simplest solutions take use of the idea of implicit permission, which the concept was intended to clarify or replace. The argument from thankfulness, the oldest of all arguments, is the last one we look at. I'll save this argument from the skepticism of the contemporary mind, but we'll see that the conditions necessary for its effective application place significant restrictions on the state's constitution and laws, which might be said to merit respect out of gratitude.

Lastly, we immediately address the subject of the constitution in section 7. We assert that democratic institutions provide an useful sort of freedom when talking about liberty. Every discussion of human rights will center on the right to political participation. If the constitution is democratic, it is simpler to address the issue of political responsibility, though not exclusively so. In our consideration of the claims of democracy, we weave all these strands together. It seems sense that these ideals are almost universally subscribed to. We give Rousseau's contribution to democratic theory in order to reiterate these ideals and explain how they support democratic decision-making processes. This is not to mean that we are just repeating unarguable truths. Many people believe that his theory of the general will is too mysterious and enigmatic to support the legitimacy of democratic institutions, but we point out that the obvious utilitarian alternative maximizing pleasure by carrying out the wishes of the majority is profoundly unsatisfying.

The justification for direct democracy as opposed to representational democracy is the focus of Rousseau's arguments. For us, "representative democracy" may be both a requirement and an

upgrade over the direct plebiscitary decision-making paradigm, but it was an oxymoron for him. But then again, maybe neither are we genuine Democrats. If we aren't, if we see the need to rein in the exuberant democrat, it might be because we understand the risks of majority dictatorship. As significant a problem as we are likely to face in our lives as politically active citizens—and as a philosophical conundrum is majority dictatorship. We'll work to understand the difficulties. Lastly, we address the argument that the only option of resolving significant moral disagreements is via deliberative democracy. In order to establish an ideal agreement, we will come to the conclusion that these assertions are exaggerated. There are valid grounds to think that it may be impossible to come to a significant consensus on the problems put out for political resolution. Moral plurality fosters unresolvable arguments. Deep moral differences, which are sometimes the result of contrasting religious views, appear insurmountable. The most we can frequently aspire for is agreement on a technique of formulating policy or political compromise. Unfortunately, we have no reason to think that this best will satisfy the devotees of perilous causes. To protect his use of the voting booth, the democrat will have to resort to coercion.

Utilitarianism

Studying a thorough and well-developed ethical theory is an excellent place to start since it has gained widespread acceptance, generated explicit policy recommendations to resolve practical issues, and achieved clear conclusions when facing the philosophical issues raised by our political existence. I choose utilitarianism because I think it has these qualities. Several of the most notable recent contributors to political philosophy have acknowledged this. Utilitarianism should not be considered as a straw target; it has two major merits that we should not overlook. Although few people support utilitarianism, the majority of them recognize the necessity to define their viewpoint in opposition to the utilitarian salient. It is founded on a principle that, in theory, should hold true for all people: while evaluating behavior, we should pay particular attention to the consequences of human acts in terms of how they contribute to the wellbeing of everyone that the actions influence. Second, such emphasis is especially suitable for addressing the goals of the government. Recapturing the revolutionary significance of the assertion that government, in particular, has a duty to advance the welfare and lessen the suffering of all of its constituents, is prudent.

Principles of utilitarianism

First things first, however. Let me summarize the key components of utilitarian theory, starting with the most straightforward expression of the concept of utility:

Positive behavior maximizes wellbeing.

There are various ways to expound on this statement, but it is important to note that the most popular one, which refers to the greatest happiness of the largest number, ought to have been abandoned a long time ago. A concept that demands the maximizing of two independent variables would be indecisive across a significant range of instances, according to recent commentators³. Using Evans' example, rewarding the individual who runs the longest distance in the least amount of time is analogous to rewarding the conclusion that would make the most people the happiest. The phrase "the greatest happiness of the greatest number" was popularized by Bentham, who also used it as a slogan evoking democratic sentiments. However, even he acknowledged that the phrase was flawed in that it implied that only the happiness of the majority, or the greatest number, should be taken into account. He observed that a careless application of the principle in this formulation prompts the critic to claim that the utilitarian is

predisposed to disregard minorities' rights and to tolerate other injustices as long as a majority is suitable.⁴ As we shall see, these issues cannot be resolved as quickly as a flawed application of the principle would have us believe. Let's simply reiterate for the time being that each person's interests will be treated equally in the computations. Everyone must count for one, nobody for more than one, as Bentham contended and Mill reiterated [7], [8].

Official theory

Actions, Laws and Decisions

Formal theory and value theory are the two fundamental components of the utilitarian approach, and they should be differentiated and examined separately.⁶ Technically, utilitarianism is a consequentialist theory. It calls on us to weigh various outcomes in terms of their repercussions and determine which produces the most positive effects. Value theory determines which good should be maximized, and we will look at potential goods later. The topic of which we are to study the consequences is a crucial first question, however, which my explanation up to this point has omitted. There are three distinct possible responses, and it is crucial to consider whether or not, and to what extent, they may be mixed.

First, and most clearly, we may examine the effects of potential courses of action. The idea is simple: we propose to assess the rightness or wrongness of acts by assessing the effects of past deeds or by predicting future repercussions. This viewpoint is also known as act utilitarianism. A second suggestion is distinct. The rule utilitarian program, whose primary responsibility will be the evaluation of alternative rules to determine which rules will promote the best consequences, is based on the idea that the rightness or wrongness of actions should be calculated indirectly in terms of whether they are in accordance with moral rules. A separate and perhaps complementary kind of indirect utilitarianism posits that we assess behavior in terms of the intentions, tendencies, or character qualities it displays, such as applauding an honest person or criticizing a nasty one. The utilitarian will take into account those traits of character are most likely to cause persons who possess them to behave in ways that maximize well-being in this situation. Any moral theory that seeks to address concerns about character development in the context of moral education must undoubtedly address this essential matter. And it would be wise for us to keep in mind that John Stuart Mill thought these problems were crucial to the utilitarian cause.

So, we may examine the tendencies of rules or character dispositions as either act or direct utilitarians or indirect utilitarians. This approach of phrasing the situation implies that these are several paths that the utilitarian might take, although the proper course of action could be different. First of all, keep in mind that there is no logical reason why any of these topics, behaviors, laws, and dispositions may not be accessible to utilitarian analysis. The effects of doing specific acts, adopting and upholding moral standards, and creating and fostering propensities to behave in certain ways may all be examined separately. In reality, in order to be worth its salt, utilitarianism must be able to evaluate acts and actors in each of these ways. Only if we have cause to believe that evaluating along these several dimensions would produce conflicts or paradoxes will there be issues for the utilitarian. Regrettably, there is a possibility that it might.

There are sound utilitarian justifications for communities to establish and uphold property laws that specify who owns something, how it may be used, and much more. Conflicting claims are diminished, and cooperation opportunities are increased. Let's say we have a set of guidelines in place that, if widely followed, will encourage the best outcomes for everyone. These contain the

well-known admonition: Don't steal. Let's say that in order for Sally and her children to exist, she has to take a few potatoes from Robert's field. To strengthen our argument, we may imagine that Robert has extra potatoes on hand; yet, neither he nor anybody else notices the theft. Sally finds employment and can support her children since she is now well-fed. She never feels the need to steal once again. Did she act appropriately or improperly? She erred by breaking the utilitarian rule. Stealing is against the rules of the game, and Sally did it. A utilitarian act will be seen differently. It is clear what Sally and her kids stand to gain. Robert has lost very little. The theft has been more beneficial than the family being hungry. We should draw the conclusion that in this specific situation, act and rule utilitarianism arrive to different conclusions.

In situations when act and disposition utilitarianism is involved, the similar disagreement might arise. Let's agree that a society that is successful in fostering empathy and compassion in its citizens would perform better at promoting wellbeing than one that is unsuccessful.⁸ Carol pays money to a street collector who then uses it to purchase weapons for a terrorist organization. She was gullible in thinking the funds would be utilized to benefit spouses and families in need, which helps a destructive terrorist campaign succeed. Because profound dispositions like the one Carol has cannot be turned on or off, both her compassion and her credulity make her susceptible to devious requests. The opposing utilitarian will applaud her for showing compassion. If she did anything that caused a lot of pain, the act utilitarian will say she did it wrong. The requirements of disposition utilitarianism can seem to conflict with a utilitarianism of rules when my concern for others drives me to steal to avoid their famine. Does this string of instances make utilitarianism incoherent by simultaneously praising and criticizing behaviors from opposing points of view? If we accept the major points of the utilitarian answer that follows, maybe not.

What is the primary motivation for our argument that we should consider both the direct utility of actions as well as the usefulness of norms and dispositions? This idea is that it is a dream to think that a moral actor can constantly weigh the benefits of all potential actions to choose which is best. We lack the requisite time, patience, and, probably most importantly, information to make accurate judgments about the future effects that will result from a variety of alternative actions. This argument may seem fatal to the act utilitarian, but he responds quickly, insisting that if we consider the value of carefully considering our options, we will soon see the need for shortcuts. If the sailor can look it up in the Glasgow Herald or the Nautical Almanac, why should he start calculating when high tide will be in Greenock tomorrow based on what it was on a particular day last month? It is obvious that we need a moral equivalent of the tide tables, and moral laws provide one. Why not make use of a set of guidelines that provide precise direction rather than trying to figure out on our own how to deal with the anticipated effects of our actions?

Although fallibility and the expense of calculation imply that rules should play a significant role, they also put a high value on character development. Only Jeremy Bentham has suggested that the abilities of utilitarian calculation should be widely developed. However, many utilitarians have accepted the importance of inculcating strong dispositions, believing that spontaneous and unreflective responses of generosity and honesty will more than make up for our deficiencies as calculators. As a result, in order to do an act utilitarian, one must use norms and dispositions of character rather than other aspects of utilitarian assessment. Of course, the goodness of the consequences of deeds is the only true test of right action in the end, but if we have the appropriate set of regulations in place and a people with the right attitudes, this test is unnecessary. This explanation is believable, but how does it aid in solving the issue brought on by the conflict in the aforementioned examples? It implies that we need a thorough understanding of

the relationship between rules and character traits on the one hand, and behaviors on the other. Let's start with rules. Up until this point, I've been talking about rules as if they were straightforward occurrences that we were all familiar with. In actuality, there are at least three distinct rulesets in use.

The "ideal" rule, a utilitarian-specific technological instrument, is the first kind of rule. When we assert that activities are appropriate if they are in conformity with the norms that, if commonly followed, would promote the greatest good, we propose ideal rules. Utilitarianism based on the ideal rule has been successfully criticized. The following is a first challenge: Let's say our automobile becomes stuck right below the summit of the final hill before we arrive at our destination. Push is the obvious guideline that all five passengers must adhere to in order to cross the top and find a comfy slumber. Four passengers either fail to understand this or violate the rule. If ideal rule utilitarianism were the optimum framework for making decisions, then the fifth passenger should proceed even though her efforts alone would be in vain. This is obviously illogical. Also, it doesn't seem to be a utilitarian method since no benefits would result and the attentive rule-follower would pay a price for her actions.

The next challenge comes next. Change the situation such that just four people are required to push the automobile over the crest. Why would the fifth traveler want to push? If the fifth passenger stands by rather of giving her shoulder to the job, wouldn't utility be maximized? Likewise, according to the ideal rule of utilitarianism, not pushing would be incorrect, however it is difficult to understand how her needless exertion of effort could enhance benefit. The main takeaway from both of these instances is that true utilitarians will disregard ideal norms if the situation demands that utility is best served by deviating from them. According to J.J.C. Smart, a person can only be either a utilitarian or a rule-worshipper. The second definition of rules describes them as practical generalizations. A guideline for hillwalkers like "If you cannot see the point to which you are headed, take a compass bearing and follow it" is a better illustration of this than Mill's Nautical Almanac. Following this guideline will encourage you to bring a map and compass along on your walk and will normally assist you in avoiding navigational challenges. However, it's crucial to understand that the guideline shouldn't be adhered to rigidly. If the bearing brings you to a cliff's edge, you should break it right away. Also, if the compass veers off course although you seem to be moving in a straight path, you should think about if any magnetic pebbles may be nearby [9], [10].

CONCLUSION

Utilitarianism is a solid, logical, and coherent philosophy. The rule of maximum pleasure is the basis for utilitarian ethics. This rule states that people want to minimize pain and increase enjoyment. So, a morally just activity must result in the maximum amount of pleasure. A moral theory known as utilitarianism favors activities that increase happiness or pleasure and disapproves of those that increase sadness or damage. A utilitarian ideology would seek to improve society as a whole when used to guide social, economic, or political choices. It embodies consequentialism in some way. According to utilitarianism, the morally best course of action is the one that benefits the largest number of people.

REFERENCES:

- [1] D. J. Cohen and M. Ahn, "A subjective utilitarian theory of moral judgment," *J. Exp. Psychol. Gen.*, 2016, doi: 10.1037/xge0000210.

- [2] “A Comparative Philosophical Analysis of the Kantian Principle of Moral Theory and the Utilitarian Theory: Applications and Critiques,” *J. Humanit. Soc. Sci.*, 2020, doi: 10.33140/jhss.03.03.02.
- [3] J. Baron, “Uncertainty and probability within utilitarian theory,” *Diametros*, 2017, doi: 10.13153/diam.53.0.1098.
- [4] C. L. Sheng, *A Utilitarian General Theory of Value*. 2021. doi: 10.1163/9789004495111.
- [5] A. Gandjour and K. W. Lauterbach, “Utilitarian Theories Reconsidered: Common Misconceptions, More Recent Developments, and Health Policy Implications,” *Health Care Analysis*. 2003. doi: 10.1023/B:HCAN.0000005495.81342.30.
- [6] C. Villacis, “Revealed preference versus the utilitarian approach: discussion on the foundations of consumer theory,” *Cinta de Moebio*, 2021, doi: 10.4067/S0717-554X2021000300164.
- [7] J. C. Harsanyi, “A theory of prudential values and a rule utilitarian theory of morality,” *Soc. Choice Welfare*, 1995, doi: 10.1007/BF00186277.
- [8] P. Wesarat and J. Mathew, “Theoretical Framework of Glass Ceiling: A Case of India’s Women Academic Leaders,” *Paradigm*, 2017.
- [9] L. Palazzani, “The pandemic and the ethical dilemma of limited resourced: Who to treat?,” *BioLaw J.*, 2020, doi: 10.1017/9781839702266.004.
- [10] N. Drake, “A Humean Constructivist Reading of J. S. Mill’s Utilitarian Theory,” *Utilitas*. 2016. doi: 10.1017/S0953820815000370.

CHAPTER 3

A BRIEF DISCUSSION ON VALUE THEORY

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ABSTRACT:

The theory of value is crucial in the first place because it provides some significant assertions about rights substance. Consequentialists believe that one should always act in a manner that will produce the best results; to understand what this means, in particular, we must understand what constitutes good results. In this chapter author is discusses the aggregate and maximum average utility. There is solid evidence to support this. Although we advocate keeping your word, there are several situations when an exception might be justified. Occasionally we mention a particular qualification to the rule, implying that the rule is more complicated than its first, straightforward articulation. We may group exceptions, such as when we say: "unless the commitment would cause disproportionate damage to some third party," or we can create exceptions on a case-by-case basis whenever circumstances seem to call for breaking the promise. When this occurs, the utilitarian claims that we are justified if violating the law would maximize well-being.

KEYWORDS:

Community, Institution, Political, Philosophy, Utilitarianism.

INTRODUCTION

This rules-of-thumb version of rule utilitarianism has been argued to reduce to act utilitarianism as the conclusion of each of these computations is that the appropriate course of action is the one that maximizes utility, I believe. We may anticipate that the rules we follow when faced with uncertainty will become more powerful inhibitions. They may be instructed in the sure knowledge that they will acquire this driving force. Yet regardless of the driving force behind the rules we support, we shouldn't expect them to be impervious to change or protected from exceptions in situations when usefulness requires them. The utilitarian argues, with some justification, that the benefits of spontaneous good judgment are so great that we should be unwilling to breach the law without remorse. If the laws are firmly internalized, the goals of having regulations in the first place will be more difficult to defeat. Therefore, despite the fact that this particular form of rule utilitarianism is compatible with act utilitarianism, there are still compelling arguments in favor of inculcating moral principles like "Keep promises" into agents' consciousness, just as there are compelling arguments to encourage walkers to develop a habit of using a map and compass [1].

In political philosophy, a third understanding of rules is very significant. The set of laws that make up institutions falls under this category. While there are non-legal norms and non-legal consequences, many of these regulations will have legal effect and be supported by legal sanctions. Most cultures are likely to have a private property system, as expected. It is better to think of such an organization in terms of a connected collection of regulations that establishes rights, obligations, authorities, and privileges. Laws will be used to represent the fundamental principles, such as restrictions on stealing. There will also be non-legal or unenforceable

regulations that go along with it. I anticipate that most readers would agree with the advice to "never scribble in books that you borrow from friends." Marriage and family life, programs for treating the ill and teaching the young, and of course local politics are other institutions that combine legal and non-legal standards. The present trend of publishing mission statements does not serve to clarify the complicated "ontology" of such entities. I approach things idealistically. Institutions, as I define them, are made up of rules that dictate how members should behave. These rules may be seen from either an internal or external perspective. Internally, members align themselves with organizations whose regulations they see as legitimate. Observers that analyze institutions based on their members' behavior are said to be taking the external viewpoint. The word "insider" describes a job or viewpoint, therefore it is possible for the same individual to be both an insider and an outsider. It all relies on the perspective from which he is expressing or judging the rules in issue.

Institutional regulations vary from common sense guidelines in two key respects. They will first be justified as being required for the institution to operate effectively and as a means to the stated aims. This oversimplifies a notion that is very delicate since it assumes that the goals of institutions can be determined irrespective of the set of rules that make them up. But here's my point: Suppose we agree that one of the goals of family life is to provide kids a safe, nurturing environment. We will then defend laws both legal and illegal based on how well they serve this goal.

So keep in mind that we are utilitarians for the time being. We have institutions that are distinguished by laws that advance the purposes for which they were established. As a result, we do not assess institutional norms individually and explicitly in terms of their many utility-enhancing effects. The evaluation will be on the institution as a whole. The utilitarian will start by addressing the big issues, such whether children should grow up in a nuclear family, an extended family, or a kibbutz. After evaluating the relative benefits of these various domestic arrangements, we may next decide how to support what we have determined to be the ideal domestic unit, such as by establishing the guidelines for suitable income tax deductions. Rules of thumb are different from institutional rules in that the institution, not the rule, is the main subject of justification. The second key distinction is similarly significant. This is about how certain acts are justified. Suppose that a system of laws controlling bequests and inheritances is in place to regulate private property. My family is struggling[2], [3]. Is it ethically OK for me to amend Donald's will in order for his inheritance to provide my family with the stability they need rather than fund Donald's intended beneficiary's drug addiction?

If the guidelines for bequests were only rules of thumb, the decision would be clear right away: What does utility need in these circumstances? When we think about institutional norms, things are extremely different, and it is crucial to understand why. This is a noticeable distinction. In the case of general guidelines, the rules have standing in the moral agent's deliberations as ready reckoners that eliminate the need for difficult, frequently fallible calculations. However, in situations where the situation cries out for judgment outside of the usual response of compliance, direct calculation of the appropriate utilities can be the only rational response. Institutional norms have power that is completely apart from their function as direction for those who are uncertain or under pressure. They are not subject to examination unless they are seen to be components of institutions, which find their justifications in terms of how they operate as a whole. Undoubtedly, one may challenge a system and demand to know if it supports usefulness. Yet if it succeeds, the institution solidifies and develops a social reality that cannot be eliminated without deliberate

action. Similarly, one can attempt to change the institutional regulations. Maybe new, improved regulations will benefit the institution more. And this kind of tweaking is evidently ongoing in legislative activities. But let's say an organization does promote utility in the manner that its supporters assert, and let's say the organization's rules do so in a way that effectively ensures this. If the utilitarian agrees with these assertions, he is not permitted to break the law in order to further usefulness. If two individuals agree that playing chess is the most beneficial way to spend their time, neither of them may cheat while the game is still going on the theory that doing so would make the rest of the game more enjoyable for everyone. It may be the case that altering the rules may result in a better game, in which case they will likely do so by disadvantaging one of the participants. Therefore, cheating cannot be justified by rule modifications that may be acceptable to adopt later if the rules are as they are at the start of the game. The trade-off for adhering to institutions that prioritize utility is giving up the chance to disobey the law when doing so can result in advantages in terms of utility.

Hence, if I am discovered to have forged Donald's will, I shouldn't count on the judicial authorities to pay much attention to my utilitarian defense. They shall adhere to the guidelines that the utility has said must be followed in all circumstances. There is no grand utilitarian ombudsman ready to examine all claims made by people that they breached the law to further some greater utilitarian goal. Neither should this type of argument convince us that one ought to be put in. The inefficiency of creating such an institutional position is something the readers may determine for themselves!. This is not to argue that institutional norms shouldn't be violated during crises, disasters, or catastrophes. Driving a seriously wounded person to the hospital may justify exceeding the prescribed speed limit. Yet, you shouldn't anticipate receiving punishment either since a justified and highly successful system would provide for such situations by, for example, defining acceptable defenses against the accusation of wrongdoing.

If such safeguards are lacking, the institution's regulations should be changed to allow them. Compare and contrast this to the general guideline of following compass bearings. When we find ourselves at the apex of the cliff, we don't change or modify the rule. We ignore it until we have overcome the barrier, then we take it up. We are not in the business of establishing best practices that cover every conceivable scenario; such guidelines would rapidly become cumbersome and be just as difficult to implement as immaculate act utilitarianism. But, while we work to create and maintain the best possible institutions, there is a grave flaw in them that cannot be fixed even in the face of obvious disutility. We are informed that commanding officers may honor troops for their courage and then discipline them if their gallantry entailed defying instructions[4], [5]. The utilitarian should urge, "Change the rules."

For the time being, let's agree that the utilitarian may support two distinct concepts of rules: institutional norms that advance utility via the dynamics of some complicated system, and rules of thumb that avoid laborious and uncertain computation. Because of this, utilitarian judgment makes use of rules. Can the potential conflict between the utility of acts and the utility of dispositions be resolved using comparable arguments?

I have a feeling they can. It makes sense to develop in ourselves and others the virtues that lessen the likelihood of conflict and increase the likelihood of constructive cooperation. It makes sense to control or get rid of traits that cause conflict or make it endemic. They seem to be eminently reasonable utilitarian techniques, supposing that conflict causes suffering and cooperation enhances wellbeing. We may all create our own lists of preferred and concerning character traits. Being, in Nietzschean terminology, a typical contemporary wimp, compassion and sympathy,

courtesies to strangers, tolerance, and good humor would be high on my list of excellent traits. Speaking of "dispositions" in this context implies that there are no strict uniformities of reaction dictated by iron rules, which is one of the wonderful things about it. Utility may dictate that widespread harmony and composure prevent conflicts from occurring, but given the circumstances, it may be appropriate to lose control and lash out in anger. Again, the utilitarian should advise cultivating dispositions to combat the demands and challenges of judgment. Common sense suggests that persons with a generous disposition are a societal benefit, but it also suggests that generous reactions should be controlled when it seems that those who appear to require help would be better off learning to handle this particular challenge on their own. When it comes to rules of thumb, we've seen how they may be useful in a variety of situations even when their use can't always be justified by utilitarian analysis. The appearance of contradiction is less obvious when it comes to the value of dispositions since we don't often consider character traits to be rigidly predictors of behavior.

DISCUSSION

There is still one intriguing question. Regarding institutional norms, I argued that they indeed possess a legitimacy that defies the application of utilitarian analysis to specific chances for utility promotion. Is there a comparable concept in terms of character traits? I believe there could be. While I have stated they would have some structure determined by function or purpose, the category of institutions as I have used it has been rather broad,¹⁶ including nearly any congeries of norms. In fact, if an organization doesn't foster unique and acceptable emotional reaction styles as character traits, I really doubt it will ever have the ethical power to inspire its members or subscribers to adopt a "internal" point of view about its laws. Any understanding of domestic relationships that emphasizes norms and the rights and obligations that go along with them as the core has a bloodless quality. In this case, the utilitarian claim that particular institutions are conducive to general utility will require that participants display the appropriate emotional qualities, and we should recognize the force these may exert on individuals who exhibit them. The capacities for love and affection should be in the foreground. Who knows, there may be times when public utility involves the sacrifice of one's first-born son in defiance of these institutions and its inherently required feelings; unlike God, the utilitarian should not then expect compliance.

Aggregate and maximum average utility

Whether we should maximize aggregate or average utility is a further issue in formal utilitarian theory. For the majority of purposes, arranging several outcomes according to aggregate or maximum average utility will provide the same results. If Policy A generates 100 units of utility but Policy B generates 50, then Policy A is superior overall. A will once again be superior to B if both policies apply to the same population, let's say 50 individuals, since the average of two units per person is higher than the average of one. No problem of principle is presented as long as the number of individuals over whom the average is taken is consistent across the different results.

But, this circumstance won't always be true. We can all think of policies relating to housing, healthcare, reducing pollution, and even traffic management that, in part, define the number of individuals impacted by the policy. A very blatant example of a policy that creates a new theoretical issue for utilitarians is the potential of population control, or government action that is intended to increase or, more likely now, decrease the amount of a country's population.

Assume that two policies C and D have an impact on 100 units with the same total utility. Do we choose policy D, which doubles the population and then distributes the 100 units among 100 individuals, or policy C, which divides these units among 50 persons? In terms of total utility, the outcomes are identical; but, in terms of maximum average utility, C outperforms D. Whether the units measure assets or mental emotions like pleasure, it seems that we should conclude that policy C will improve our situation. There are fewer individuals who get cake. Children learn this lesson extremely early on, as soon as they realize that life becomes tougher with each new family member. Without any further information, Policy C seems more logical to us [2], [6].

Yet if we firmly want to be one of the fortunate few, we should wonder: where are the other 50 people? Have we spoken nothing about them? Do they not have a claim on us? You may think these questions are absurd, yet there is a purpose behind them. As we contemplate the effects of our actions on future generations, we do speculate about such "missing folks" and take their influence into account when developing policy. I may start planning now to put money down for the schooling of my grandkids. While I don't now have any grandkids and may never do so, it's not absurd to consider making plans for these fictitious offspring. My independent financial advisor says that I must make retirement plans, but he has no more insight into my future health than I have. It makes sense to consider and prepare for people who don't exist now and may never do so, just as it makes sense for those who do exist now but might not when the plans are realized. Hence, shouldn't we think about the consequences of what we do for them, what we have taken away from them or saved them from, if our choice of policy means that 50 individuals who do not already exist will never do so? Have we not deprived them the chance for a life with a positive sum of well-being if we choose Policy C over Policy D? And maybe Policy E, which guarantees 150 utility units distributed among 120 beneficiaries, is on the horizon. In this instance, the overall utility is clearly in your favor. Isn't this the wisest course of action? This intuition strongly disagrees with the idea that maximal average utility is the only factor that counts. I'm going to leave this challenging issue unsolved. In what follows, I'll make the assumption that we're trying to maximize average utility, but you should be aware of my caveats[7], [8].

Maximization

The uncritical usage of the word "maximization" conceals one last presumption that has to be out in the open. The typical utilitarian image is one in which actors, either personally or in the position as policymakers, chart the results of their decisions and then identify both the good and bad impacts as they affect particular people. We "maximize" utility by choosing the course of action among various alternatives that maximizes net utility. This implies that we choose the best course of action by summing the utility scores for each affected person to arrive at a total utility score that can be represented by a concrete number for each potential outcome. In the paragraphs above, I discussed how this technique was implied in my explanation of the comparable outcomes with regard to aggregate and maximum average utility.

I cannot even begin to examine all the implications raised by this interpretation of maximizing as addition, but here are a few: 19 Are the good consequences of action susceptible to measurement at all? Can the effects on one person be calculated as the total of the several ways that people may be impacted? Imagine a policy that simultaneously restricts my freedom and enhances my health. What metric may be used to compare these disparate effects? How are distinct individual replies to be compared and then recorded on a common scale if we accept that people may be able to provide their own answers to these questions? How are interpersonal

comparisons and utility assessment feasible, to use the standard jargon? Two things are absolutely clear: first, it will be very difficult, if not impossible, to find a common denominator among a variety of goods that will allow the arithmetical operations of addition and subtraction; the utilitarian may well have to make due with mathematical tools that do not allow the operation of arithmetical functions. Second, the description of the goods in issue will determine exactly what is achievable in both individual and interpersonal circumstances. Hence, I now move to utilitarian value theory[9], [10].

Value analysis

The utilitarian value theory outlines the criteria we should use to evaluate decisions, policies, or attitudes in light of their potential outcomes. It explains what we are comparing when we decide whether alternative actions or conditions of circumstances are optimal. I have characterized the good that needs to be evaluated so far as utility, well-being, or welfare. I've been assuming that we have a general understanding of what these phrases mean, but in reality I've been writing blank checks and relying on the reader to fill in the value in a believable way. Whether the utilitarian has the philosophical foundation to defend them is a matter of debate. I will emphasize topics that have an impact on the political philosopher's agenda in this succinct examination of several views of the value to be maximized.

Hedonism

The human good or the good of sentient beings, as defined by the classical utilitarians John Stuart Mill and Jeremy Bentham, was supposed to be happiness, which they defined as pleasure and the absence of sorrow. Hedonism is the philosophy that links enjoyment with goodness. Happiness is a good because everyone wants it, and happiness is the only good because any other candidate good can be seen to be either a means to happiness or a part of it, according to Bentham and Mill.²⁰ Mill's strategy in this proof has two elements: happiness is a good because everyone wants it, and happiness is the only good because any other candidate good can be seen to be either a means to happiness or a part of it.

It's difficult to analyze Mill's claims. It is obvious that this is a hedonistic attitude, but it is unclear if Mill has really managed to distance himself from Bentham's egoism as he had hoped. He believed that it is apparent that agents want other people to be happy. They could be kind, helpful, giving, and sympathetic; the intelligent utilitarian will develop these traits and support them in others. These personality traits may also lead their bearers to behave in ways that compromise or undermine their own satisfaction. At this point in his demonstration, Mill must stress that these traits of character, which we might refer to as virtues, that follow his description, must be, in some way, components of the agent's own pleasure. For the display of them, their lives must be improved. If there are no possibilities to practice virtue, the individual must get discouraged and lessened since virtue is a component of pleasure. In order to avoid falling into the trap of egoism, we must separate the pleasure from the agent's purpose. At the very least, we must assume that the virtuous person likes doing virtue.

Actually, doing this is fairly simple. I promise that practicing virtue will make you happy, maybe very happy. Given the manner in which people differ, many methods for obtaining pleasure are invalid. Finding the sources of pleasure requires self-discovery rather than professional instruction. Nonetheless, the joy of doing a meaningful task is as ubiquitous a phenomena as any that can be shown in this field. Nevertheless it is evident that people that succeed do not behave in a way that will enable them to do so. It's not a feeling that can be actively sought for or one

that can be diligently pursued while being non-shameful. It takes a very specific type of moral creep to get excited by the thought of someone in severe need of help. Yeah, excellent. Such a person would declare, "Another chance to feel that special gratification I get from helping others! "I loathe to generalize across the special realm of human motivation, but I don't see how the awareness that one has sought and acquired a kind of personal pleasure one values can coexist with the conviction that one has performed virtue." The potential of achieving it may not inspire the activities themselves, despite the fact that the sense of pleasure is almost always the result of the sincere expression of virtue.

Mill was fully aware of this. But if that's the case, what does it mean for his assertion that agents' acts are justified by or serve as an example of their desire for happiness? But, saying that virtue is a component or element of pleasure is not the same as saying that virtue can or always will contribute to happiness in the sense of giving the agent a constant sensation of satisfaction for doing rightly. As behaving virtuously is something we want irrespective of the possibilities for our happiness, no matter how favorable these prospects may be as a consequence, I have come to the conclusion that the virtues only contribute to our happiness when it is not our happiness that we seek by exercising them. This implies that pleasure is not the sole benefit we seek. If this is acknowledged. We also appreciate the benefits of living a moral life.

Happiness and the pursuit of a moral life are now two separate commodities. There could be more. Giving instances of conflict is the traditional method for creating a list of different products. Griffin²¹ cites Freud as a well-known example who was willing to endure significant suffering throughout his terminal illness in order to maintain his mental clarity. So, one may argue that having awareness of one's affairs and environment is beneficial regardless of the presence or absence of discomfort. If we slightly modify the example, we may depict situations where a painful patient is willing to endure considerable pain in order to maintain control over the areas of her life that she perceives to be essential. This will introduce the concept of autonomy separately.²² A somewhat different patient could endure excruciating pain in order to complete a goal that has been at the heart of her ambitions, such as building a home, establishing a forest, or producing a book. And we may salute individuals who put their lives in danger by mountain climbing, cave diving, and making exhausting sea trips - all in the name of goals that cannot be characterized as the pursuit of pleasure. It seems that having a feeling of accomplishment is a fundamental human value. The two are distinct, as is health and pleasure. I may put my health at risk in the sake of pleasure, and I may forgo delightful activities if they endanger my health. I may put my eyesight at danger while painting miniatures and continue skiing at the expense of severely injuring my knees. Every step on the list of unique human commodities presents a problem.

The utilitarian may still insist on hedonism in the face of these obstacles, but it is obvious that he can only do so by maintaining his insistence that all of these distinct commodities are wanted as a path to pleasure or as components of it—parts or ingredients, in Mill's language. But, I have a suspicion that the argument's limited cogency is the result of stipulation since our conception of happiness is so flawed. The definition of happiness as the absence of suffering and pleasure makes sense, but as I said above, we are obliged to acknowledge other things that are in conflict with happiness. Happiness becomes nothing more than a cipher, gathering all of the unique objects of human desire, if we are to incorporate these conflicting benefits in the definition we provide of pleasure. Because happiness is no longer a value in terms of which we can evaluate various outcomes that enhance pleasure along these diverse dimensions, incoherence obviously

poses a danger. In order to determine what is the optimal course of action, we no longer use happiness as a common denominator.

Desire-satisfaction

The utilitarian still has recourses. Yet keeping an eye on Mill's evidence, he might argue that we have missed a crucial quality that unites these goods: they are all the objects of distinctive human wants. This proposition has been seen by many as being quite alluring. Human behavior reveals human desires. In reality, the prices of things, which are set by how much we are willing to pay, may measure their intensity and record the level of our contentment. Our actions serve as a reflection of their strength. At this moment, economics joins forces with ethics and political philosophy, releasing all of its potent mathematical tools for use beyond of the strict confines of the depressing science. We won't have to act as if we're "weighing" the joys and sufferings of the future, as if they could be compared to fruits and vegetables. The consumer with a spreadsheet who wants to go on a journey of self-discovery may use welfare economics, and the concerned policymaker can use it as a tool to enact the policies that will best benefit people who will be impacted by them. Bentham's outdated "felicific calculus" device, which calculated the intensity, duration, propinquity, fecundity, and other characteristics of joys and pains, may be found in the same museum of archaic scientific equipment as the first slide-rule.

CONCLUSION

A theory of value should explain the variables that affect how money is distributed. A theory of value should explain whatever influences outside the economic system affect the quantity of profit if it is unable to pinpoint it. The utility of theories is derived and secondary. A theory is a well-supported explanation of a feature of the natural world that may include rules, hypotheses, and facts. Its main significance is the pleasure they provide for that "independent hunger of the intellect," which is curiosity.

REFERENCES:

- [1] J. S. Eccles and A. Wigfield, "From expectancy-value theory to situated expectancy-value theory: A developmental, social cognitive, and sociocultural perspective on motivation," *Contemp. Educ. Psychol.*, 2020, doi: 10.1016/j.cedpsych.2020.101859.
- [2] S. H. Schwartz *et al.*, "Refining the theory of basic individual values," *J. Pers. Soc. Psychol.*, 2012, doi: 10.1037/a0029393.
- [3] E. Pirgmaier, "The value of value theory for ecological economics," *Ecol. Econ.*, 2021, doi: 10.1016/j.ecolecon.2020.106790.
- [4] M. J. Kim and C. M. Hall, "Can sustainable restaurant practices enhance customer loyalty? The roles of value theory and environmental concerns," *J. Hosp. Tour. Manag.*, 2020, doi: 10.1016/j.jhtm.2020.03.004.
- [5] C. Li, "A Control-Value Theory Approach to Boredom in English Classes Among University Students in China," *Mod. Lang. J.*, 2021, doi: 10.1111/modl.12693.
- [6] A. Noga, S. Jarzębowski, and P. Maciąg, "Co-productivity as a new value theory in value chain analysis," *Cent. Eur. Manag. J.*, 2020, doi: 10.7206/cemj.2658-0845.15.
- [7] K. Ronasi, A. H. Mohsenian-Rad, V. W. S. Wong, S. Gopalakrishnan, and R. Schober,

- “Delay-throughput enhancement in wireless networks with multipath routing and channel coding,” *IEEE Trans. Veh. Technol.*, 2011, doi: 10.1109/TVT.2010.2103097.
- [8] K. S. Sedzro, A. J. Lamadrid, and M. C. Chuah, “Generalized Minimax: A Self-Enforcing Pricing Scheme for Load Aggregators,” *IEEE Trans. Smart Grid*, 2018, doi: 10.1109/TSG.2016.2602870.
- [9] M. Ma, N. Zhao, and L. Zhang, “The Positive Side of Maximization: Linking Maximization Tendency With Meaning in Life Through Time Perspectives,” *Front. Psychol.*, 2021, doi: 10.3389/fpsyg.2021.708117.
- [10] A. Weersink and M. Fulton, “Limits to Profit Maximization as a Guide to Behavior Change,” *Appl. Econ. Perspect. Policy*, 2020, doi: 10.1002/aapp.13004.

CHAPTER 4

ROLE OF IMPORTANCE IN POLICY-MAKING

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ABSTRACT:

India's parliament is the top decision-making body for public policy. It is supreme because the Prime Minister's council of ministers must have the backing of a parliamentary majority to continue in office. It enacts laws which will bring the policies into effect. In this chapter author is discusses the distributive justice. While the evils brought on by its implementation as well as the hazards in the future may be significant, it is impossible to overstate the significance of this line of utilitarian theory development in policy-making. Environmentalists scoff at the application of cost-benefit analysis methods to issues concerning the preservation of untamed nature or picturesque landscapes. Yet, at this time, we are just thinking about its shaky theoretical foundations. Two initial challenges exist, and both of them lead in the same direction. First off, it goes without saying that satisfying a desire that is misguided or poorly evaluated may not be a smart idea.

KEYWORDS:

Environment, Liberty, Political, Philosophy, Policy-Making.

INTRODUCTION

The deepest demands of a sick kid who despises the taste of medication may be satisfied if she dumps it down the drain, but if the child is unaware of the compound's qualities or believes that its flavor is more important than its therapeutic powers, this choice should be disregarded. Its enjoyment isn't beneficial. In order to find value in informed want satisfaction, we thus adapt the account. This brings us to the second significant challenge: other wants should be considered as well. Consider the sadist's desires. It seems that in order to evaluate sadistic behavior, we will need to compare the victim's desire to escape the agony the sadist wants to inflict against his own interests, which the utilitarian will weigh against. A squeamish desire-satisfaction utilitarian must hope and pray that the victim's discontent will outweigh the sadist's potential pleasure. Nevertheless, it seems obvious that the sadist's pleasures should not be taken into consideration at all when judging his activities. When he succeeds, his desires are satisfied, which contributes to his actions being evil rather than good. Hence, the account has to be updated once again; the good to be recorded is now the fulfillment of wishes that are both lawful and well-informed; illegitimate as well as uninformed and badly assessed desires should be discarded [1]–[3].

The challenges are clear. How much reasoning ability and knowledge are required for our wants to be considered sufficiently well-informed? We need to know more than the little kid who thinks that nothing that tastes bad can ever be beneficial for her, but do we really need to know all that the greatest science has to offer before our wishes are sufficiently well-informed? How much excellent judgment do we need, assuming we have access to all the necessary information? Again, we'll need more than a kid who thinks avoiding motion sickness is more important than maintaining excellent health. But estimating how much more is difficult. One is informed that

smoking typically shortens life expectancy by five years. Is the informed doctor's decision-making flawed since she smokes despite the danger it poses to her health?

Much more challenging is the reaction to the sadist example. The demand that wants be well-informed and correctly assessed has more than a smell of normativity since errors in knowledge and judgment undermine the inherent authority of the desires they produce. There must be canons for the evaluation of wishes from these viewpoints, if not already in place. Thus under penalty of the account being circular, these canons cannot result from utility considerations. Since the utilitarian needs a non-moral argument to demonstrate that the desire for another's harm, and the satisfaction gained from achieving it, should be entirely discounted²⁴, this difficulty is made even more evident in the case of the requirement that desire-satisfaction be gained legitimately. The riskiest course of action here would be to distinguish as legitimate desires which are natural or not, alluding to some spurious hybrid of folk biology and religious dogma, of the kin.

The idea that satisfying one's desires is the source of all human value or that desirability is the foundation of a formal account of the good that assembles all the aspects of life that people value is one that I do not think the utilitarian has the philosophical or anthropological resources to support. I don't understand the value in adopting a theoretical framework that lumps a variety of human commodities together under one heading, such as desirables or elements of pleasure, if that framework does not function in the rating of outcomes as better or worse. In certain circumstances, we may determine that a particular course of action is the best in terms of autonomy, happiness, and other factors. We can analyze the many arguments and conclude that a certain course of action is the best overall. Nevertheless, we won't be able to support this second assertion by identifying any key component or common denominator that acts as a proxy for usefulness as a whole. Instead, we will be given a "objective list" explanation of the good, in which each component is defended independently. All of these and more are candidates to be investigated, including happiness, awareness of one's condition and affairs, stable romantic and friendship connections, excellent health, independence and liberty, a feeling of achievement, and the appreciation of the beauty of human creations and nature. Explaining how various combinations of these goods may be compared to one another to the point where a judgment of "best result" can be made will be the main challenge for utilitarians. Yet, any utilitarian worth his salt will see what the critic views as a difficulty as an opportunity!

I don't want my critique of utilitarianism to be seen as a scathing attack. In some of the areas I've described and in others, utilitarianism needs to be fixed. Nonetheless, the dialectic of philosophy indicates that the main ideas, including utilitarianism, have relatively high resilience in the face of destructive criticism. When opponents put out more complex and in-depth refutations, proponents discover previously hidden resources inside their ideas that temporarily deter attackers and lessen the harm they do. I have so far been looking at utilitarianism's foundational ideas, or its core ideas. I want to go on by examining utilitarianism in action and assessing the utilitarian narrative in light of fundamental political principles. This will be used as a foundation for more than just evaluating utilitarianism's contribution to political philosophy. Also, it will create issues that we will go into more depth about in the following.

DISCUSSION

Utilitarian Political Theory

Liberty

There is a compelling historical justification for expecting the utilitarian to have insightful things to say about the worth of liberty. John Stuart Mill, the most important representative of classical utilitarianism, has also been the most effective defender of liberty. He makes a powerful case for civil liberty in *On Liberty*, arguing that people should have the freedom to do as they like without being constrained by the government or, more crucially, by nosy neighbors. It would thus be unexpected if his defense of liberty did not contain a utilitarian bent. However, Mill's utilitarianism is clear throughout, despite the insertion of distinctively perfectionist arguments asserting that liberty benefits humanity in the creation of distinctive excellences. It is said that liberty is crucial for the well of both people and society.

It is probably archaic to bring out one flaw in Mill's argument from the outset, but it should be made apparent anyway. Moreover, that is a flaw that we'll try to fix later. I'm thinking about his lack of analysis or his negligence in doing it. We inquire as to what "liberty" means in the claims and catchphrases made by both its supporters and adversaries. Since Mill's knowledge was equally expansive, he concluded that both his fans and detractors had the same viewpoints and that no damage had been done. This was a mistake, as we'll discover in the following chapter. For the time being, we'll assume that our grasp of the ideal of civil liberty is clear enough for us to adhere to Mill's defense of it [4].

The chapter of *On Liberty* devoted to the freedom of thinking and speech develops the first strand of Mill's utilitarian defense of liberty. The argument's core theme is blatantly utilitarian. The spread of correct views, wrong beliefs, and opinions that include both truth and falsehood all have advantages. These advantages result from the contribution that a robust and unrestricted intellectual life makes to the advancement of society. The cost of censorship and other restrictions on how ideas are communicated via the media is that development is stifled because people are unaware of potential for improvement. On the other hand, we may be able to pinpoint the situations in which the price of freedom of expression is too high. Libel and defamation, incitement to do harm, and many other types of conduct may be illegal. We must assume that the costs exceed the benefits. So, we have a case for a particular institutional protection system. A community should construct or abide by a network of positive norms, which will be a combination of constitutional, legal, and extralegal permits, prohibitions, and defenses, in order to achieve the stated benefits. Each of us may consider the most efficient approach to put this plan into practice and examine our institutions in the context of such a directive.

Mill firmly believed and I think plausibly that intellectual freedom and open discourse were essential tools for advancing society. Nevertheless, I don't want to go into that issue right now. As Mill himself felt that by defending this specific network of liberties, he was demonstrating to us how discussions of this kind should be conducted, we should instead concentrate on the argument's structure. The first step is to establish the need of a certain activity by demonstrating how notable benefits may be obtained if it is promoted and safeguarded. If free speech and discussion are beneficial, then it is vital to allow for them in order to reap their rewards. The same argument could be made for each of the major liberal freedoms, including freedom of religion, freedom to associate for the purpose of advancing common interests, freedom to pursue a career, and freedom to participate in politics. Each of these freedoms can be justified on the basis of utility, and institutions have been created to support and ensure citizens' participation in them. And just as with the right to free expression, restrictions and conditions might be imposed where doing so is practical.

Keep in mind that this is not a case for liberty in and of itself. The argument for liberty must be made out of the worth of each pattern of action, with each pattern needing to be defended independently. The second part of Mill's utilitarian defense of liberty demonstrates how liberty has intrinsic value apart from the worth of the actions it authorizes. This is his justification for individualism in Chapter 3, "On Individuality," of *On Liberty*.²⁷ Once again, the justification is a straightforward application of utilitarian principles. When people are allowed to choose their own actions, according to Mill, their pleasure is increased. The use of what he termed our uniquely human gift depended on our pleasure. This includes the mental faculties of observation, anticipation, reflection, and judgment, which are most actively used while making decisions. We should add that the employment of these talents is evident in those activities which give the "higher pleasures," which Mill notably supports in *Utilitarianism*,² to ground the utilitarian fundamentals of this argument. If choices are made for us, we will be little and stunted creatures, not even close to as happy as we might be if we were our own rulers. Also, we would feel a great lot of irritation if we knew that possibilities for such educational decision-making were being withheld from us. Mill is explicitly contrasting open societies, which encourage people to draw on and develop capacities that are necessary for them to flourish by giving them the most opportunities to decide how to best live their lives, with societies where choice is severely constrained and people lead spiritually depleted lives.

Every person benefits from having the freedom to make decisions since decision-making itself has benefits. This is why having the freedom to make decisions is important. It makes use of brain processes vital to our general wellbeing. Nonetheless, because the choices made are probably better than those made on their behalf by others, people will also benefit. Most of the time, people are the greatest arbiters of what is in their own best interests and what makes for a fulfilling or happy existence. Imagine a well-stocked newsstand with rack after rack of magazines catering to highly niche interests not just one magazine for fishermen, but three or four on trout and salmon fishing, the same number for coarse fishing, a few for sea-anglers, along with weekly newspapers for all types of fishermen. Then increase that amount when dozens of hobbies march down the aisles. The idea is that, similarly to how we may choose any magazine to fit our interests, we too need to choose our own interests. It is utterly unrealistic to imagine that anybody, not even our parents or close friends, much less Big Brother, would influence our interests. We are the greatest judges of where our happiness rests, therefore when we decide for ourselves how to live, we make better choices.

We are happy for having the chance to get what we know to be beneficial for us as people, in addition to being happier because of the manner that we grow when we make decisions. Yet the advantages brought forth by broad liberty do not stop here. Every life, whether normal or unconventional, is a living experiment from which everyone may benefit since interests lead to knowledge and brilliance creates role models as well as innovators. It is inspirational to think of society as a universe of autonomous centers of brilliance that support one another. But, just like other utilitarian arguments, it can only be as powerful as the data on which utility forecasts are based. Also, the situation's realities obstruct vision. No customers cross paths at my alternative lifestyle newsstand. Without meddling with other prospectors, everyone searches out what they have determined they most want to be. Nevertheless, harmony and alignment are not as common in the actual world. People intentionally block one other's routes, obstruct each other's way, and damage each other out of spite as well as in the pursuit of competing goals.

So, liberty as a whole has substantial drawbacks as well as undeniable advantages. Can we maintain the advantages while lowering the costs? Accord to Mill, we can. He thinks he has made a presumptive case for being released. Claims of freedom must always be given some credence because anytime people have a choice, benefits accrue minimally to them, maximally to others. Yet, if others incur significant expenditures as a result of exercising their freedom, these advantages could be overshadowed. If an activity causes injury to another person, then liberty may be restricted for morally sound grounds. The utilitarian may uphold the presumption in favor of liberty while also restricting it when it is proven false, such as when one person's enjoyment of freedom causes injury to another.

By supporting a damage principle that limits the government's and society's ability to intervene in its citizens' lives to actions that endanger others, we can make a stronger case for free speech. According to Mill, such a premise is as follows: Self-protection is the only reason humanity has, either individually or collectively, the right to interfere with another person's right to freedom of action. preventing damage to others is the only reason authority may legitimately be used against the will of any member of a civilized society.

Finally, take note of the fact that Mill, a good utilitarian, thinks he has established a necessary condition on legal intervention. Although there must always be a strong justification for the avoidance of damage to others if intervention is to be considered legal, the mere fact that such a case may be established does not automatically support interference. There is an obvious explanation for this. Interference has expenses of its own. The costs of this extension may possibly outweigh the benefits offered by the avoidance of damage if, for example, the only option to stop the potential harm is to sanction a significant expansion of police powers.

Rights

It is evident that the utilitarian defense of rights and the utilitarian defense of liberty are intertwined. While conceptual analysis is necessary to connect and separate claims of liberty from claims of rights, at first glance, the right to free speech and the ideal of freedom of expression are conceptually quite close to one another. This is also true of other distinctively liberal liberties. For many philosophers, the discussion of rights signifies a unique method of defending freedom, one that stands in stark contrast to the employment of utilitarian justifications. I'll address these questions in more depth at a later time. I'm satisfied for now to highlight the key components of the utilitarian argument for rights. And once again, John Stuart Mill offers the best place to start. We can't be upset that Mill doesn't try to analyze the idea of rights. A right is a justifiable claim made against another person that is required for the promotion and protection of important interests.

If we refer to anything as a person's right, we imply that he has a legitimate claim on society to defend him while in possession of it, either by the power of the law or through the force of knowledge and opinion. We refer to someone as having a right to something if they have what we deem to be a sufficient claim, for whatever reason, to have it provided to them by society. to own anything from which society should protect me in court. If the objector continues, why should it? I'm just able to respond with general utility. Rules and policies will safeguard and support claims. The state, smaller groups, and people must take action to protect and promote these norms, which may be legal or non-legal.

So, the pattern of justification for rights is elegantly straightforward. Let's take a candidate right - the right to bodily integrity - and define it as people's minimum demand that they not be

physically abused or raped. The utilitarian will defend this assertion by pointing to the pain endured by the victims of such assaults and the fear that such attacks induce among the weak. The need for security among a society's constituents will be almost universally recognized as a concern. Via judicial systems that discourage and penalize infractions, it will safeguard this interest. So, the ability to make compelling utilitarian arguments in favor of demands that interests in personal security be promoted and maintained by whatever institutional measures are most effective is necessary in order to have the human right to bodily integrity. Any human rights claims we make may be evaluated using this method. The utilitarian has explained what human rights are and how they might be justified; he will have strong empirical investigations at his disposal to establish how they are best protected in practice.

Distributive justice

Every community requires rules that distribute resources to members, settle disputes between claimants, and disperse the gains from cooperative work. It has long been believed that utilitarianism has unique difficulties in developing the concepts necessary to carry out this effort. The critic is primarily preoccupied with this idea: utilitarianism prioritizes the maximization of the good, yet multiple outcomes may provide the same amount of utility, changing only in how that good is distributed among persons. Nonetheless, the majority of us think that certain distributions are more morally fair than others. They are fairer. Some people think it's ethically preferable for distribution to be equal. How can utilitarian theory account for any distributive justice principles? With the help of certain figures, we can illustrate the issue conceptually. It's not harmful to conceive of the statistics as reflecting wealth in pounds even when they really represent utility units.

Utility scores are the same in all scenarios: average utility is 50 units, and aggregate utility is 100 units. The egalitarian, of course, would disagree, but the utilitarian has no reason to favor over thus far. Also take into account: is superior than both in terms of overall utility as well as average utility. Nevertheless, if we could see a society changing the laws that dictate who controls which resources, shifting the result from that shown in to that depicted in, wouldn't we regard the new ending to be profoundly unfair, despite the fact that it produces greater utility? According to the utilitarian, we must maximize utility in order to improve both society A and society B as a whole. We have a feeling that this would not be fair [5]. This criticism is used to challenge utilitarianism by many people, while signaling the necessity for a separate principle of distributive justice for others. A utilitarian worth his salt will attempt to respond, and there are a variety of responses possible, which I will briefly outline.

Hume's position

The utilitarian seeks to dissuade us from straightforward models of the kind we've been talking about. He is especially interested in refuting the assertion that distributional principles have no place in utilitarian theory. Hume's account of justice, which argues that human society needs to establish property rules that fix who can make legitimate claims on which resources, is a good place to start when reviewing the case for the defense. Hume contends that if universally destructive conflict over scarce resources among people of limited generosity is to be avoided, such conflict must be prevented. This wouldn't be an issue if resources were limitless and readily accessible, but they are not. Again, this wouldn't be an issue if people were generally kind, but generosity has severe limits. It is impossible to rely on our natural emotions to keep us out of

confrontations that would be harmful to both parties. We must create structures that guarantee cooperation.

Which colleges do we choose? In order to respond to this query, Hume switches his attention from an individual problem-solving approach to a conjecture about the origins or ancestry of institutions. We must assume that many approaches to the justice issue have been tested throughout history. Property rules have been adopted and abandoned because they were insufficient. The very intricate set of rules that have lasted the test of time have persisted because they provide the most favorable collective resolution. They are justified due to the security they provide and the advantages they foster. A system will have steady support if its benefits are distributed broadly enough; the sympathetic emotions that cause people to approve of the good that others experience turn one's own interest into a virtue.

This argument is based on a utilitarian proposition. When a distribution successfully improves the lot of people and wins over those who must abide by its rules, it is just. These standards will be a complex web of laws and moral principles that are delicately linked together and represent the history of humanity left to a particular community. Justice in practice cannot be boiled down to a basic model that can be compared to other simple models. We have every right to be thankful for what we have been given. This is a conservative argument that supports institutions that have endured because they have been useful. It implies taking reform in the name of improvement slowly. We should be hesitant to pursue revolutionary ambitions, contenting ourselves with a continuing program of small-scale tinkering and adjustment in the service of greater utility, since we know the contribution made to human well-being by institutions as they currently stand and can only speculate about the benefits to be gained from introducing changes.

Equality

In their pursuit of advancement, utilitarians are not required to be either conservative or wholly opportunistic. The articulation of well-known concepts includes additional components of the utilitarian ideal of fairness in distribution and may point to useful routes to adopt. The first subsidiary principle is probably going to be a rule of equality, which is supported by the widely studied law of declining marginal value in economics. Consider how a cake is being divided among six people. Which division will provide the most useful results? By observing that customers would feel very satisfied after eating the first chunk of cake and somewhat less after each further slice, we may compare an egalitarian divide in which everyone receives an equal slice with inegalitarian offers. The more one consumes already, the less enjoyment may be acquired from more portions at the edge. If three people get two slices apiece and the other three receive none, the fortunate three will feel less satisfied after their second slice than they would have after their first. For the guy who overeats till he becomes ill, contentment could even turn into a negative number! A further approach to make this argument is to say that individuals who get less in an uneven distribution than they would if the good were divided equally suffer more from the shift away from equality than the person who receives more of the good than what is required by equality gains. This line of reasoning argues that if we want to optimize overall happiness, everyone of our six cake-eaters should get an equal piece.

It is notoriously difficult to evaluate this argument. I referred to the law of declining marginal utility as a "law," but I can't say that there is much proof for it, and it shouldn't be presented as an axiomatic rule of practical reasoning. For this to be credibly said, there are too many counterexamples, as we will demonstrate when we explore the need criteria. The scenario I gave

only has some validity since it is based on assumptions that, in more genuine situations, may make one seem unreliable. For instance, we must assume that the claimants are all equally hungry or satisfied, and that they all like cake to the same extent. In the end, we must assume that we are able to compare and quantify not just the portions of cake that we serve, but also the levels of pleasure that the various receivers experience. The principle of diminishing marginal utility may well be common sense that is nothing more than the theory of some deceased economist, but it does retain a point that is simple to recognize but difficult to apply with any degree of precision. This technical debate is important, but I will leave it unresolved once more. I assume that you wouldn't spend much time looking into Eton College's claims if you were the executor of a will with instructions to distribute the bequest to whatever charity you thought would do the greatest benefit.

One concept is that marginal utility decreases. It's cut across by another commonly accepted idea. Let's go back to the instance of the cake-eaters and imagine that, while the other five are well nourished, one of the six is famished. In this instance, we may conclude that the hungry individual has shown needs that call for her to be provided with as much cake as is necessary to sate her hunger. A property of utility that we have previously met while considering declining marginal value namely, that a distribution of utility cannot simply be transferred on to a distribution of resources is what the utilitarian uses to explain the intensity of necessity arguments. There, we saw that persons who had more possessions than what was required by equality were less adept at turning those possessions into useful things than those who had less. When people are deemed to be in need, we assume that they are effective resource converters who can turn a given input of resources into a utility score that is above average. As a result, in the instance of the cake-sharers, the benefit from allocating all or a sizable piece of the cake to the person who is hungry results in more overall utility than more equal distributions. In reality, we may think of situations when the concepts of equality and necessity can be combined to provide the greatest usefulness. By giving the hungry individual half the cake, we may be able to save her life. To protect utility from declining marginal returns, the remaining amount might be shared evenly [6]–[8].

CONCLUSION

Public policies are the government's judgments about any subject or problem, and they are often complicated since some problems may not be put on the agenda. The public will benefit from understanding the process, which should encourage active engagement. The success or failure of policies depends on how each step of the process is handled. Knowing where you're headed and why helps. We follow a policy approach when deciding on the best instruments to use. To accomplish the goal, policy must be created that is contextually appropriate. A issue must be identified, a collection of policy choices must be created, and the alternatives must then be narrowed down to a single, chosen solution.

REFERENCES:

- [1] S. Tang *et al.*, “Aerosol transmission of SARS-CoV-2? Evidence, prevention and control,” *Environment International*. 2020. doi: 10.1016/j.envint.2020.106039.
- [2] V. Ricoca Peixoto, C. Nunes, and A. Abrantes, “Epidemic Surveillance of Covid-19: Considering Uncertainty and Under-Ascertainment,” *Port. J. Public Heal.*, 2020, doi: 10.1159/000507587.

- [3] D. G. Williams, F. Spotswood, G. Parkhurst, and T. Chatterton, "Practice ecology of sustainable travel: The importance of institutional policy-making processes beyond the traveller," *Transp. Res. Part F Traffic Psychol. Behav.*, 2019, doi: 10.1016/j.trf.2019.02.018.
- [4] O. Oktovianus and A. D. Saharuddin, "Tipologi Nilai-Nilai Motivasi Pelayanan Publik Di Pdam Kabupaten Mamasa," *MITZAL (Demokrasi, Komun. dan Budaya) J. Ilmu Pemerintah. dan Ilmu Komun.*, 2021, doi: 10.35329/mitzal.v5i1.1853.
- [5] A. A. G. Raeni, S. Hosseini, and R. Moghaddasi, "How energy consumption is related to agricultural growth and export: An econometric analysis on Iranian data," *Energy Reports*, 2019, doi: 10.1016/j.egy.2018.11.005.
- [6] H. E. Clark, "The Importance of Evidence-Informed Policy Making for the SDGs," *TRENDS Sci.*, 2019, doi: 10.5363/tits.24.3_20.
- [7] R. Lu *et al.*, "The Cannabis Effect on Crime: Time-Series Analysis of Crime in Colorado and Washington State," *Justice Q.*, 2021, doi: 10.1080/07418825.2019.1666903.
- [8] J. Freire-González, C. Decker, and J. W. Hall, "The Economic Impacts of Droughts: A Framework for Analysis," *Ecol. Econ.*, 2017, doi: 10.1016/j.ecolecon.2016.11.005.

CHAPTER 5

A STUDY ON MORAL OBLIGATION

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ABSTRACT:

The responsibility to behave in accordance with what we perceive to be right is a moral obligation. Regrettably, despite our desire to believe in absolute truths, there is no one moral code followed by all people. Depending on one's morals, different moral responsibilities apply. In this chapter author is discusses the system of justice. This argument is quite persuasive. The urgency of needs claims for food, housing, physical mobility, medical care, and educational resources is often accepted. The needy's suffering and the degree of pleasure received when aid is supplied may both be used by the utilitarian to gauge the urgency of the situation. Moreover, he may defend policies that consistently meet needs based on the utility they provide, which will often be above average. Many people see the ability to respond to needs as an apparent restriction on just distribution theories. If a theory of justice cannot explain this restriction and support ethical standards that take it into account, it is insufficient. The utilitarian thinks he is in a good position.

KEYWORDS:

Expenditures, Political, Philosophy, Policies, Utilitarian.

INTRODUCTION

The main topics of debate have been whether needs are determined objectively or subjectively, if certain requirements are universal or whether all needs are contingent on the context of time, location, and local norms. The most logical responses to these queries suggest that needs are objective in a way that wants, no matter how intense and powerful, are not. Certain needs such as enough food to support energy expenditures might be universal, but the majority will depend on the well-being criteria that are seen as acceptable minimums within specific communities. As I believe the utilitarian is mostly a spectator rather than a player in these disputes, these issues do not need to be further explored. The utilitarian may take the findings of the talks and demonstrate how values that promote utility defend meeting needs, regardless of whether needs are objective or subjective or whether the criteria for recognizing them are universal or relativist. It's plausible to say that families in Western democracies need a broad variety of consumer products that their ancestors would have considered luxury. A feeling of self-respect that is harmed by one's incapacity to watch and discuss the most popular soap operas may need owning a TV. It's a depressing idea, but if it were real, if not having these things caused so much suffering, the utilitarian would take these facts into consideration [1]–[3].

Considering the facts, the facts on which the utilitarian rests his approach, leads to the second issue with the utilitarian account of meeting demands. The idea that needs are thresholds of essential supply is implicit in the notion of need. If someone's needs are not addressed, their life cannot possibly proceed smoothly. In extreme cases, he can even pass away due to a shortage of

the essential good. So, it seems that fulfilling the claims of those who seek items above and beyond what they really need is discontinuous with meeting their claims of need. We may make the argument that someone in need of a product would not logically choose to forgo its supply over any quantity of other goods that are over the need criterion. No matter how much I may have desired the sports vehicle in the past, if a health care manager offered me a Porsche instead of medication because they thought it would be less expensive, I would not. Because of facts like these, needs supply is a desirable policy for utilitarians. The utilitarian may be held captive by the facts in this scenario since they are beyond of his control and cannot be changed.

In situations when requirements can only be addressed by extraordinarily costly therapy, we may be persuaded to support any level of spending if assertions of need are tightly discontinuous with any degree of above-threshold want fulfillment. We are often informed that a child's life is priceless, and fortunately a well-known media campaign will persuade a kind billionaire to pay for the required course of treatment. So who would support the systematic allocation of all required resources in order to attain a low probability of satisfactorily addressing urgent medical needs? On this, the utilitarian has two options. He may take the high road and state unequivocally that overall benefits necessitate doing whatever is required to supply commodities that are really need, and on this basis, demand a dramatic redistribution of resources. Alternatively, he may change his mind about how needy claims and non-needy claims are distinct from one another. Yet, this calls into question his conviction that his principles of justice reflect our preprojective intuitions about the legitimacy of need-based claims. There is a real issue here for the utilitarian, but maybe he might find solace in the fact that no theory of justice can simply escape it.

Desert

We have shown that the utilitarian has something credible, if not conclusive, to say about resource allocations that promote equality and the satisfaction of needs. The idea that things should be distributed to those who deserve them, particularly to those who have worked hard to produce products and services, is another crucial one that many people prereflectively support. Reducing desert claims to the supply of incentives has been the standard utilitarian tactic. The piece-work argument states that if I work twice as hard and chop down twice as many trees as you do, I should be compensated more financially. You could have put in just as much effort as I did, but instead you took a longer lunch break and spent the afternoon lounging in the sun. This assertion is said to be supported by the idea that increased productivity needs the motivation of greater compensation. Second, it is sometimes said that certain abilities need a lot of work to obtain, including more school years, the demands of a university degree, and maybe an additional term of hardship-stricken postgraduate study. If future income levels don't give the motivation, how can one persuade young people to endure these sufferings, which are essential if society is to have architects, surgeons, and lawyers?

Both of these arguments have my utmost skepticism, and I encourage readers to cut through the smokescreen of unrealistic, self-serving justification for themselves. But, if it is true that the incentives argument is often unpersuasive, it is hardly the utilitarian's fault if he rejects it. The utilitarian may utilize these facts to support incentive payments if, on the other hand, this is how the labor market operates to the benefit of all parties. I'll bring up the subject later since there could be more to desert as a distribution principle than my consideration of incentives has shown.

The country

I'll wrap off my examination of utilitarian political theory by articulating a utilitarian conception of the state. Once again, my contribution will be so short as to be ridiculous. Yet once again, the conversation will present some of the major political philosophy issues.

Political obligation

The issue of political duty is one such possibly the main focus of political philosophy. Can the government lawfully demand our obedience? Do we have a moral duty to abide by the rules set out in the state's legislation? To these questions, the utilitarian tradition provides a very compelling response. A thorough study of Hobbes reveals a strong utilitarian bias in his thinking. Hobbes posits a situation in which we don't have a government, called the state of nature, which is so terrible that we'd find strong reasons to establish one if we were in it and good reasons to keep one in place if one already existed. There wouldn't be stable property, investment in industry or agriculture, trade, the arts and sciences, the construction of bridges, or the arts of navigation without government, which is properly referred to as anarchy. The life of man would be 'poore, solitary, nasty, brutish and short', to quote his famous phrase.³⁵ This argument touts the benefits of government as the antitheses of the evils of the natural condition, evils so evident and widespread that everyone has good reason to avoid them in the only way possible - by accepting an obligation to obey the law of the sovereign [4], [5].

Since Hobbes' argument's conclusion would be agreeable to a utilitarian who desires to defend sovereign power, I suggested that it bears a utilitarian interpretation. We are informed that in order for everyone to be content, to achieve their goals, or to support other autonomous ideals, such power is required. We should identify a coincidence rather than a confluence of perspectives since Hobbes himself was not a utilitarian; rather, he was an egoist who accepted a theory that holds that the good is solely relative to the actor who experiences it. According to Hobbes, each rational actor may independently justify sovereign authority in order to advance his or her own best interests, which benefits both parties. The best result for everyone is also the greatest outcome for everyone since everyone has a compelling motive to support the institution that optimizes benefits for everyone as a whole. The utilitarian may agree with Hobbes' conclusion and much of the supporting evidence without agreeing with the egoism that underlies it.

DISCUSSION

The reasons we have for loyalty to the government, according to Hume, come from its 'public utility'. Government is necessary for justice, which is necessary 'to maintain peace and order; and all men are sensible of the necessity of peace and order for the maintenance of society,' according to Hume. Hume does not deny that self-interest can give us a reason to obey the government, and this remark is true. By thinking on the global advantages of peace and public order, our fundamental Hobbesian desires must be regulated and restrained. The root of loyalty and the moral duty we attach to it is the respect of these universal and clear interests. There is no doubt in Hume's mind that contemplating the many advantages of government will inspire a sense of duty firmly rooted in a "opinion of interest"; "the sense of general advantage which is reaped from government; together with the persuasion, that the particular government which would be established is equally advantageous with any other that could easily be settled."

Instead of seeing this as a compelling utilitarian case, it may be preferable to view it as a utilitarian style of argument. One anarchist in particular would not agree with it because he would disbelieve the incomplete explanation of the events. The counterargument that humans survive well without the state would instantly question the Hobbesian foundation, which describes anarchy in the state of nature as poor and dangerous. Men without masters don't fight; instead, they work together. The genuine moral dwarfs are the guys who work for the government; they are used to being told what to do, constantly fear punishment for disobeying, and are eager to break the law and hurt one another without consequence when they sense a chance to benefit themselves. Such animals pale in comparison to moral individuals free from governmental restrictions. These moral exemplars would do what is right and respect the law, showing no interest in what they might get away with. It is vital for the anarchist that this is a moral position that we are all capable of achieving.

It's critical to frame the disagreement between the pro- and anti-government factions at this stage in the argument as a factual one. Hume and his supporters believe that government is justified in light of the benefits it so plainly provides if only one had a passing familiarity with history and a modest amount of experience. Yet, the utilitarian anarchist argues otherwise. Government erodes our quality of life. I don't want to settle this argument right now; I'm satisfied to highlight the soundness of the utilitarians' argument for or against the need of deferring to sovereign power. Assuming that Hume is correct, we may go on to the next issue, which is the optimum form of government.

Democracy

Hume argued that, apart from some minor potential for minor improvement, the ideal form of government is likely to be the one we now have in place. This was part of his argument on the best norms for property distribution and the system of justice. Whatever its shape, given the history of the local community, we may accept it as the best appropriate solution to local issues under local circumstances. It will include characteristics of both freedom and power, mixing monarchical and republican traditions. This kind of smug conservatism is what Bentham, who wrote soon after Hume, called the defense of the indefensible. We may infer from first principles that democracy is the only acceptable form of governance. If the right theoretical tools are available, relaxed reflection in a cozy armchair and academic references to Thucydides and Tacitus are no replacement for serious theory. If we are sincere utilitarians, we may examine the workings of the many governmental structures, including monarchy, aristocracy, democracy, as well as a variety of mixed and qualified forms, to determine which one best promotes utilitarian goals [6], [7].

Bentham believed that organizations were morally acceptable if they increased happiness. Government is required to promote cooperation and to control the worst outcomes of unbridled self-interest. Law affects these goals, and the measure of a good law is whether it optimizes the pleasure of everyone who is impacted by it. How can we determine which of two suggested solutions to a social issue is best? The best utilitarian calculator you can find, who is an authority in this area of economics, sociology, or futurology, is one solution. Thankfully, a shortcut exists, so we are not required to check credentials in these areas. By determining how a policy affects the target population's happiness, it may be evaluated. Why not make the supposition that each person in the population is the best arbiter of his or her own happiness and let them decide which policy they want based on this supposition? A majority decision will satisfy more people than it

frustrates if the decision is made via a ballot and if each vote is given equal weight throughout the counting process.

The majority's preferred course of action will result in more pleasure than any alternative. This argument is really straightforward. Given the wide range of situations in which we may identify its use, it is also conceivable. It's my time to organize a trip for five pals, and I'll need your help. Should I plan a week of sun, beach, and surfing, or do I plan a trip to see art museums, cathedrals, and upscale dining options? All things considered, it would be wrong to impose on my friends my own rigid idea of what would be in their best interests. Instead, wouldn't it be wiser to just ask them what would make them happy and follow their lead? In this approach, we may maximize enjoyment, and even the annoyance of the minority will be moderated by the realization that they would rather travel in company than alone to their top goal.

This argument's apparent detractor, which is its appeal in simplicity, is attacked. What is plainly the best course of action when planning vacations may not be prudent for a lawmaker. Later, we will examine democratic theory in more detail, but for the time being, it is important to discuss some of the presumptions that are made when this reasoning is applied to political issues. First, the direct democracies where votes are cast on particular proposals as they are made are where the argument is most obviously applicable. Which party will form the next government, if that is the question that has to be answered? It shouldn't be assumed that every policy afterwards implemented by the party in power advances the interests of the people who gave it their support. The contrasts between representative democracy and its directly democratic cousin need the closest examination. Nonetheless, the utilitarian may still contribute to the defense of representative systems.

Second, the argument makes the assumption that each democratic decision's value can be calculated apart from the usefulness of choices made before or later. This presumption can be incorrect. If people repeatedly find themselves in the minority party, they may become more and more dissatisfied. "Win some, lose some" accurately captures the democratic temperament, but if one finds himself losing all or most choices, they may feel a gradual escalation in resentment. It has been said that it is theoretically conceivable for a majority of people to be in the minority on the majority of times in a democracy. It's possible that, in the long term, when the results of a number of democratic votes are analyzed, the total good obtained is not only the sum of the good that each of these decisions would have created if it had been decided upon independently. The constantly dissatisfied majority will get weary if there is a sizable but strong minority that consistently votes in unison on a variety of topics and draws a sizable number of diverse floating voters on each voting occasion. System operations will result in frustration levels independent of those brought on by particular choices. If a majority becomes established due to racial or religious affiliations, this unhappiness will develop into rage over what is seen as injustice. The majority principle will thereafter be disregarded in such situation [8], [9].

Finally, the argument makes the assumption that not only are interpersonal conflicts conceivable, but that the effects of actions for and against are equally felt by everyone who implements or experiences them. Once again, this may not be the case. The successful policy may not have the support of the majority. The minority that lost may be ferociously hostile. The utilitarian democrat can only hope that supporters of the opposing sides feel nearly equal amounts of pleasure and unhappiness on average, with each side having protagonists who are either hostile or similar in flavor. Maybe this supposition is true if the population is huge enough. But, the regular occurrence of an ardent minority interest group pushing measures that would only

moderately inconvenience a sizable number of perplexed or cynical opponents further implies that this assumption is unwarranted.

It would be a mistake for the utilitarian to ignore these technological issues. Nonetheless, it would be incorrect to completely reject the utilitarian impulse to allow people to express their choices before judging the correctness of the policy that emerges from the vote. We should keep in mind that although it is common knowledge that majorities might be wrong and that a dispute cannot be resolved by counting heads, these axioms only serve to strengthen the hands of those who stand to benefit from determining our disputes for us. Bentham believed the justifications for democracy were clear-cut to the point that he believed anybody who rejected them was doing so out of class or personal self-interest. He used the phrase "sinister interest" to describe the motivations of individuals who make claims to more power while disguising them as better knowledge. If the utilitarian argument for democracy's message, whether direct or indirect, is to "Beware of nefarious interests," then we would be prudent to pay attention to it. Once again, humanity must at this point have positive views about how certain behaviors affect their pleasure. These beliefs have now permeated society and are used as the basis for morality until new ideas can be discovered.

Mill is not a traditionalist. He does not view reform proposals with suspicion. Even the most drastic changes should be put into place if utility is guaranteed. The default viewpoint, which I'm underlining here, is that utility will continue to sustain current laws and customs until utility determines that change is necessary. This presumption is based only on the idea that history has produced the best laws and practices as a result of usefulness. How is it possible that we know this? The sheer need for drastic change in certain situations a concept that appealed to Mill more than Hume indicates that history could have deviated from what utility suggests is the best course.

The utilitarian's willingness to accept that current institutions, customs, and laws automatically enhance utility appears crafted to strike a thoughtful balance between theory and moral convictions. While the insight shouldn't be discounted, it is important to acknowledge that there are competitors in the space. The utilitarian appeal to history for vindication seems to reflect, by contrast, a belief, if not in providence, then in the progress of mankind towards the best possible condition. Some philosophers, Rousseau for one, have claimed that history is the record of the degeneracy and immiseration of the species.

One thing is certain: if the utilitarian is satisfied to make the kind of sweeping gestures toward history we have seen in Hume and Mill, he has not done the job his quasi-science says should be conducted. The reviewer won't be shocked by this absence, either. How might this task possibly be completed? What kind of evidence is there to compare government and anarchy, freedom and authoritarianism, private and public property, and communities with and without promises? It is difficult to conduct experiments, because historical events are too intricately entwined with local conditions to allow for quick generalization.

So, depending on whether it places more emphasis on the current set of laws and institutions or on potential future changes, utilitarianism on a large scale may seem to be an exercise in rationalization or wishful thinking. But, it's possible that utilitarianism functions best when its attention is limited to evaluations of particular deeds or policy suggestions. Again, I'm not sure. The work of welfare economists represents the most ambitious efforts to quantify outcomes, and it is fair to conclude that this work has not been very compelling. I distinctly recall hearing E.J.

Mishan summarizing the Roskill Commission's work. Their mission was to choose the best location for a third London airport, and each site had pros and cons that needed to be weighed and compared. When Mishan outlined the factors the Commission had seriously taken into consideration, the crowd doubled over in laughter. Among them were potential harm to the black-bellied race of Brent Geese, which migrate each winter to feeding grounds at Foulness on the Essex coast, the destruction of medieval churches in Hertfordshire, and the provision of non-seasonal employment for residents of Southend-on-Sea who were overly dependent on summer migrants from the East End of London.

The cost-benefit analyst, of course, does not assume that there is a simple common denominator that will allow for a rating of various solutions. Radically different products like those I've stated are evaluated based on the preferences: people exhibit toward them. Preferences: are signaled by consumers' willingness to pay as shown by surveys and opinion polls in which no money exchanges hands. For items without a market value, such as Brent Geese and historic cathedrals, "shadow prices" are calculated.

Critics of these techniques have convinced me that the business is unwise, especially in terms of environmental benefits. When there is a north wind blowing, I can see the mountains of the Island of Arran, which are located fifty miles distant, from my study window in the heart of Glasgow. Throughout the last fifty years, manufacturers have covered the city with a smokescreen that only sometimes clears on Weekends and holidays. The view has improved my life, but how can it be measured? 50 I come to the conclusion that utilitarianism is likely to fail here as well when it gives up the presumptions of a providential past and applies welfare economics methods to policy analysis. There may be a middle ground that involves a commonsense assessment of results in terms of an objective list of values that we are used to contrasting and weighing in well-known situations. This will need to be well thought out. Although keeping in mind the utilitarian enterprise's systematic contribution to the issues with political philosophy, we may appropriately withhold judgment on the effectiveness of the endeavor [6], [7].

CONCLUSION

I have presented utilitarian theory as a potent and significant undertaking in ethics in this chapter. I make no assertion that I have thoroughly looked into the tenets of this ideology. My major goal has been to demonstrate how utilitarianism may be used to examine important issues in political philosophy. I hope that by doing this, I've given the reader a taste of some of the topics that I want to study in more detail in the future, using the utilitarian presentation of these topics as a counterpoint. It's fair to say that, although mentioning the utilitarian story's shortcomings, my focus has been on the positive aspects of the argument, emphasizing how utilitarian theory has helped us comprehend the issues that arise when we reflect philosophically on our political lives. Let me make a few comments regarding what I believe to be utilitarianism's biggest flaw before I wrap up this topic. This is not where I find it in the theory's tenets. This is the root of some of its most serious problems. We are informed that utilitarianism does not carefully consider the uniqueness of each person. When these fundamental facets of an agent's personality conflict with the larger good, it challenges their sense of integrity and fails to adequately convey the significance of their specific initiatives to each agent. It jeopardizes the significance of statements about friendship, love, and devotion that stem from specific connections. These are serious concerns, and I will address them later in the context of political philosophy. But, as one would anticipate, the utilitarian is mounting a strong defense. My concern with utilitarianism is

pretty distinct and can be articulated clearly. The capability of calculating the greater good is at issue. I believe the utilitarian is trapped in this situation between two stools. The first is the propensity for conservatism that we found in Hume's views on the just distribution of property, the legitimacy of government, and the need to obey. Consider any well ingrained tradition, custom, or commonly regarded moral guideline. What assessment does the utilitarian make of these? In accordance with Hume's theory, history has shown that institutions and practices are most advantageous over the long term. John Stuart Mill provides a similar explanation, stating that the concept of utility plays a significant role in influencing both men's positive and negative attitudes. . . even those who most scornfully reject its authority, has had a significant role in shaping their moral ideas.

REFERENCES:

- [1] J. Wu, X. Font, and J. Liu, "Tourists' Pro-environmental Behaviors: Moral Obligation or Disengagement?," *J. Travel Res.*, 2021, doi: 10.1177/0047287520910787.
- [2] L. Yang and Y. Ren, "Moral obligation, public leadership, and collective action for epidemic prevention and control: Evidence from the corona virus disease 2019 (COVID-19) emergency," *Int. J. Environ. Res. Public Health*, 2020, doi: 10.3390/ijerph17082731.
- [3] J. Müller, Á. Acevedo-Duque, S. Müller, P. Kalia, and K. Mehmood, "Predictive sustainability model based on the theory of planned behavior incorporating ecological conscience and moral obligation," *Sustain.*, 2021, doi: 10.3390/su13084248.
- [4] A. Alsaad, A. Y. H. Saif-Alyousfi, and H. Elrehail, "Religiosity, idealism, and ethical consumption: the mediating effect of perceived customer effectiveness and moral obligation," *J. Soc. Mark.*, 2021, doi: 10.1108/JSOCM-07-2020-0116.
- [5] M. Roh and K. Park, "Adoption of O2O food delivery services in South Korea: The moderating role of moral obligation in meal preparation," *Int. J. Inf. Manage.*, 2019, doi: 10.1016/j.ijinfomgt.2018.09.017.
- [6] J. M. Sabucedo, M. Dono, M. Alzate, and G. Seoane, "The importance of protesters' morals: Moral obligation as a key variable to understand collective action," *Front. Psychol.*, 2018, doi: 10.3389/fpsyg.2018.00418.
- [7] X. Xu, Z. Yao, and T. S. H. Teo, "Moral obligation in online social interaction: Clicking the 'like' button," *Inf. Manag.*, 2020, doi: 10.1016/j.im.2019.103249.
- [8] F. Akhlaghi, "On Moral Obligations and Our Chances of Fulfilling Them," *Ethical Theory Moral Pract.*, 2020, doi: 10.1007/s10677-020-10104-0.
- [9] Garaika, "The impact of empathy, social support, and moral obligation on social entrepreneur intention," *Int. J. Sci. Technol. Res.*, 2020.

CHAPTER 6

A BRIEF STUDY ON LIBERTY

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ABSTRACT:

In contemporary politics, liberty is defined as the condition of being free from oppressive controls placed by authority on one's way of life, conduct, or political beliefs within society. Theologically speaking, liberty is the absence of "sin, spiritual enslavement, and worldly bonds. In this chapter author is discusses thenegative and positive liberty.Discussing which political ideology bears the greatest weight in political disputes - in public bars or parliaments - would be a fun, though likely pointless, way to spend a day. Justice, democracy, and undoubtedly liberty might all be included as candidate virtues. It is difficult to imagine a political platform that does not extol the virtues of liberty, and it is simple to picture bitter political battles in which freedom is a point of contention for both parties. Some claim that ensuring equal access to education involves making it free at the point of use, while others assert that doing so signifies parents' right to choose the educational path they believe is best for their kid. If resources do not allow for both of these goals to be achieved, they may conflict.

KEYWORDS:

Freedom, Liberty, Liberalism, Political, Philosophy.

INTRODUCTION

We'll look at the many arguments for liberty, but one thing is for certain: the person making the argument is trying to take the moral high ground. It requires careful investigation to determine why this is the case, not least since, as Isaiah Berlin observes, "the meaning of this phrase is so permeable that there is little interpretation that it appears able to resist"². But, before moving further in this direction, it will be helpful to make a distinction between the value of liberty and two other concepts that are closely related to it: "liberalism" and "libertarianism".Among the two, "liberalism" is the most difficult to define simply. It denotes a collection of political ideas promoted within a tradition of political thinking and political engagement, similar to other "-isms" in the domain. Thinkers as varied as Locke, Montesquieu, the Federalists, Constant, de Tocqueville, J.S. Mill, T.H. Green, Karl Popper, F. Hayek, and most recently, John Rawls and Joseph Raz, to name a very small subset, have made significant contributions to the literature of liberalism. Members of this list are likely only united by their strong belief in individual liberty, and even then, we should be aware that they speak with distinct voices when this belief is put out for our support. Locke's assertion that all men are born free and equal captures the essence of liberalism for some, but the devotion to equality makes other others cringe. Others believe that liberalism necessitates the ability to engage in democratic institutions; nevertheless, other liberals reject this idea, maintaining that democracy represents a distinct or inferior value, or perhaps no value at all, or even a danger to liberty.

Clearly, liberalism represents a diverse political goal in various contexts. Between conservatism and socialism in Britain, liberalism is a political movement that changes its stance on issues when these other groups veer away from or get closer to the center. In the US, liberals tend to have bleeding hearts, and the term "liberal" has earned a bad reputation among many. Someone who supports social programs or large amounts of public expenditure that go above and beyond what is required for defense and law and order is likely to get criticism for being too liberal. The right to private property, support for the rule of law, and protection of the traditional freedoms of expression, association, and religion, as well as the ability to follow one's chosen career and to participate in governmental decision-making processes, are key liberal principles. A weak but necessary descriptor, "liberalism" is arguably best understood when one is aware of the movements or ideologies that most obviously reject it in all of its forms[1], [2].

Libertarianism is a monster that is far less ambiguous. It is the theoretical position of someone who rigidly restricts the authority of the government to collective defense, the protection of negative rights, rights of non-interference, and contract enforcement. On this perspective, the state has the dual responsibilities of a night watchman: protecting the city walls from outside assault and patrolling the streets to make sure that residents are not being killed, raped, robbed, or scammed. Other than making amends for rights abuses, the state has no obligation to provide for the needs of its residents in the areas of education, healthcare, or social security payments. In section four, we'll examine the libertarian agenda. We'll strive to better comprehend the idea of liberty in the meanwhile.

With a notion as nebulous and conflict-marred as liberty, philosophical investigation offers clarification, but we should not anticipate immediate outcomes. As Berlin predicted, we will soon discover that there are several definitions of liberty. It's not that the phrase is vague in any obvious sense. A dictionary will swiftly explain that "I sat on the bank and grieved," but it won't explain what Patrick Henry meant when he yelled, "Give me liberty or give me death! If this term really have more than 200 meanings, I would rather that someone else do the task of cataloging them. We must set certain restrictions on the analytical business. We will first concentrate on liberty as a political virtue. This requirement has two parts: we may dismiss usages that are manifestly non-political and we'll expect that a good explanation explains why advocates of liberty have asserted it as a value.

The first issue is somewhat inconsequential; political philosophy has little interest in elucidating the origins of the term "liberty bodies" or connecting freedom of speech to publications that are cost-free, gratuitous, and unrestricted. The second point—that freedom is a value—is far more crucial since there are legitimate explanations of freedom that may be questioned and rejected because they either don't explain why freedom is a value or do it in a way that is obviously flawed. One method to support this conclusion is to argue that the idea of liberty is never neutral in terms of values; rather, it is always normative and accompanied by a strong ethical charge. Hence, to characterize a state as one of liberty is to give it a positive value and thus to start arguing for it. Due to this, it would be illogical to downplay a liberty or label a situation of liberty as bad or wicked. As man is subject to the rule of nature, John Locke used the notion of liberty in this sense when he established a clear difference between liberty and licence, saying that the condition of nature is "a State of Liberty, but it is not a State of Licence".

While I lean toward believing this to be true, there are many valid arguments against it. "Is press freedom a good thing? ", inquire politicians and commentators, fearful of being exposed. This question only makes sense if the word "liberty" is used in a manner that does not suggest that it

is a positive value, if it is non-standard in some way, which it very well may be, and if it is used to describe simply the institutional practices of a specific state. My own opinion, which could not be supported without some kind of restriction, is that this discussion may be the only way to distinguish between liberty and freedom. I think the idea of freedom is less loaded with judgments than the idea of liberty. The issue "should citizens be free to" is really simple. We have little trouble deciding which liberties are valuable and which are not. If I could simplify the language, I would do so by distinguishing between two types of freedom: what we consider to be legitimate I would refer to as liberty, and what is dishonorable I would refer to as licence. Unfortunately, I am powerless in these issues, so let's keep the terminology debate open-ended[3], [4].

But, this does not imply that there is no definitive relationship between liberty or freedom and worth. While it may not be a conceptual fact that liberty has value, philosophical theories of liberty must nonetheless explain why this has been commonly accepted and why its proponents think it has value. The political philosopher need not agree with such accounts they may be evidence of widespread delusion—but if they do, then the mistake must be understandable. Second, despite my urge that liberty be emphasized as a political virtue, we shouldn't draw the conceptual borders too clearly. "The topic of this Essay is not the so-called Liberty of the Will, so regrettably opposed to the misnamed notion of Philosophical Necessity," declares John Stuart Mill in the first paragraph of his essay *On Liberty*. It's possible that Mill is correct to divide these philosophical issues. It may turn out that concerns about political liberty are completely unrelated to the philosophical question of whether or not there is such a thing as free agency. But we cannot start our investigations with this presumption since it may turn out that a deeper and more satisfactory explanation of the worth of political liberty will result from its successful integration into a more comprehensive explanation of free action. We may also be able to achieve our first goal, which is to understand why liberty is valuable to its proponents, if we can draw a connection between an acceptable explanation of free agency, taken in its broadest sense, and political or social freedom.

As it should be debatable whether the idea of liberty is really exhausted after we have looked at "the nature and bounds of the power which may be lawfully exercised by society over the individual," Mill's specific purpose restricts the concept of liberty in another manner. Since he thinks that democracy in his day offers serious challenges to civil liberties, Mill puts this latter limitation on purpose. He is considering the likelihood of majority dictatorship and the democratizing attitude that might result in a rejection of social experimentation and quirkiness. He agreed with de Tocqueville's observations of American democracy in action: if everyone in the town meeting has some influence, conformity would quickly become a local concern. These risks are true, but as we will demonstrate, great rights may need democratic institutions just as unquestionably as democratic institutions do [5], [6].

DISCUSSION

Two Ideas of Liberty, Isaiah Berlin's first lecture, is regarded as one of the twentieth century's most important contributions to political philosophy. It is noteworthy for the depth of its historical foundations and the resonance of its analytical framework. The findings are noteworthy for their force and even dogmatism. Berlin differentiates between positive and negative liberty, and according to him, these various interpretations of liberty are produced as the responses to two distinct inquiries.

Negative Freedom

Let's examine negative liberty in further detail. Thomas Hobbes was the most eloquent advocate of the most basic form of negative liberty, defining a free man as "he, that in those things, which by his strength and wit he is able to do, is not hindered to do what he has a will to"(6). Negative liberty is frequently glossed as the absence of coercion, where coercion is understood as the deliberate interference of other agents. Hillel Steiner recently published an article on the strictest interpretation of negative liberty, known as "pure negative liberty." However, since Steiner's analysis implies that even the most severe laws cannot restrict freedom because they make acts ineligible rather than impossible, I judge that it has little application to political philosophy despite its influence. Hobbesian negative liberty, the sort that is guaranteed by coercive threats as well as other forms of prevention, is often contrasted with views that suggest that simple limitations on freedom impede it. In order to emphasize this argument, Berlin cites Helvetius: "It is not a lack of freedom not to fly like an eagle or swim like a whale."

This is obviously true, yet there is a problem there. Imagine if I am unable to move because my opponent has restrained me or damaged my leg. While there is a clear inability in this instance as well, we would classify it as a case of freedom being denied since the inability is a direct outcome of another person's behavior. But assume that a medical ailment that prevents me from walking may be treated with a procedure that I cannot pay. If others refuse to cover the cost of my care, are I still free? The situation is different from mine in two respects. I can't fly like an eagle. First off, although humans can walk normally, they will never be able to fly like eagles. Second, unlike blindness in humans, the ailment is treatable. Do these distinctions matter? Let's look at this issue under Berlin's theory of negative liberty before we address it [7], [8].

Berlin believes that we should create a distinction between the importance of liberty and the circumstances that allow for the practice of liberty. For example, press freedom may exist in a nation where the majority of people lack literacy. The majority of people do not meet the need for freedom, which is literacy. Berlin would argue that under these conditions, illiteracy does not equate to a loss of freedom. A society that fails to educate its citizens to the point where they can use fundamental liberties clearly has a problem, but that problem need not include a lack of freedom. A fundamental education that incorporates reading may be a human right or an inherent value. Its availability may be an issue of justice, and its exclusion, blatant injustice. Whatever this situation is portrayed, we should make a distinction between a lack of freedom and circumstances that make it difficult or impossible to exercise a formal liberty.

Berlin's insistence on this subject is for his own motives. He has a commendable desire for clarity; when opposing ideals are carelessly argued, ambiguity and misunderstanding occur. More crucially, he wants us to understand that several basic principles might clash. In situations of moral quandary or unrecoverable catastrophe, the needs of justice or security may call for the truncation of liberty, or vice versa. There is a natural inclination to try to find relief by integrating the stark distinctions, by making the terrible conditions seem like there is only one value at issue, in which case we may choose a path of action that promotes the unifying value or minimizes its violation. They are self-deception techniques, in Berlin's opinion. They have "barbaric effects in actuality that are ridiculous in theory".

It is difficult to refute this assertion. The twentieth century is full of examples of governments that taught their people that loyalty to the state or solidarity with others equates to true justice, true freedom, genuine democracy, or the highest level of happiness, enveloping all tensions and

impending conflicts in a totalitarian cocoon that muffles the clamor of otherwise intractable debate. The main objective of Berlin's intellectual endeavors is this trend, and we should support his goals. But, it is challenging to connect this broad warning to the topic of liberty and its limitations. First of all, it is important to note that Berlin himself does not firmly uphold the difference. Negative liberty has been restricted by "social and economic policies that were sometimes overtly discriminatory, other times covertly so, by the rigging of educational policy and of the tools of influencing opinion, by laws in the area of morality." It seems that the key to figuring out if such regulations restrict negative freedom is whether the restriction on the exercise of liberty was either an intentional restriction or, if it was an inadvertent restriction, a restriction that could be removed. Whether openly or covertly discriminating policies are likely to be unfair, they also violate freedom if they limit the options accessible to others. Berlin is right to argue that we should maintain the distinction between different values. Yet, when we criticize a conduct that offends two or more values, we are strengthening the critique rather than fusing or conflating them.

Berlin's focus on the objective differentiation of various values leads to yet another fallacy. Nobody could argue against the difference between formalized liberty and the fulfillment of requirements that are essential in order to fully enjoy liberty. Both must be put into action, and it is crucial that any breakdowns or flaws be correctly identified if fixes are needed. But, if it is true in a specific instance that a person cannot fully enjoy their freedom due to, for instance, remedial illiteracy or a physical disability, freedom itself will be the main driver for changing the restrictive circumstances. If we can pinpoint the societal factors that prevent the realization of a certain good, then the attainment of that good itself justifies our efforts to do away with those factors. If it turns out that a system of land tenure has contributed to starvation, we don't need any justification to address the causes of the famine. The same is true of liberty; if press freedom is valuable and required for people to be informed participants in the democratic process, this is reason enough to ensure the need of universal literacy that allows citizens to utilize it.

Politics rhetoric is the true problem at hand in this situation. It's possible that we have a number of values that we can use to convince people to accept our suggestions if we're trying to improve the way that health care, education, or social security is provided. Under a variety of guises, we may promote our cause. Freedom and social justice may both be beneficial; in this instance, choose which ideal to emphasize in our campaign depends on practical and strategic judgment. A demand for liberty may be supported by the current mood, which is shown by the success of the opposition party. The clever politician would then counter that if liberty is to be more than a haven for the privileges of the wealthy, it must satisfy clear requirements on social provision. This argumentation could work or it might not. The voters may decide that the argument put forth is too complex to be persuasive and reject it.

I want to emphasize that this process of choosing ideals in which to clothe political language is philosophically valid. After learning his lesson, the wise politician will attempt a new approach and recover social justice. When we acknowledge that a case for certain changes may be backed by either or both, we do not equal or confound the various ideals of liberty and social justice. It is not appropriate from a philosophical standpoint to choose a certain value for a given campaign. If this were to be determined to be successful, both may be progressed simultaneously[9], [10]. By using the resources provided by Isaiah Berlin, we have developed a thorough knowledge of negative freedom. The most obvious difference between his idea and ours is that we are more willing to accept situations that restrict people's prospects as barriers or hindrances. These

conditions may not have been put in place by human action, but if they can be removed, they should be.

I'm referring to a freedom need that Ralph Wedgwood called social empowerment. Accordingly, "the social conditions that confer favorable prospects with respect to wealth, income, and the knowledge and skills that can be acquired through education"¹⁴ as well as the usual list of liberal freedoms will constitute the ingredients of freedom - provided that those social conditions are attainable. Yet, not all forms of social empowerment are worthwhile. By removing legal restrictions on prospective bank robbers' access to guns or providing them with the means to buy them, we shouldn't enable them. A usable principle of liberty must allow us to recognize legitimate requests for empowerment, and I don't believe this can be done within the confines of the negative definition of liberty. We must outline the chances that claimants should have in order to progress. To do this, one must create a positive conception of liberty.

Positive liberty

This is how Isaiah Berlin introduces the concept of positive liberty: The desire on the part of the person to be his own master is where the term "liberty" gets its "positive" connotation. I want to be in control of my life and my choices, not to be influenced by any outside factors. I want to be the agent of my own will, not the will of other men. I want to be a subject, not an object; I want to be motivated by my own conscious aims and reasons rather than external circumstances that seem to have an impact on me. I want to be someone, not nobody; someone who decides, not someone who decides for them; someone who is self-directed and not someone who is acted upon by men or external nature as if I were a thing, an animal, or a slave incapable of playing a human role, that is, capable of conceiving and implementing my own goals and policies. When I claim that I am reasonable and that what sets me apart from other people as a human being is my reason, this is at least a portion of what I mean. Above all, I want to be aware of who I am as a thinking, willing, and active person who is responsible for my decisions and able to defend them using my own concepts and goals.

I feel liberated to the extent that I think this is true and constrained to the extent that I am forced to know it is not. This is a comprehensive summary. Yet as we'll see, the idea of positive liberty is still rather broad. As Berlin creates his historical-conceptual narrative, a progression of ideals at first appealing and later gradually sinister is mapped out. In casual terms, let's sum up: self-control and self-awareness. This entails my working on my own desires organizing, bolstering, and finally eliminating them in accordance with an idea of what is good or appropriate for me to do or be. This is a comprehensive exposition of freedom of action at the center of a complicated idea. The evolution of this explanation in contemporary times may be traced to Locke, Rousseau, Kant, and Hegel. In recent works by Charles Taylor and Harry Frankfurt, it has reemerged. When we resist temptation, we are used to being seen as having self-control. Our capacity to assess the wants that drive us to act and choose whether or not to satiate them is what defines our freedom of action. Hence, defying our desires in favor of what we believe is right is the model of freedom. Yet as Hegel noted, the ideal situation for a free agent is one in which what we first feel is the proper thing to do turns out to be what we most want after careful consideration.

Paternalism. Let's say I am unable to use this restraint. I may not know what's best for me. I may not fully comprehend the importance of choices. I misunderstand my true interests, much like the little kid who refuses to watch the disgusting movie. The prudent parent won't be alarmed in such a situation. She'll stomp the medication down. Therefore, wouldn't it make sense for you to exert

the authority over me that I am unable to get or maintain? In the absence of my own self-control, would not your ability to govern me necessitate my freedom? This idea is especially pertinent in situations when your paternalistic activity creates or upholds circumstances of autonomy for me that my own actions obstruct. It is difficult to understand how certain forms and manifestations of paternalism may be rejected, but this is a complex subject that we will explore later. Yet it's difficult to dispute that when you free me from temptations that I would resist if I were calmer, saner, or more educated, when you give me the ability to act against my naturally self-restraints, you are promoting my freedom.

social restraint. Yet if I choose to exercise my freedom via self-control and you support it by making the proper political interventions, may my freedom not be further strengthened by institutional measures that I support? Citizens in the republic of Rousseau's Social Contract¹⁷ acquire moral and political liberty by passing rules that are enforced by coercive measures and that are applicable to everyone, including themselves. Would it not be a smart plan of action to create some kind of societal mechanism that would support my determination if, as an individual, I am unable to resist a temptation that will probably hurt me? If I am aware that the prospect of punishment will keep me on the straight and narrow road that knowledge alone will not be able to convince me to pursue, shouldn't I create and accept societal limitations that are more powerful than my unassisted moral powers?

And don't I increase my genuine freedom by doing so? In order to fend off the sirens' cry, Ulysses tied himself to the mast. He was able to enjoy freedom that his poor shipmates were unable to. Many types of addicts may find freedom by seeking the structure and community of the clinic or self-help group. If self-control is insufficient, a sensible citizen in a democratic state would freely surrender to the state's regulatory authority and gain freedom, so the argument goes serving the state. In spite of his rejection or lack of involvement, an imprudent citizen who lacks the immediate self-discipline to implement or support social pressure devices may nonetheless get freedom indirectly and second-hand provided the state implements the required control. We are subject to the state's rule when it serves our actual interests, which liberates us. This is a four-step, enticing intellectual prescription for authoritarianism.

This is a succinct analysis of Berlin's muddled past. But I believe the gist is conveyed. What's more, it demonstrates the difficult dialectic via which a tenable and historically significant understanding of freedom of action may be developed into a theology of social freedom. It also demonstrates how the moral substance of the idea of positive liberty is acquired, which is another crucial point. The primary premise of the argument, that liberty is the ability to do something worthy, is made clear in the first step of the self-realization ideal. In light of some conception of the good life, some description of the virtues, and some rules of proper behavior, this explores one's freedom as the control of her wants.

Berlin favors a limited, pessimistic understanding of freedom because he thinks it can accommodate all political ambitions to the fundamental rights and help us situate liberty within a spectrum of potentially antagonistic values. His main argument against positive liberty is that the progression of values we have just discussed represents a precipice. A slide into the embrace of totalitarian principles, where the state promulgates a picture of the good life and yokes everyone into its pursuit, cannot be stopped if we accept the original equation of freedom and self-control. The strongest critiques of Berlin dispute this. But before I go into this argument, I should address another significant challenge to his thesis.

MacCallum's response

An alternate interpretation is put out by Gerald C. MacCallum, Jr. According to him, the best way to understand freedom is as a triadic relationship between actors, opportunities, and preventing circumstances. Thus, any statement of freedom may be explained in terms of the following schema: x is free from y to do or be z. This analysis of freedom claims that there are two types of freedom: freedom from and freedom to. Joel Feinberg has argued for a similar analysis, discovering additional variables through, for instance, a distinction between internal and external constraints: an inhibiting neurosis, like agoraphobia, can restrict my freedom as strongly as a locked door.

How can this conflict be resolved? Berlin believes that this is incorrect since a person in shackles could want to break free without having a clear vision of what they want to do once they are free. I think this could be a case, although it's quite unique. In the standard scenario, MacCallum's analysis not only will apply but must apply if we are to identify the need for freedom, hence it is unquestionably not a paradigm of negative freedom. If one were to take the example literally, one would often assume that the prisoner at least wants the freedom to walk around unrestrained, but there may be other factors at play. It is wise to be aware of which freedom is in jeopardy while calling for my release since it may be freedom of assembly, freedom to go to church, or freedom to participate in any activity from which I am in effect forbidden.

Gray's argument against Feinberg's more complex theory is also unpersuasive; it states that because the admittance of internal limitations permits "evils that are not at all unfreedoms" as limits on freedom, freedom is eliminated as a separate political good. Feinberg may respond immediately by saying that determining which restrictions hinder political freedom and which do not is the greatest way to understand the uniqueness of freedom as a political good. Personal freedom may be crippled by headaches. They are not likely to be included in the restrictions that politicians impose or might ease, but if they are, it also restricts political freedom.

CONCLUSION

This right has been referred to as the "heart of basic rights" by the Supreme Court of India. The right expressly states that no one may be deprived of their life or freedom other than in accordance with the legal process. This suggests that this right is exclusively applicable against the State. The concepts of liberty and equality are intertwined. In the absence of equality, liberty has no meaning. Regardless of how they are seen, they are the same circumstances. In contemporary politics, liberty is defined as the condition of being free from oppressive controls placed by authority on one's way of life, conduct, or political beliefs within society. One of the most basic human rights is the right to personal liberty since it impacts the key components of a person's bodily freedom.

REFERENCES:

- [1] A. J. Kolber, "The End of Liberty," *Crim. Law Philos.*, 2021, doi: 10.1007/s11572-021-09568-7.
- [2] B. Monnery, F. C. Wolff, and A. Henneguelle, "Prison, semi-liberty and recidivism: Bounding causal effects in a survival model," *Int. Rev. Law Econ.*, 2020, doi: 10.1016/j.irle.2019.105884.

- [3] A. E. Galeotti and F. Liveriero, "Toleration as the Balance Between Liberty and Security," *J. Ethics*, 2021, doi: 10.1007/s10892-021-09363-5.
- [4] A. Millings, A. M. Abu-Akel, T. Mattar, and A. C. Rowe, "Constraints to liberty of movement and attachment styles significantly account for well-being in three Palestinian samples," *Eur. J. Psychotraumatol.*, 2021, doi: 10.1080/20008198.2021.1968139.
- [5] R. Kitchin, "Civil liberties or public health, or civil liberties and public health? Using surveillance technologies to tackle the spread of COVID-19," *Sp. Polity*, 2020, doi: 10.1080/13562576.2020.1770587.
- [6] H. S. Sætra, "When nudge comes to shove: Liberty and nudging in the era of big data," *Technol. Soc.*, 2019, doi: 10.1016/j.techsoc.2019.04.006.
- [7] S. K. McLeod and A. Tanyi, "The basic liberties: An essay on analytical specification," *Eur. J. Polit. Theory*, 2021, doi: 10.1177/14748851211041702.
- [8] R. Queiroz, "Individual liberty and the importance of the concept of the people," *Palgrave Commun.*, 2018, doi: 10.1057/s41599-018-0151-3.
- [9] T. Nam, "A tool for liberty or oppression? A cross-national study of the Internet's influence on democracy," *Telemat. Informatics*, 2017, doi: 10.1016/j.tele.2016.11.004.
- [10] J. R. Potvin, V. M. Ciriello, S. H. Snook, W. S. Maynard, and G. E. Brogmus, "The Liberty Mutual manual materials handling (LM-MMH) equations," *Ergonomics*, 2021, doi: 10.1080/00140139.2021.1891297.

CHAPTER 7

REPUBLICAN THEORY OF FREEDOM

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ABSTRACT:

Republicanism is a political philosophy that places a strong emphasis on belonging to a republican state. It highlights the concept of self-rule throughout history and encompasses everything from popular sovereignty to the rule of a representative minority or oligarchy. In this chapter author is discusses the value of freedom. The critiques of McCallum and Feinberg must be carefully considered as far as the examination of the language of freedom is concerned. We cannot make the distinction Berlin uses via linguistic analysis. But, the matter is not yet over. McCallum goes further, arguing that applying analytically flawed names to the wrong situations would cause confusion and inaccuracy. As most philosophers of historical significance would develop complicated theories, which are best regarded as a blend of the two, he believes we should refrain from referring to Smith as a theorist of negative liberty or Jones as a supporter of positive liberty. This advice, in my opinion, is also timely.

KEYWORDS:

Freedom, Liberty, Political, Philosophy, Republican Theory.

INTRODUCTION

Berlin, however, hasn't made this error in my opinion; despite the extensive historical information he covers, he is extremely sure-footed. Moreover, I believe Berlin is correct when he asserts that a large portion of the literature on political liberty may be usefully classified as belonging to one of two important traditions in the history of ideas. Berlin's method of identifying the various traditions separating the two leading inquiries is undoubtedly awkward, but the distinction he makes reflects a very significant divide [1].

In a fundamentally different understanding of freedom, the option variable what I am not prohibited from doing while I am free to do it must not be satisfied by a morally repugnant action. Imagine if I commit a grave moral error and believe that everything is acceptable in business, even the murder of competitors in order to advance. My mistake is amplified in this understanding of freedom that is positive. Murdering competitors is not something that one could rationally be free to undertake since it is wrong to do so. As a result, rules that threaten penalty for individuals found guilty of killing their competitors in order to further their careers do not violate one's rights. By extrapolating from this example to the general situation, it can be said that coercive rules that impose penalties for wrongdoing do not restrict one's freedom. According to Locke, the restriction is on the license, not the freedom. The positive news does not outweigh the negative news in this scenario. When I am prevented from doing what is wrong in any scenario, there is no negative news. My freedom is not increased by having the ability to commit crimes with impunity. My freedom won't be restricted if I fight the impulse to kill the rival and avoid being constrained from performing what I feel the state wants of me. As we saw above, residents should appreciate the state's ability to compel them to stick with what they believe to be

the appropriate course of action. We might almost ironically acknowledge the coercive agency of the state as helping us to do what we feel to be right, abstaining from wrongdoing and seeking the good life if we conceive of freedom as the condition of social empowerment discussed above.

I've presented two contrasting viewpoints. Who has the best? Notwithstanding my biased explanation of the many arguments they make, the question is still open. Recent years have seen the development of a very distinct conception of freedom. The republican theory of freedom has historical roots in the ideal of liberty put forward for the Italian city-states of the Renaissance. It has more contemporary antecedents in the work of Quentin Skinner and has been elaborated in considerable detail by Philip Pettit and Jean-Fabien Spitz. In the past, it was a goal shared by states and people to celebrate their freedom from potentially dominating neighbors as well as a republican constitution that allowed for the election of citizens to public office and the application of the law. Under such a constitution, people have strong moral and civic standing and are not treated as slaves or the moral inferiors of autocratic or monarchical rulers. This perspective on liberty is the result of a unique tradition with reputable classical origins. It is said to convey a compelling political ideal and contain a particular philosophical understanding [2]–[4].

In certain decisions, another person has the power. It is important to differentiate between non-domination and other behaviors such as non-interference, self-mastery, and collective self-mastery that are shown via involvement in directly democratic decision-making processes. It expresses the equal comparative moral and legal position of all people and is a status notion. It is thus said that one may be subject to dominion without interference in opposition to those thinkers who embrace negative liberty. According to the negative idea, a woman is free, but not on the republican account, if she has a kind master, possibly one who is receptive to her cunning, and if he will not intervene as long as, like Sheherazade, she can spin out his entrancement. Even if she is *de facto* in control, she is not free since she is a dancing girl, raconteurs, a slave, or in contemporary times, a cunning wife with a devoted husband but no legal protections against his potential abuse.

Therefore, coercive laws may interfere with us but not rule us. They will be laws that are not arbitrary, and non-arbitrariness has two forms: the laws are passed via the correct constitutional procedures and they are in line with the values and interests of the population. The "empire of rules, and not of men" is what we have in the first form. This great statement is more obvious for what it excludes than for what it denotes. It does not include a monarch's whim or a dictator's dubious whim. It has a number of constitutional safeguards designed to shield the defenseless person from this kind of improbable interference in her everyday affairs. Laws must be passed by the people or their representatives, extensively disseminated, and easily understood by everyone; positions in government must be available to all on the basis of competence and popular support.

Second, laws should properly reflect the interests and values of the people they are intended to govern and be used to penalize unlawful activity. Even rules that are perfect in terms of their origins may not always be correct. In this scenario, a say, aberrant majority, would nonetheless dispense medical advice arbitrarily. Such regulations will restrict freedom, no matter where they came from. We may thus draw the conclusion that for rules to preserve freedom, there must be no arbitrariness in two different ways.

This is a complicated and comprehensive philosophy of freedom, and the concept of non-domination is what unites it. I'm not sure about this. The republican thinkers deserve praise for

revitalizing non-domination, which is a crucial and fundamental political and human principle. It has a strong connection to liberty. The problem, in my opinion, is that the theory makes the idea of non-dominance work too hard. Non-domination may be understood more broadly to include status distinctions or quasi-moral authority; in this case, the ability to influence another person's conduct merely on the basis of status differences is crucial. The finest examples of this kind of dominance are slave-owners. The slave will be forced to comply with the slave-wants owner's as a result of their arbitrary meddling in their life. While his demands may be more or less onerous, it is obvious who the master is and who must abide by his or her rules.

DISCUSSION

The slave has two weaknesses: she is reliant on the master's kindness and is obedient to his demands. She is weak yet biddable at the same time. Dependency, according to Rousseau, is the main fault of economic systems that promote inequality. Differences in property ownership quickly become inequalities in social standing, which get established as differences in political power. The symmetry of reliance is startling. In *The Phenomenology of Spirit*, Hegel expands on this criticism of human relationships that are characterized by dominance and subordination. By excluding the possibility of mutual recognition, these relationships distort the protagonists' self-images to the point where they are both unable to realize their potential as equally human self-consciousnesses. However, not everyone suffers equally, as is plausibly the case. This information, which emphasizes the psychological harm caused by uneven power interactions, has been used to critique a variety of social interdependence, including those between men and women, husbands and wives, employers and employees, and imperial authority and colonies. Its central claim is that diverse degrees of equality are required to realize the personal and societal importance of reciprocal, mutual acknowledgment.

I agree that this concept has significant political ramifications since it explicitly demands for some kind of equal citizenship, most obviously that of equal participants in a democratic decision-making process. According to this interpretation, non-domination strengthens the school of thought on liberty that places an emphasis on self-control in both its personal and societal manifestations, which are crucial components of Berlin's positive vision. It is difficult to understand how non-dominance, defined in this limited way, can be used to impose restrictions on a sovereign authority that consists of a group of equally potent individuals.

And yet, notoriously, Mill and Pettit, in more recent times, contend that it must. To be entirely non-dominating on the republican account, laws must follow the ideals and interests of the people.²⁸ But, legislation must also be non-dominating in its substance given that it derives from democratic institutions. The harm principle, which states that the only reason for which power can legitimately be exercised over any member of a civilized community against his will is to prevent harm to others, was Mill's response. Other philosophers have emphasized the importance of human rights in defining the proper competence of the sovereign power, no matter how democratic it may be. We'll talk more about these topics later. For the time being, let me just say that I do not see how non-domination in the limited sense that I have described can result in such limitations on the substance of lawmaking. Maybe a broader one will do, but as we broaden its scope, we must be careful not to lose the notion of non-distinct domination's meaning. The required complexity of any compelling argument for the value of political liberty is the fundamental lesson we should take away from the republican theory of liberty.

The value of freedom

I'll try to provide such an account in the sentences that follow. Let's first assess our accomplishments to date. We have copies of Berlin's ideas of positive and negative liberty on the table, along with a sample of how to build a hybrid theory. All three are deserving of our philosophical commitment; they all possess strong analytical backgrounds. How do we decide which one to choose? My recommendation is that we take the idea that political liberty is a value as an anchor and support that explanation, or create a new one from the gathered ingredients, that best explains why it is important to us in the extreme and why so many people are willing to die for its cause.

Using this strategy, we must discard any unfavorable ideas that emphasize the fundamental worth of our ability to achieve our goals without being hindered. The freedom to follow our desires is essentially useless unless they are inherently valuable. Contrarily, the value of liberty is the instrumental value of whatever excellent chances it offers, and this is the lesson of one way of thinking about positive liberty. So, the freedom of thinking and speech is important because these things are worthwhile. While religious worship is vital, religious freedom is valuable as well. So on. Nonetheless, these freedoms would be awful if they had to be used. If we had to speak out at Hyde Park Corner just once a year, we would cherish that ability a lot less. So, liberty as a whole cannot be considered instrumental. Joseph Raz suggests that freedom has value since it is characterized as a condition of personal autonomy in the most spectacular contemporary work on freedom. Yet, personal autonomy turns out to be a highly complicated personal and societal condition. Although admitting my debt to Raz's work, I wish to create a comprehensive explanation of freedom that does justice to a variety of compelling perspectives about the worth of the condition from scratch or at least from more traditional philosophical material. We will weave some of the aforementioned beliefs in while doing this [5], [6].

It goes without saying that a theory of freedom is more coherent if it can address both the classic issues of political liberty and the problem of free will and free agency. For many, like John Stuart Mill, uncertainty and mess are the intellectual price of this integrative desire. Theorists who try a unifying theory - Hegel among the great dead; Stanley Benn in recent times are ambitious. While I don't support neatness above truth, I do think that positive liberty traditions that highlight the connection between freedom of action in general and political liberty include valuable information. In order to illustrate this argument, I need to go into more depth about that school of thought on the nature of free action that I identified as the first positive liberty ideal and dubbed "self-control." Those who have legitimate doubts about my findings are encouraged to read more about these complex topics in the literature. What follows will be obvious to readers who are familiar with the literature on free as a tendentious gloss.

Freedom of movement

When nothing or no one stands in the way of our desires and we have no control over them, we cannot act freely. As we have seen, when one chases the fulfillment of wishes for which he despises himself for suffering, the sense of unfreedom is felt most keenly by many people. If I know my hands are clean, acknowledge that washing them for the nth time this morning serves no useful purpose, acknowledge that my obsession prevents me from working on other, better projects, and yet I still find myself going to the hand-basin because that seems to be what I most want to do for reasons that are beyond my comprehension, I get what I want but act unfreely. To behave freely, reason must be applied to my wants in some way. To build my freedom, I must, at

its most basic level, wish to want what I work to have, evaluating the first-order desires that attack me in the context of the second-order desires that act upon them. What if my second-order impulses are uncritical and 'wanton' in nature? When actions are motivated by wants that are organized in accordance with some sense of the good or are indicative of moral virtues brought about by firm assessments of the ideal way to live, true freedom is attained. While not new, this explanation of free action is undoubtedly current. Its roots may be found in Hegel's *Philosophy of Right*, as well as in Locke, Rousseau, Kant, and other significant figures. It encapsulates one school of thought on independent action. We are free when we have control over what we do, acting against what, phenomenologically speaking, are our deepest wants when this is required by reason, morality, or the ethical requirements of communities we respect as authoritative.

Several challenging concerns are raised by this traditional and contemporary perspective on free action, which I will ignore for the time being. I want to take away two main ideas from these debates. The first might be either positively or negatively; I behave freely when I am the one who decides what I do and when my actions are clearly the result of my own considerations. On the other direction, my freedom is shown in behaviors that are not the result of my animal nature acting through me by stirring up cravings that I heedlessly pursue. Moreover, the rules or organizing principles I use to combat, control, or choose from among the heteronomous forces that attack me are ones I choose or support. They must pass a test or filter imposed by my ability for reason, most notably the Categorical Imperative rule popularized by Kant. In contrast, they are not foreign encroachments. They may have been obeyed on the orders of a higher authority, such as a parent, priest, or politician, but such orders will only be valid if they directly came from such sources or if they passed some kind of test of reasonable legitimacy.

The second thing we should be aware of is that, far from being restricted by rules or principles of behavior, freedom of action necessitates their effective application. This statement runs the risk of seeming too constrictive and moralized. When I choose the color of toothbrush I want to use, am I not acting freely? What principles or norms are in effect here? Most decisions we make can be influenced even when there are no moral concerns. When was the last time you made a choice based on meticulous moral consideration? Claiming that free acts must be responsive to relevant moral concerns when they are in play is a viable solution to this problem. The moral gyroscope of the free agent is well-balanced and firmly in place. He will be aware of situations when moral values may be in play. Let's say that negligent toothbrush usage has generated conflict and problems in the household. As Fred walks up to the grocery shelf, warning bells should go up if he's vowed he won't purchase a pink again. Something is wrong if he is careless and simply considers what color will go with his razor. We have a situation of someone who is not totally in control of his behavior if the warning bells never go off for Fred and this kind of moral blindness is persistent. On the other hand, if Fred considers the commitments he has made and the moral standards that require fidelity to those agreements while deciding what color toothbrush to purchase, his actions are not restricted only because of his moral scrupulosity. I don't believe it is possible to thoroughly construct an appropriate explanation of political liberty from observations like these about the freedom of action. Nonetheless, they are ambiguous. The tale given by someone who accepts them is likely to be colored by them. As we will see, they could outline the boundaries of the favored account.

Autonomy

An alternative launching point can lead us to a similar conclusion. According to Hobbes' most stern interpretation of negative liberty, we act freely when we are not prevented from achieving

our goals, provided that doing so is physically possible. Freedom's worth may be quickly deduced from Mill's thoughtless statement that "liberty consists in doing what one desires"³⁵. It is the importance of achieving our goals and living our lives as we wish. In other words, the value of freedom is instrumental; it is equivalent to the worth of getting whatever it is that we desire thanks to our freedom. If we lack a certain level of freedom, we will either be unable to get our desired thing or will only be able to do so at a high cost or risk. This explanation of the importance of freedom has the wonderful advantage of being clear-cut and easy to understand. Moreover, it allows us to rank liberties according to how important they are to us. This will depend on how valuable the activities that freedom allows are. The importance of the object of want, the freedom to get it, and the severity of the constraint when our freedom is taken away all go hand in hand.

We should be able to see the flaws in this narrative after taking action freedom into consideration. We cannot presume that this is true everywhere, even while I am willing to concede the general significance of attaining what we want and, a fortiori, the freedom that enables us to do so. What the agent desires can be purely evil the delight of inflicting agony on another or dangerous to the agent. Under these circumstances, neither the freedom to fulfill his want nor the realization of his desire itself is a good. Only in situations when the agent's gratification of his desire has any positive value could we draw the conclusion that freedom is an instrumental good. If freedom is a good thing in and of itself, its goodness must be at least somewhat unrelated to the worth of the chances it creates. Hence even in situations when there is a choice between doing wrong or not, there is some benefit to the agent in being able to actively choose among the available possibilities.

Despite its strong intuitive appeal, this concept has to be handled with extreme caution. What purpose does choosing serve? Choice is, at its most basic, merely plumping choosing one option over another without any justification. When you flip a coin, do I select heads or tails? At the roulette table, should I place my bets on the red or the black? Without a doubt, I would feel cheated if you chose heads for me when you toss the coin. If the croupier were to put the bets, the roulette table would be hilarious! Hence, even in this basic scenario, the importance of choice is not insignificant. Nonetheless, I don't think just becoming bigger is worth anything to me. The lottery player who chooses the Lucky Dip instead of picking her own six numbers has essentially lost nothing.

Not all options, however, are as devoid of actual experience as these. The importance of choice to the chooser was a subject Mill himself explored. The human capabilities of sight, judgment, discriminative feeling, mental activity, and even moral preference, he believed, constitute what he termed "the peculiar endowment of a human being," and they "are employed exclusively in making a choice."³⁶ What kinds of choices did Mill have in mind? It was obvious that the options weren't of the "heads or tails" sort or even more difficult ones, maybe involving the anaglypta wallpaper's texture. He was more focused on the options among various life plans.

Once again, this is a point that has to be made carefully. It is not enough for us to think about significant moral choices. This is the autonomy-based principle of Kant. It comes to pass when human agents decide what is proper to do. They use their rational will, a transcendental ability to use reason to develop or test moral ideals, after which they act [7]–[9].

CONCLUSION

Republicanism is a political philosophy that places a strong emphasis on belonging to a republican state. It highlights the concept of self-rule throughout history and encompasses everything from popular sovereignty to the rule of a representative minority or oligarchy. The views of the Republican Party have varied throughout time. The party now supports reduced taxes, small government conservatism, free trade, free markets, corporate deregulation, and limitations on labor unions as part of its fiscal conservatism. Political freedom was defined as the lack of oppression or coercion, the satisfaction of enabling circumstances for an individual, or the absence of compulsion-inducing factors in a community, such as economic compulsion.

REFERENCES:

- [1] C. Laborde and M. Ronzoni, "What is a free state? Republican internationalism and globalisation," *Polit. Stud.*, 2014, doi: 10.1111/1467-9248.12190.
- [2] R. Kinna and A. Prichard, "Anarchism and non-domination," *J. Polit. Ideol.*, 2019, doi: 10.1080/13569317.2019.1633100.
- [3] P. Pettit, "Legitimacy and Justice in Republican Perspective," *Curr. Leg. Probl.*, 2012, doi: 10.1093/clp/cus016.
- [4] T. Skolnik, "Freedom and Access to Housing: Three Conceptions," *Wind. Yearb. Access to Justice*, 2018, doi: 10.22329/wyaj.v35i0.5690.
- [5] C. C. C. Wu, A. Peterson, B. Zinshteyn, S. Regot, and R. Green, "Ribosome Collisions Trigger General Stress Responses to Regulate Cell Fate," *Cell*, 2020, doi: 10.1016/j.cell.2020.06.006.
- [6] T. Skolnik, "How and why homeless people are regulated differently," *Queens. Law J.*, 2018.
- [7] R. Bellamy, *A republican Europe of states: Cosmopolitanism, intergovernmentalism and democracy in the EU*. 2019. doi: 10.1017/9781139136303.
- [8] A. T. Schmidt, "The power to nudge," *Am. Polit. Sci. Rev.*, 2017, doi: 10.1017/S0003055417000028.
- [9] C. F. Rostbøll, "Non-domination and democratic legitimacy," in *Critical Review of International Social and Political Philosophy*, 2015. doi: 10.1080/13698230.2015.1033862.

CHAPTER 8

CHARACTERIZES THE SORT OF AUTONOMY

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ABSTRACT:

In social psychology, the personality characteristic known as autonomy is sometimes referred to as the antithesis of sociography and is characterized by an emphasis on individual accomplishment, independence, and a desire for isolation. In this chapter author is discusses the free states and free citizens. In the appropriately titled "Kantian Gulag," Flint Schier makes the case that even under the most repressive and autocratic governments, autonomy may flourish. Even throughout the worst hours of Stalinist tyranny and persecution, poets like Mandelstam and Akhmatova persisted to write their own poetry. Bruno Bettelheim has shown how some individuals, such as communists and priests, were able to preserve their moral compass within the horrifyingly chaotic conditions of Nazi extermination camps.

KEYWORDS:

Autonomy, Freedom, Liberty, Political, Philosophy.

INTRODUCTION

Schier observed how camp survivors can be afraid of freedom, thinking that it would lack the moral complexity of life lived in an environment where moral choices were constantly being made throughout the day. Making the choice to face one's captors in the eye might be challenging. Yet continuing to do so may be a difficult and dangerous course of action. It is not surprising that those who escaped the concentration camps, especially those who settled down in the USA, Western Europe, or Israel, were inclined to criticize the shallowness of the cultures they adopted, contrasting it negatively with the horrors they had escaped in terms of the opportunities it provided for a life of profound moral seriousness [1].

The ability to pursue personal objectives is something that is lacking from life in the Gulag³⁸. As long as we do not take Mill's prescription too literally, his idea of a plan of life is crucial in this context. One may interpret this ideal in implausibly dramatic terms if agents are referred to be creators of their own life stories and writers of their own lives. Politicians who are writing their memoirs urge us to do this by comparing their ascent to the greasy pole to the accidental realization of ideas they had when they were younger and sketched out on the back of an envelope. We could create the narrative for them. An Oxford Scholarship is to be awarded after academic success. She will be ready for future glory as President of the Union after receiving outstanding acclaim for her performance as Portia in a garden production of *The Merchant of Venice*. She will run for Parliament in a by-election after working for a while in the city or in a bar and amassing a fortune. After a quick promotion, she will be at 10 Downing Street's door as the prime minister; then, the family photos of her standing in the same doorway with a policeman and her pleased parents thirty years earlier will be brought out.

This should not be how we see living alone. Most of the time, autonomous agents will see their lives as a jumble, but a jumble of their own making, a series of forges and retreats met with varying degrees of success and failure. The autonomous existence will be identified retroactively when the agent takes ownership of the paths she has taken and the streams down which she has wandered, rather than as a design that is steadfastly followed[2], [3].

We must avoid elevating the independent existence to an unattainable heroic ideal. The social structure must allow for paths to be explored even when a traveler is likely to pick the incorrect road or get lost in order to support the minimal level of autonomy I have outlined. In a negative sense, gates must be left open; in a positive one, capabilities must be built when agents are given the freedom to choose between realistic or difficult possibilities. We are fully aware of the many roadblocks to autonomy that our friends may encounter. Parents may project their own goals onto a docile kid and die unaware that their doctor son despises both his patients and his line of work. Long after the mines and mills have gone, schools may continue to educate their students to serve as the workforce, unaware of the abilities they are ignoring and failing to develop. People who are normally kind and gregarious may develop social paranoia as a result of the conformist customs of a well-ordered society. States that choose the middle path to political success and so appease apparent majorities run the risk of suffocating what Mill referred to as experiments in life. Both a tolerant public ethos and robust liberal institutions are necessary for the general attainment of a sufficient level of even that small variation of autonomy that I have outlined. It shouldn't be the reluctant homage of power to humanity's inherent bloodthirstiness.

It must be acknowledged that it fails to live up to one popular model the life built around a personal goal. The kind of ideals I'm thinking about may be said to give their proponents' life purpose; as a result, even while they don't specify particular goals, they do have a moral undertone. They would be absent from any analysis of the phenomena of ethics. We could thus respect a life that is dedicated to charitable work or religious piety. We may accept asceticism and stoic self-control as admirable practices. A life spent doing or appreciating art may be regarded with the same value in various circles. We also shouldn't discount the importance of devoted domesticity. Such ideals eventually give way to activities that may be similarly difficult but are hardly moral, unless maybe they exhibit executive qualities like intellect, foresight, and resolve, as well as many other traits on Mill's list of distinguishing human endowments. In order to develop politically, one may totally commit to a job, a club, or both at once.

When it comes to organic foods, personal trainers, and other pursuits of excellent health, we may see the shadow of asceticism. Lifestyle choices are nothing new to us; glossy representations of them are shown everyday in newspapers and publications. Respect for autonomy necessitates tolerance for others' adherence to a variety of moral principles to which one may not share and even be antagonistic. But, achieving an independent existence need not include such consuming ambitions. Self-realization need not be the arduous endeavor liberals have made it out to be.⁴⁰ An autonomous life dedicated to the pursuit of a lofty ideal undoubtedly calls for the right kind of liberties, but so does the kind of autonomy manifest in less lofty passions like stamp collecting or bird watching, or in a variety of other pursuits pursued by jacks-of-all-trades. In the same way, the erratic and irrational chase of fancy does, attempting this and that to pass the time, taking a new evening class each winter, none leading to actual mastery. Each time, we see people juggling competing demands for their active attention and constructing a life from the wreckage [4].

According to me, freedom is justifiable since it contributes to the noble actions it allows and because it is a need for living independently. Why is self-rule beneficial? As we talk about rights

in the next chapter, we will have more to say about this issue. But, in order to give readers a signal as to how I would react to it, I ask them to think carefully about whether or not they ultimately wish it and feel that others' desires for it should be recognized. If this question seems too general, concentrate on the denial of autonomy and ask yourself whether you object to it in any of its typical forms. If your philosophical temperament leans toward a more aspirational and well-founded mode of thought, you will view autonomy as a gem, as an expression of humankind's rational will, the transcendent capacity to reach beyond the constraints of our natural state toward a spiritual, even divine, facility of self-creation[5], [6].

DISCUSSION

A Philosophical Health Warning should be issued if this is the case. Consider the erroneous man's position. He thinks that humans should embrace a sexual lifestyle similar to that of pygmy chimps. He adopts Freud's theory of infantile sexuality and thinks that kids are fair game for his cravings. He subverts his views since he recognizes that his community scorns them. He advances into positions of authority, such as manager of a children's home, by accumulating the necessary degrees and credentials, and he displays his sexuality by abusing the young people under his care on a physical and psychological level. He thus lives a suitable, cautious life of enjoyment. This is an independent existence without any care given to the origins of his sexual desires; in fact, it is remarkable due to the ingenuity and foresight put into its planning.

If just the executive attributes were required for its success, it would be. Except for the astute politician I mentioned above, it would be difficult to find a denser demonstration of the administrative attributes. Nonetheless, we must acknowledge that autonomy without its Kantian overtones of moral clarity might be the root of the worst evil. There are two possible outcomes in this situation: either we moralize the idea of autonomy such that the autonomous agent never commits a wrongdoing, or we embrace the possibility of autonomous evil.

We should cling tenaciously to the conviction that freedom is beneficial. In such situation, we need either change how we define autonomy or acknowledge that its relationship to freedom is conditional. Freedom cannot be justified as the manifestation of an independent will if autonomous action may be wicked. If we follow Kant, we must elaborate on autonomous action in order to rule out the possibility of autonomous wrongdoing. Why not go back to our foundational text, Rousseau, and attempt to determine what moral liberty necessitates in order to construct a more solid theory of positive liberty?

Moral discretion

According to Rousseau, this freedom is acquired by individuals who have self-control over their passions. It is further developed in Kant's concept of autonomous willing, which emphasizes how we utilize our faculties of logical thought to combat our heteronomous desires—those cravings that are brought on by the interplay between our human nature and nature. If we behave in accordance with reason's advice, we will do it willingly and in accordance with the laws that everyone must be able to obey. Many people see Kant's argument as a demanding sort of moral athletics; morally significant acts are the result of ongoing internal conflicts between actors' struggles with temptation. One parody of this ethic is "Do with repugnance what duty commands".

Prior to Kant, Rousseau thought that this strict conception of obligation demanded too much of us. Weaker than Kant thinks we are, not least because the depraved society that is the result of

human history has corroded our moral natures. We lack the resources necessary to consistently behave morally. Maybe the inability to do what is right while knowing that it is the correct thing to do has led to a societal evil. We are aware that the issue has evolved into one that requires societal solutions. The third positive liberty ideal mentioned above is this. The state, which enacts laws in line with popular opinion, offers the collective resource we need. Citizens compel themselves to be free by submitting to a common discipline in a society where subjects support the norms of the sovereign - for Rousseau, a direct democracy - and recognize that these should be supported by punishments. Recognizing their propensity to do badly, they offer themselves more justifications for acting well.

In the instance of laws that forbid stealing, we may see this kind of reasoning in action. Accept that I think it's important to respect other people's private property and that stealing is wrong. Yet I also think that if I were under pressure and could go unnoticed, many people, including myself, would be quite tempted to steal. On the basis of these suppositions, I shouldn't object to such a legislation and could rather welcome it since it increases the possibility that I will behave morally. However, I understand that, as a property owner, the limitations imposed by such a rule on others really increase my freedom. They become less inclined to obstruct my usage of my property as a result. Laws that regulate the area in which my own judgments and decisions are final guarantee my freedom. Self-interested individuals will seek a win-win compromise between giving up their right to appropriate or utilize the property of others and increasing their ability to defend themselves against the state's authority. Moral beings will not suffer a loss. Of course, they support restricting others' abilities to impede their freedom, but they also support giving up their own ability to act improperly[7], [8].

The tale of autonomous actors who voluntarily and logically submit to the state's coercive powers will be discussed in Chapter 6, when we look at the justifications for political duty. The lesson here is that regulations that keep us and our fellow citizens on what we perceive to be the straight and narrow path of responsibility do not violate our freedom. This is a risky argument, as Berlin could see plainly, and the risk comes from two separate directions. The obvious concern is that someone else may decide what our responsibility is and then regiment us into doing it. As long as we maintain that political freedom and democratic institutions provide the moral liberty that is attained by state force, this threat will not materialize. The second risk is that democratic majorities could make a mistake and support punishing innocent behavior with jail and other harsh penalties. This is a constant possibility since democratic organizations' choices do not, in and of themselves, represent judgments on what is or is not morally acceptable. Moral liberty may put us in political shackles if we pursue it.

To this issue, many complimentary solutions exist. The first is that we should bolster our description of the institutions that support political liberty with some clause that places restrictions on the authority of democratic decision-making processes. This is what Mill's damage principle and human rights declarations either in state constitutions or operating as supranational agreements aim to accomplish. The second, a clear consequence of Mill's theory, is a public acknowledgement that wrongs that may be outlawed in a way that is compatible with liberty do not include wrongs that individuals may do against themselves; this is the paternalism problem. The following will address both of these queries. The third difficulty, which is challenging, is the question of tolerance.

Toleration

Tolerance is the epitome of a liberal virtue, if there is such a thing. Tolerance is required because people who live together may discover that there are profound disparities in their moral convictions that cannot be resolved by argument from agreed-upon premises. Nevertheless, as one critic has noted, "it appears to be at once necessary and impossible". It is difficult because the obtuseness and stubbornness of the disputing parties are often used to characterize the conditions of intense conflict that demand for the practice of toleration. These disagreements have traditionally been of a kind that leads to violent conflict. Whether the bread and wine ingested at the Eucharist are the actual flesh and blood of Christ transubstantiated in the liturgy or are they only a representation may seem unimportant to an impartial observer. Moral conflicts quickly arise from discussions this esoteric. I would argue that moral disputes are always significant.

I want to take a sideways approach to the issue of tolerance by briefly discussing what I see as a similar issue: willpower weakness. The phenomena of weak will leads to significant philosophical issues. How are individuals able to know what the optimal course of action is and yet choose another? A similar pattern may be seen in the issue of tolerance: How can someone know that something is unacceptable for someone else to do yet choose to do nothing about it? With the issue of weak will, philosophers disagree. Others claim there are no such situations, which solves the problem. If you really understood what was right, you would act upon it. You won't really know till you try it. If you really know, but your choice doesn't reflect it in some way. The strength of your emotions and your passionate convictions overpower your knowledge. Or there is another explanation for why your knowledge of what is best didn't motivate you; philosophers are creative in coming up with the kinds of explanations needed to support their theses. Those who disagree insist that it is still possible, even after we have ruled out the scenarios in which plausible explanations may be offered, for a moral agent to know what is right to do, but still choose to act in a different way[9], [10].

Regarding tolerance, the same pattern of disagreement may be seen. When we can't hope to convince someone who has a different opinion on the good and bad of a situation, tolerance is suitable. No matter how strong our opinions or convictions are, how confident we feel, how well-written or persuasive our pleas are, or how persuasive our arguments are, when we attempt to persuade others, we run against a brick wall. They are mistaken, but we don't appear to have any control over it. They are totally, utterly, profoundly wrong, but much like the best of friends who fall in love with the wrong person, we are unable to persuade them of this. In that case, why don't we just stop them from doing improperly? Even if we may think that others are behaving improperly, the idea of toleration maintains that there are certain situations in which it would be improper for us to intervene. But what other justification could there possibly be for us to halt what others are doing wrong?

Doctrines of tolerance evolved historically in reaction to the European religious conflicts of the seventeenth century. It was discovered the hard way that no amount of pressure can compel other people's views, even while threats of death, torture, incarceration, and the like may temporarily persuade individuals to act in ways they would otherwise oppose. The very definition of a ridiculous public policy is "forced conversion." For an account of the feelings of Jews forced to attend an annual Christian service in Rome and watch a dozen of their company publicly converted to the true faith, read Browning's poem "Holy Cross Day," the most satirical poem ever written in English. We are aware that controversies of this magnitude often have religious

roots, or race and faith, between sexuality and faith. Such issues are often framed as being a multicultural citizenship issue, which is the current form in which they manifest. To my knowledge, no people nor tribes fight over the legality of murder, even if the religious beliefs they follow may allow or demand the execution of non-believers.

As I've said, tolerance is refraining from interfering with behavior that one deems to be immoral. Why don't we assume that we don't genuinely consider something to be incorrect when we don't think we should interfere with another person's behavior? I think this idea perfectly encapsulates the liberal inclination. Let's examine some typical instances. Imagine a state where there is a dominant religion and a minority religion, or more broadly, a state where there are religious differences and where only one religious group has the authority to pass laws. Should the state allow persons who disobey the food regulations prescribed by their faith in the eyes of the legislators? The question of whether the problem is indeed morally relevant at all may serve as a proxy for many other distinctions in religiously sanctioned morality. In a nutshell, it may be claimed that morality contains a universal component that is refuted by someone who believes that an authoritative religious scripture is its source. One cannot expect such issues to be resolved so quickly, thus the believer will undoubtedly affirm the universal authority of the precepts, but it is simple to see where the liberal argument is going. It is argued that since the behaviors up for prohibition are not inherently immoral, the issue of toleration does not arise. Similar restrictions on an ethnic group's ability to travel or pursue employment come to mind. Once again, the issue does not surface for those who think there is nothing wrong with sitting at the front of buses or on park seats meant for others. Regarding regions of sexual activity, the exact same problem occurs. For instance, homosexuals would argue that because they commit no crimes, it is incorrect to see liberal laws as tolerance.

Speaking about tolerance in other areas of behavior may also be misleading since it implies that the acceptable behavior is bad. The argument being made here may not be that the activities some might advocate are morally wrong but rather that there is moral ambiguity. We may encounter situations where uncertainty prevents a firm moral judgment from being made if one can see both sides of a situation, as may occur when one agrees that the moot behavior is often wrong but sometimes justified. The pros and cons of abortion are often muddled in this way for many individuals. One's hesitation may cause one to reject that toleration is a problem if one does not firmly feel that such behaviors are bad in all circumstances. This is particularly true when the agent proposing to act in a contentious way has a unique viewpoint on the present circumstances due to the complexity of the circumstances. Again, one is asserting that tolerance is not a problem by deciding that it is better to leave the choice of how to behave up to the agents involved since they are in the best position to understand the repercussions of what they are doing.

Lastly, in certain situations, similar to those in which paternalism is a problem, the right or wrong of a situation may simply depend on the choice of the individual. It is no longer an issue of humility or deferring to the individual who can answer the question in the greatest way. The key idea is that only the individual agent who must make a decision can resolve the situation. Finding cases free from outside influences is difficult, although deliberate euthanasia and suicide may fall into that category. Although if some cultures plan weddings, the liberal is likely to think there is nothing wrong with the stubborn kid who refuses to follow her parents' instructions since, in the end, the proper marriage partner is the one who is approved or chosen by the prospective bride. According to Strawson, if we make a distinction between communal morality

and the individual ideal, we may be more willing to accept opposing opinions about behavior that may be both praised and criticized from many perspectives. This may be a crucial location for determining the acceptability of certain moral relativism and the corresponding need for a certain level of tolerance. I have a tendency to believe that the only instances would be those in which, as Mill emphasized, proscription is too expensive and regimes that impose punishments would be too invasive. Ignoring moral obligations to oneself and the paternalism debate. This is plainly true when the coercive regime is that of the state, but less obviously true when the intervention is social mechanisms of rejection, contempt, or exclusion.

Free states and free citizens

I have investigated a variety of theories or analyses of the nature of freedom so far, as well as a variety of explanations for why freedom is valuable or appealing. I'll weave these threads into a sophisticated explanation of the institutional setting that freedom demands in the remaining section of this chapter. I'll structure this information based on Rousseau's observations. The main components of the hypothesis I support are assembled in his description, however we will go beyond these sources in our presentation.

According to Rousseau, in the state of nature, we are free because of our free will, our ability to repress our impulses, and our independence we are not subject to the demands of others or reliant on others to acquire what we want. As contractors, we won't settle for anything less than the social situation that most closely resembles this natural state. While natural freedom is gone, the idea of it nevertheless provides us with a moral standard by which to evaluate the structures of contemporary society. A certain amount of freedom in society may be reclaimed along three axes: moral freedom, which we have previously explored, democratic freedom, and civic freedom, which needs more investigation. I'll go through each of them in turn, freely quoting from Rousseau's writings as my source. Several of the freedom-related discoveries that have emerged from our prior conversations will be systematized [11].

Democratic liberties

I'll keep my talk on democracy to a minimum here since I'll have more to say about it later. The main argument in favor of democracy as a facet of freedom is straightforward: democracies provide their people the chance to participate in making the choices that will serve as the rules that regulate their behavior. According to Kant, autonomous action entails adhering as closely as possible to the rules that each actor has established for themselves. A political parallel of this approach is democracy, where freedom is defined as adhering to the rules that one has established as being applicable to all people, including oneself. As we've seen, Berlin claimed that democracy is fundamentally different from the ideal of liberty because, as J.S. Mill disputed. Even while it may be conceivable, it is incorrect to assume this factor to be the deciding factor.

The strongest point against it is the most apparent one, and it has *tu quoque* status. Any system other than democracy will prevent citizens from participating in what many see as a beneficial activity. In a developed democracy, many people are eager to participate even if we are aware that many individuals are indifferent to the chance to vote. They become members of political parties, paying yearly dues as needed, attend meetings of their neighborhood active group, hand out flyers, and solicit votes during elections. This may or may not be done in an effort to fulfill a desire to run for office in a representative government. This is an acceptable way to spend one's free time in any case. Others may choose to engage in politics in a less demanding way, such as by voting in elections or referendums. Some people may have no interest in politics at all, but for

those who do, voting, at the very least, and leading a career in politics, at the very least, represent options best made possible in a democratic system. The harshest negative theorist acknowledges that regulations that restrict the expression of political beliefs, as well as those that prohibit religious worship or group gatherings, are restrictions on liberty. It is difficult to see why constitutional provisions that prevent people from engaging in ways that are typical of democratic participants cannot lead to the same result. Berlin's two questions have the same response when we consider the kind of actions politically motivated persons want to take: political structures should allow for the exercise of political power by people who want to actively participate in the governance of their country. People are free because they participate in activities that determine how they are governed and in opportunities that are guaranteed and protected by law. The comparison between self-control and the use of political power by active voters in a contemporary democracy has often been criticized as being tenuous. Rousseau agreed that the size of the participating community had an inverse relationship to the amount of political power that its members exert. Contemporary critics have joyfully noticed that this influence may be essentially nil.⁴⁶ No one vote has been crucial in a British parliamentary election this century [12].

It's possible that voters in significant elections are more knowledgeable than these observers. Even in the most attenuated representative systems, there is still a chance for those who pursue it to obtain a small amount of power; after all, someone has to be President or Prime Minister. However, for the majority of voters, factors other than a delusional desire for power drive them to the polls. Voting gives participating people the chance to support the system for making political choices as well as the decisions that result from that system's functioning. If a democracy is representational in nature, and enough other people choose to alter the government they comprise, they are allowed to do so. Also, the chance to refuse to participate or ruin a paper gives one the chance to criticize the system and its operations. Similar to this, even if applying the categorical imperative to Kant's moral agent may be a hassle, doing so is an insistence that any purported moral standards must be submitted to her own logical legitimation and cannot be imposed by a third party. There are many people vying for this kind of power in both the political and moral spheres. We have the opportunity to declare our independence from them via democratic engagement. Although democracy may be essential to freedom, it also poses unique dangers.

CONCLUSION

In conclusion, it is clear that contemporary nation-states have strikingly divergent opinions on the morality of a variety of behaviors. Multiculturalism in all of its manifestations is a fact. Modern democratic individuals should be cautious in their claims to the kind of moral wisdom that may underlie the persecuting of one group of people by another in light of these disparities and our understanding of how readily they lead to serious and historically significant conflicts. We shouldn't adhere to a relativist view of ethics that holds that what is acceptable and bad in general merely depends on the customs of the societies to which certain persons belong. Conflict is made worse rather than resolved whenever localized "morality" asserts its universal applicability. When we acknowledge the reality of profound distinctions, it is much preferable that we be fallibilists. The greatest obstacle to democratic majorities is personal or social humility in the face of a variety of conflicting recommendations on how to live life to the fullest.

REFERENCES:

- [1] S. Zelentsova, "Program Documents as a Source on the History of the Anarchist Movement in Ukraine in the Early 20th Century," *Ukr. Stud.*, 2021, doi: 10.30840/2413-7065.1(78).2021.224992.
- [2] S. Nadir, "Otonomi Daerah dan Desentralisasi Desa," *J. Polit. Profetik*, 2013.
- [3] V. Racine, "Can Blockchain Solve the Dilemma in the Ethics of Genomic Biobanks?," *Sci. Eng. Ethics*, 2021, doi: 10.1007/s11948-021-00311-y.
- [4] M. Evans, "Data use for what and for whom?: A close look at the policies and teacher practices that shape data-driven decision making at an elementary school," 2016.
- [5] T. M. Wilkinson, "Nudging and manipulation," *Polit. Stud.*, 2013, doi: 10.1111/j.1467-9248.2012.00974.x.
- [6] J. Pugh, "Ravines and sugar pills: Defending deceptive placebo use," *Journal of Medicine and Philosophy (United Kingdom)*. 2015. doi: 10.1093/jmp/jhu045.
- [7] M. A. Zaelani, I. G. A. K. R. Handayani, and I. Isharyanto, "Discretion of Morality (Pancasila Moral Relations in The Laws of Political Determination)," *Aloha Int. J. Multidiscip. Adv.*, 2020, doi: 10.33846/aijmu20104.
- [8] J. Jauernig, M. Uhl, and G. Walkowitz, "People Prefer Moral Discretion to Fair Algorithms: Algorithm Aversion Beyond Intransparency," *SSRN Electron. J.*, 2021, doi: 10.2139/ssrn.3857292.
- [9] M. Verkuyten, K. Yogeeswaran, and L. Adelman, "Toleration and prejudice-reduction: Two ways of improving intergroup relations," *Eur. J. Soc. Psychol.*, 2020, doi: 10.1002/ejsp.2624.
- [10] C. Tize, "Living in Permanent Temporariness: The Multigenerational Ordeal of Living under Germany's Toleration Status," *J. Refug. Stud.*, 2021, doi: 10.1093/jrs/fez119.
- [11] S. Jackson, D. Lyon, J. Torpey, and J. Caplan, "Surveying surveillance studies [Surveillance as social sorting: privacy, risk and digital discrimination] [Documenting individual identity: the development of state practices in the modern world]," *Can. J. Commun.*, 2004.
- [12] Zachary Campbell, "On the Political Challenges of the Cinephile Today," *Framew. J. Cine. Media*, 2009, doi: 10.1353/frm.0.0037.

CHAPTER 9

A STUDY ON MILL'S HARM PRINCIPLE

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ABSTRACT:

According to the damage principle, individuals should be allowed to behave as they like as long as they don't hurt anybody else. The idea was initially put out by English philosopher John Stuart Mill and is a key component of the liberal political theory. In this chapter author is discusses the legal moralism. Therefore, it is crucial that we address the issue that deeply troubled John Stuart Mill and prompted him to write *On Liberty*: What are the constraints that may be imposed on citizens who would interfere with the activities of their fellows, most egregiously by their legislative activities, but most largely perhaps by the social pressures that promote conformity? The definition of liberty I've provided seems to put people at the mercy of majorities that have a constrained or contentious idea of what the public good is and are aggressive in pursuing it.

KEYWORDS:

Democratic, Mill Harm, Moralism, Political, Philosophy.

INTRODUCTION

It is crucial to distinguish between the philosophical and practical difficulties in this situation. In terms of the philosophical arguments, Rousseau has my support. People who respect liberty and demonstrate this by participating in the democratic institutions that liberty necessitates would, in all logic, be averse to interfering in the lives of their neighbors, whether via the legal system or less formal means. They will be wary of enacting policies that limit individual choice because of their strong desire to create institutions that empower everyone. They will be reluctant to impose restrictions on their own pursuit of these values after accepting the necessity of democratic institutions and the associated freedoms and appreciating the opportunities these provide for citizens to express their various conceptions of the good life in constitutional and prescriptive laws [1]–[3].

Nothing less than the idea that the ideals and beliefs they uphold may not be adequate to achieve the goals they pursue. The idea that someone else may reject the rules of reason is painful to the sensible man. Second-best rules that resemble the outcomes of rational rules may be required. Thus, we request that claimants who are unable to agree on the most reasonable rule of precedence throw a coin in order to demonstrate fairness. The political philosopher, too, must take into account embarrassing facts that indicate that the community to which her arguments are directed may not support the greatest norms of reflective behavior. Again, this necessitates the expression of the second-best course of action. In the same way that we are ready to accept external restraints on our own judgment, realizing our susceptibility to temptation, so too must we be ready to establish institutions that protect against the worst manifestations of human foolishness. The damage principle and other restrictions on the social flaws that democracies may reflect and magnify are present here.

In order for liberty to exist, law-making institutions and informal but potent coercive forces within a community must adhere to certain ethical bounds. The "one very basic concept" that John Stuart Mill advocated is that self-protection is the only reason that humans, either individually or collectively, is justified in interfering with another person's right to pursue their own interests. That protecting others from danger is the only reason that authority may legitimately be used against the will of any member of a civilized society. His own wellbeing, whether it be bodily or moral, is insufficient justification. As an alternative, institutions must uphold the rights of their constituents. The guardianship of this check on the executive and various legislative powers - from the President and Congress to mayors and town meetings - is vested in an independent judiciary with the authority to review and invalidate violative acts. This restriction on institutional powers may be enshrined in constitutions, such as that of the United States. Later, I'll consider this suggestion.

Reverting to Mill's damage principle, let's. We can see how it works; it states a need for the validity of a proposed interference, or describes a standard that suggestions must meet. The onus of evidence is therefore placed on those who want to restrict our freedom; they must demonstrate that the purportedly unlawful behavior results in injury to others. According to Mill, it is a necessary but insufficient need for the justification of intervention. He envisions many situations in which certain activities could injure others, yet interfering would be foolish. For instance, it would be expensive to enforce an universal legislation against breaching commitments. Alternately, it's possible that the detrimental behavior promises an unintended benefit. A system that is advantageous in the long run may include components that drive rivals out of business [4]–[6].

Since its first publication, Mill's condition has drawn a lot of criticism. In due order, we'll look at some of the more prevalent objections. He did make one glaring mistake, namely his assertion that the theory is "extremely easy." Not simple at all. First off, we need a more thorough examination of injury than Mill himself offers. Two very distinct theories are supported by recent literature. Judith Jarvis Thomson⁴⁸ supports a limited definition of damage that highlights physical deformity, mental illness, and physiological disability as the main scenarios. Although distress, such as the sensations of pain and nausea, may cause suffering, particularly psychological injury, it is not harm. Hence, whether Jim's vehicle is stolen or the cash he keeps beneath his mattress is burned, he is unaffected. The most distinctive interests are what Joel Feinberg refers to as "welfare interests," which are defined as "the basic requisites of a man's well-being." In contrast, Thomson's conception of harm is not constructed with the defense of a harm principle in mind. Yet the conclusion is clear: if the harm principle is to work as a strong restraint on legal government intervention, the concept of damage used should allow disagreements to be settled over whether an action is harmless or not. Feinberg demonstrates that it is a difficult effort. As always, common sense requires delicate expression and meticulous defense. If this duty of clarification can be completed, let's continue.

The prevalence of damage is perhaps the most significant argument against applying the concept to the aim it is intended to serve. It is believed that every action harms someone else or has the potential to do so.⁵¹ This belief is unfounded or incorrect. The weight of the argument rests on the assumption that every activity might damage someone else, despite the fact that there are many innocent activities. If this were true, the damage principle would not succeed in its goal of defining, on the one hand, a legal sphere of societal involvement and, on the other, a domain of

personal choice that is beyond the scope of lawful coercive agents. In theory, all activities would be subject to control and intervention.

DISCUSSION

We are presumably asked to offer an example of an allegedly innocent conduct and then demonstrate that situations might exist when a similar action results in undeniable damage. Throwing a stone into a pond generally does not do damage, although it is simple to conceive situations in which it does. As the water reaches a crucial level, the next flood will force it to breach its bank and flood the hamlet, or the stone strikes a diver who is just emerging from the water. There are many options. They remain the same for any potential harmless activity. We are encouraged to draw the conclusion that any conduct of the kind mentioned above might be the subject of regulation. The argument is seriously type-token confused in its current form.

Laws and moral principles with the ability to compel compliance forbid certain behaviors as types, not as symbolic representations. The question that any court Sally has to confront will be: Was her activity of a kind that is prohibited by law? Statutes address categories of action rather than tokens, and by extension, criteria that limit their legality, such as the damage principle. In the legislative context, should we outlaw throwing stones into ponds or should we rely on catch-all legislation covering negligence and endangering others? These are the kinds of cases described above where harm is caused, and the questions for the legislative and judicial institutions that review the details. It would be unexpected if issues other than direct damage or, once again, carelessness were brought up in the court setting. Questions about the agent's awareness of the possible outcomes and her subsequent intents will always be pertinent [7], [8].

Hence, we shouldn't consider the damage principle to be the bluntest of all blunt tools. In the most blatant instance, we should consider it to be a restriction on the types of action descriptions that may be included in legal or quasi-legal proscriptions. The action-type "assault and battery" is an obvious example of one in which the results always result in injury. The action of "throwing stones into ponds" lacks this quality. Naturally, there are a variety of activities where the worry is the likelihood or possibility of damage being caused by token actions - which, I presume, is too great in the instance of driving while intoxicated or at 50 mph. in a populated location. We go into a murky region where probability or threshold effects are important that no philosophical judgment can clarify. A trade-off between liberty and the prevention of some incidence of damage will need to be discussed and negotiated by legislators and the kind of opinion-formers who direct the application of unofficial punishments. The liberal instinctively advises against taking drastic action. The timid exert their fear into legislative work. Both are correct when they concentrate on the damage and risk of harm facts, which is what the harm principle demands.

The possibility of innocuous activities for which there can be no dispute that prohibitions and punishments are justified is one last argument against the harm principle. The Dirty Dentist is a well-known character from the Sunday tabloids of my adolescence, which were devoured in those days because they were the most explicit media of sex education. Gordon Graham discusses a series of examples which he believes demonstrate that the harm principle cannot work as the sole necessary condition.⁵³ My variation on his theme is the case of the Dirty Dentist. There was no necessity that a nurse or assistant be present in the room when the procedure was being performed, therefore The Dirty Dentist would fondle patients' genitalia while they were under general anesthesia for a filling. We assume that when they all got well, they were all unaware of the dentist's attack. Did the patients suffer any damage as a result of

their dental care? Does the Peeping Tom do damage to the happy and carefree targets of his sleazy attentions? Graham is not sure, but he is certain that certain behaviors ought to be outlawed. In such circumstance, we must find justifications other than the damage principle. The principle is not a necessary nor sufficient condition for the validity of involvement in such circumstance. Graham suggests promoting the idea of individual rights. The dentist violates his patients' rights to privacy and bodily integrity when he fondles them. That, not the erroneous assertion that he does people damage, is the core of the argument for making his behavior unlawful.

Here, I see three possible directions. In order to justify intervention, one may first replace the damage premise with the rights condition. Legislation that restricts citizen agency must guard against individuals infringing the rights of others in order to be valid. Second, one may add to the harm principle by emphasizing that justifiable laws must either stop damage to others or defend people's rights. Lastly, the damage principle may be defended; in this instance, an argument demonstrating that harm is really inflicted in the circumstances presented must be developed. The last option is my favourite one, but the discussion will have to go off course. In conclusion, and to anticipate the findings of 4, I think that in order to assign rights, we must first identify the personal interests that these claims normally defend. Yet, because a breach of rights infringes on specific interests and damage is defined as the invasion or setback of an interest, rights violations are generally damaging in the loose sense that they have a propensity to do harm. The difficult issue in situations like the Dirty Dentist or Peeping Tom will be to defend the right that has been infringed. I anticipate that the majority of readers will think this is possible, but philosophers shouldn't assume the project will be successful. While there is work to be done, I believe that when it is finished, two tasks will have been completed simultaneously. We must not only explain the right that supports the proposed interference's legitimacy, but we must also completely and precisely characterize the damage that such intervention avoids.

Additional guiding concepts

The harm principle will need to be supplemented in the manner we have seen if the theorist who accepts some form of the harm principle cannot accept all instances of rights violation as species of damage. Exist any other principles that have been deemed suitable to support the variety of official and unofficial interference? If they are, taking into account the price of legislation and enforcement, these will function as just-about-sufficient conditions. If successfully defended, they may function as a supplement to the harm principle, acting as conditions that are disjunctively necessary, i.e., a full account of the necessary conditions for interference to be legitimate will specify as proper cases that either harm is caused or that the conditions are introduced. As described, they may or may not include the class of harmful actions. The offences principle, paternalism, and moralism are three well-known candidates.

Judicial Moralism

According to the legal moralist, intervention is acceptable if it prevents unlawful or immoral behavior. As the damages that may be lawfully forbidden are those that it would be immoral to inflict on others, if this concept were to be accepted, we should immediately remark that it would contain the harm principle as I have described it. Therefore, in order to assess this principle as an addition to the harm principle, we must identify a group of ethically wrong behaviors that do not directly cause damage to others or put them at danger of doing so. It is infamously difficult to find any such class that can be confidently defined.

There are two different categories of cases. The first relates to activities that are wrong because they result from self-harm or the agent failing to uphold a responsibility owed to herself. This will be covered later in my paternalism section. The second kind has often featured sexual behavior, whether it was consenting or not, which is in some way unacceptable. The list of sexual behaviors that have been labeled immoral and, by extension, impermissible is as long as there are ways for people to express their sexuality. Examples include unmarried or extramarital sex, sex with contraceptives, homosexual relationships, sex with prostitutes, and sado-masochism. I assume that a behavior is either innocuous or involves some sort of damage to oneself if it is fully informed and consenting. Unless the rationality is strictly means-end and the end specified is such as the propagation of believers in the true faith or heirs to the throne - as good examples as any of rationality in the service of dangerous or cruel masters - the idea that some sex is rational, all else irrational, strikes me as absurd. The underlying philosophical tenet at the core of all such suspicious bans is the assertion that communities have a right to forbid aberrant behavior because compliance with accepted norms is either essential to the group's existence or fundamental to the concept of community itself. Thank Goodness, both claims can be seriously refuted.

Devlin explains that the good morals of any society come together as a whole.⁵⁵ His most vocal detractor called it a "seamless web," but Devlin kindly disagreed. If a society is to achieve its overall objectives, this system of beliefs and practices must continue to exist. The community might react by disputing the challenge, upholding the tradition, or, if the challenge is successful, disintegrating if certain moral ideas or behaviors are undercut. The odds are against us, so high as to favor legislation that upholds morality-based norms. It will be otiose to inquire as to what damage is or might be caused by any specific activity if this web's components include rules guiding appropriate sexual behavior. Knowing that it is considered immoral is sufficient.

H.L.A. Hart successfully countered Devlin's argument, at least to my satisfaction. First of all, he made the observation that Devlin's argument may be seen as an assertion that a society is defined by its morals. A civilization changes if its moral standards shift, and vice versa. Today's society is different. Nevertheless, that definitional claim is insufficient to support the assertion that a community may utilize social and legal penalties to fortify itself against change. The new society, which is defined by its modified positive morality, could be an improvement over the old one. The death of the old and the birth of the new can be reason for celebration rather than sorrow, excluding Devlin's contention that all change is negative[9], [10].

Nonetheless, if Devlin's assertion is substantive rather than just definitional, it may still be refuted. It seems to be an application of the damage principle rather than a denial of it at first glance. It serves as a high-level empirical generalization that challenges to long-standing moral norms always have negative repercussions. If this is the case, the harm theorist may voluntarily take it into consideration. In fact, it would include precisely the kind of data that must be considered when determining how detrimental a behavior is. So, the next query is clear. Do all modifications to moral principles and practices injure people to the extent that they warrant the outlawing of immorality in general? As soon as the question is posed, we immediately recognize how absurd it is. Everyone is free to choose a strongly held, deeply ingrained moral conviction that was essential to the functioning of a certain culture but that was unquestionably incorrect.

One such statement is, "Some people are natural slaves." As a result, the theory fails when considered in its whole. The specific proposals for change that served as the basis for Devlin's lecture reform of the law pertaining to homosexuality and prostitution, as suggested by the

Wolfenden Committee of 1957 clearly call for examination in light of the relative merits of the current situation and the proposed changes. We also need to be open to accepting evidence, as Hart said. Justinian's assertion that homosexuality causes earthquakes cannot be used to support prohibitions on gay behavior. Moreover, it will not be pertinent to cite opinion surveys that detail the public's perceptions on the immorality of the activity that is allowed when we examine the facts. The pertinent queries center on whether the practice under evaluation creates damage.

The practical issue is ongoing; Devlin's opinions were published as a response to the discussion sparked by the Wolfenden Committee's recommendations, and the courts continue to regularly present matters for determination. In a recent UK case, the House of Lords upheld the convictions of males who participated in consensual sadistic practices for inflicting physical damage. In 1986, the United States Supreme Court affirmed the state of Georgia's legislation that criminalized sodomy. Yet in my opinion, the Hart-Devlin argument was a singular instance of a philosophical issue that had been definitively resolved. I ought to have been wiser. Recently, Devlin's concept has reappeared in a more stylish form: that of the communitarian.

The idea that the social institutions of the community one belongs to define the identity of the moral agent is one branch of modern communitarianism⁵⁹. The boundaries of the good life are defined by the particular pattern of prohibitions and recommendations that are ingrained in such institutional frameworks as well as the virtues and character traits that are taught to citizens. A member cannot leave her community without suffering a significant loss of self; she cannot distance herself from the values that distinguish her group as a historically conditioned organism and evaluate them from some otherworldly perspective. The cost of maintaining one's freedom of spirit is too enormous for people to bear, thus our citizen is generally stuck standing up for what she thinks is right.

It follows that the collection of laws and values that its citizens support as being unique of their approach to living well will serve as the best form of regulation for any society. Some of these regulations possibly the most crucial to the continued existence of the community so formed will be included in law. Other regulations that may be as vital but were deemed unsuitable for legislative legislation because they would carry the weight of the criminal law would be enforced by non-official community tools. This approach implies that a society may give actual legislative force to whichever standards of behavior indicate its difference, rather than on the premise that this distinction is valuable enough to be preserved. How might this be decided? - but more because its members cannot support any other.

I would be remiss if I said that people can think in this way about how their communities should be governed. For the sake of this argument, it is sufficient to draw attention to one peculiar aspect of the scenario. According to this theory, people are so fully interwoven into community life that they are compelled to uphold the moral standards that define the group's identity. It thus implies an ethical uniformity that is absent from contemporary nation-states. Evidently, some people's identities are not determined by the moral principles that guide the laws they are fighting to change. It is one thing to tell people they must observe the law; the saying may be credible. It is quite another to tell someone what constitutes their moral identity in defiance of their clear denial. We choose to join certain groups on purpose, while in others, most notably the family and the nation-state, we find ourselves automatically becoming members.

Nevertheless, no society has the moral power to draft us into the moral squad despite our overt disapproval. Dissidents and bloodthirsty demonstrators have a tendency to make mistakes. They

may support ideas that are just as nasty or ridiculous as any. Yet, if we hold this belief, then such descriptions will suffice; we don't need to pinpoint their inaccuracy in a false perception of their moral identity that is shown by the simple fact that their principles diverge from ours. According to Dworkin's parody of the communitarian problem in "Liberal Community," people who see sexual behavior as a shared political interest must assume that the political community likewise participates in communal sex life. . . that similar to how individual musician performances come together to make an orchestral performance, individual citizen sexual behaviors somehow contribute to a national sex life. . Maybe mockery is the best defense against those who think they have a right to know what their neighbors get up to sexually. Nonetheless, there are certain complex scenarios. I'll give you one.

Legislation banning the ownership of handguns in the UK was implemented in the aftermath of the murder of schoolchildren in Scotland. The most compelling argument in favor of such legislation, in the eyes of many, was that it took a moral position against the ethos of permitted private use of lethal weapons. That mindset is, of course, explicitly defended when personal firearms are used casually in American society and exported in movies and television shows. What little there is of such a philosophy in the UK manifests itself through reverence for military prowess. A more popular role model in Britain than the homesteader defending the family ranch from rustlers and Red Indians is an SAS soldier safeguarding Queen and Country. The requests of members of private gun clubs that their pastime may be so strictly regulated as to significantly reduce the possibility of sports firearms being improperly used were unwelcomed by both politicians and ordinary people. The only defense against a creeping gun culture, it was said, was legislation that amounted to an outright ban.

I must admit that the idea that this equates to regulation that is motivated by moral feelings without regard to whether the prohibited uses of handguns are detrimental disturbs me. That much seems to be made clear in the terminology used in some of the arguments. This sounds like morals legislation to me: "Cowboy morality must stop somewhere in the Atlantic." "The ideas of the pioneer and the frontiersman which appear entrenched in the American suburbia must be kept out." According to the discourse, the traditional community's opposition to owning a gun should be strengthened in the face of pernicious dangers. If this is the case, then a liberal who supports the standard of damage shouldn't be sympathetic.

While I am unsure of the causes, I find that I am just as vulnerable to this discourse as the majority of my fellow Americans have been. After all, the more colorful subset of Country and Western enthusiasts, who dress in cowboy attire, choose odd *nom de plumes*, and participate in fast-draw contests, celebrate the same exotic and foreign morality. Children may purchase water-filled replica automatic firearms, including handguns. John Ford's Westerns are available to see on television. Few people call for their restriction after complaining about these benign pleasures as the incursion of an alien morality. The distinction seems to be that law banning handguns has a relationship to the usage and trafficking of hazardous weapons as well as certain potential instances of such weapons being used in destructive ways. It cannot simply reflect a collective reaction to an unfamiliar ethos. But I'll let readers consider these points on their own [11], [12].

CONCLUSION

Since that societies are made up of many different people, the damage concept is particularly important. In other words, the rights of individuals must be balanced against those of other members of the same community. As no one is completely isolated, according to Mill, everyone's

activities have an impact on others. The "harm principle," which Mill coined, is an articulation of the notion that the freedom to self-determination is not unrestricted. An action that causes injury to another is not only wrong, but it is also wrong enough for the state to step in and stop it from happening. A sound theory put forth by Mill directs behavior both at the personal and social levels. The idea is rejected in light of specific unethical practices like torture, but it makes a compelling argument when applied to broader moral quandaries.

REFERENCES:

- [1] B. M. Saunders, "Reformulating mill's harm principle," *Mind*, 2016, doi: 10.1093/mind/fzv171.
- [2] P. N. Turner, "'Harm' and Mill's harm principle," *Ethics*, 2014, doi: 10.1086/673436.
- [3] M. C. Bell, "John Stuart Mill's Harm Principle and Free Speech: Expanding the Notion of Harm," in *Utilitas*, 2021. doi: 10.1017/S0953820820000229.
- [4] A. Brunon-Ernst, "Nudges and the limits of appropriate interference: Reading backwards from J.S. Mill's harm principle to Jeremy Bentham's indirect legislation," *Hist. Eur. Ideas*, 2017, doi: 10.1080/01916599.2016.1251717.
- [5] L. Wharton, "Should Euthanasia be legalised in England and Wales? Interpreting John Stuart Mill's Harm Principle," *Student J. Prof. Pract. Acad. Res.*, 2019, doi: 10.19164/sjppar.v1i1.795.
- [6] J. C. Bester, "The Harm Principle Cannot Replace the Best Interest Standard: Problems With Using the Harm Principle for Medical Decision Making for Children," *Am. J. Bioeth.*, 2018, doi: 10.1080/15265161.2018.1485757.
- [7] U. Sosyal, A. Dergisi, and D. Ogunkoya, "John Stuart Mill'S 'Harm Principle' As the Foundation for Healthy Social Relations," *Sosyalarastirmalar.Com*, 2011.
- [8] J. R. Brestoff *et al.*, "Intercellular Mitochondria Transfer to Macrophages Regulates White Adipose Tissue Homeostasis and Is Impaired in Obesity," *Cell Metab.*, 2021, doi: 10.1016/j.cmet.2020.11.008.
- [9] C. R. Sunstein, "Fifty Shades of Manipulation," *J. Mark. Behav.*, 2016, doi: 10.1561/107.00000014.
- [10] R. Cohen-Almagor, "On the philosophical foundations of medical ethics: Aristotle, Kant, JS Mill and Rawls," *Ethics, Med. Public Heal.*, 2017, doi: 10.1016/j.jemep.2017.09.009.
- [11] M. L. Hanin, "Theorizing Digital Distraction," *Philosophy and Technology*. 2021. doi: 10.1007/s13347-020-00394-8.
- [12] L. R. Dacanay, "An Analysis of President Duterte's Rhetoric Using Mill's Harm Principle," *Int. J. Humanit. Soc. Stud.*, 2019, doi: 10.24940/theijhss/2019/v7/i7/hs1907-053.

CHAPTER 10

A BRIEF DISCUSSION ON POLITICAL DECISION-MAKING

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ABSTRACT:

The decision-making process serves two main objectives. The first is identification, a fundamental political framework where change occurs, choices are made, and actions are planned out and carried out. The methodical examination of decision-making behavior that results in action is the second. In this chapter author is discusses the paternalism. If we were to decide right away that the person who is offended has been hurt, offensive behavior may be prohibited in accordance with the damage principle. We should think about whether the damage that results from the offense is mitigated by any offsetting benefits or whether the costs of intervention would be excessive in any event, keeping in mind that the harm principle is not offered as a sufficient condition for justifiable interference.

KEYWORDS:

Adulthood, Democratic, Decision-Making, Political, Philosophy.

INTRODUCTION

The difficulty will be cognitive rather than philosophical if it is difficult to identify specific examples or evaluate requests for intervention. It's possible that evaluating the data relevant to these practical problems is challenging. Only if one thinks that an action's offensiveness serves as a justification for limitation, regardless of potential damage, is there a philosophical issue here. To investigate this, we must look at some instances of behavior that is both obnoxious and either innocuous or destructive in a milder way, and which would not often constitute a justification for curtailing freedom. Feinberg acknowledges Louis B. Schwartz's discovery of an illustration. Suppose a legislation that prohibits "a wealthy homosexual from promulgating to the broad people the procedures and pleasures of sodomy on a billboard on Times Square." While describing the damage caused by such a billboard may call for a careful and creative exercise, I do not think it is of the insignificant kind. On the route to work, the inconvenience of the diversion, the humiliation of the inevitable confrontation with sentiments of shame and maybe guilt, and the shock of the unexpected self-exposure may be deemed damaging enough and presumed to be sufficiently ubiquitous to warrant restriction. In such a situation, the standard of evidence of damage put on those who would interfere is not onerous. Readers may understand the significance of voluntary subscription when issues with the banning of pornographic movies, TV shows, books, or plays are brought up. These issues are not brought up here [1], [2].

Feinberg maintains that in addition to the damage principle, we should be hesitant to accept offense as a justifiable cause for interfering with other people's actions. Hence, we should exercise caution when indiscriminately using the damage principle to avoid it. On this matter, I propose that we consider both sides. First and foremost, offense is important to us. It's perhaps the most typical kind of wrongdoing that we experience. The Kantian blunderbusses of respect

for individuals and acknowledgement of others' autonomy regard others as goals and not as simple means – have been refined by many philosophers into complex normative ethical tools. As a result of Protestantism and the moral philosophy of the seventeenth and eighteenth centuries, they capture key elements of an individualistic ethics. Moreover, these ethical ideas encapsulate contemporary concerns about the dignity of the person, a dignity that almost all moral agents raised in this tradition would openly affirm. The context of routine interpersonal contact is where these demands for respect are expressed and violated most often. Respect in this context is a question of decency and decorum; contempt is obvious. As a belligerent client approaches the bartender, he responds, "What do you think I am, a f***ing vending machine? ", although maybe breaking a solid business practice, communicates plainly and openly a worry that is shared by all people: not to be used as a simple tool.

Nowadays, hierarchical honor norms have been flattened and Jack is expected to be as excellent as his master. My father used to say, "You're due civility even at the pawnbroker's store." So, everyone has a right to be sensitive to slights, to bristle at showing favoritism, and to act quickly to uphold her dignity. In a world where ideas about what is and is not acceptable behavior shift quickly, life becomes challenging. What foul language will be used in which situations and by whom? Offense may be offered and received with ease. Rudeness is morally wrong; it is not the kind of etiquette violation that would be committed by a moron who picked up the incorrect knife, but as the example of poor language demonstrates, the line between the two may be murky and fast moving. We all need to be experts on these differences, however, if we want to live comfortably in a polite society. Of course, it is difficult to legislate for the prevention of the kind of offense I have been addressing, and it is usually preferable not to, but this is a question of practicality. Offense is not a little or inconsequential wrong, thus this is not the reason.

On the other hand, being offensive might have significant ethical and political implications. The great themes of religion matter too much to be kept hidden by the sensibility of those who are to be counted as the pious, Jeremy Waldron asserts in a powerful defense of Salman Rushdie's rights while he was still under a fatwa for the publication of *The Satanic Verses*.⁶³ Who is a proper party to the debate as well as what constitutes good manners may in themselves be points at issue. I'll use a lengthy statement from Waldron since the topic calls for it: The world's religions stake their claims, share their tales, and dedicate their symbols, and all of that enters the public domain as part of the cultural and psychological furniture that we cannot respectfully skirt around in our quest to understand who we are. Things that seem sacred to some will be played with, joked about, taken seriously or lightly, sworn at, fantasized about, juggled, or dreamed about backwards in the hands of others. *The Satanic Verses* depicts this. Like all contemporary writing, it attempts to make sense of the human experience. I give these three cheers. Offense cannot be avoided in a multicultural society or in a multi-cultural globe. We are trapped between the hard place of polemical scorn and the rock of decency and acceptable kindness. We fight to preserve our human decency and then parody through literature and cartoons those whose morals we disagree with. We don't go against our own discussion guidelines in this way. Offense is unavoidable when the ground rules themselves are under doubt.

DISCUSSION

Paternalism

This refers to the second positive liberty ideal previously discussed, which embraces the notion that agents are freed when the control of others is used to replace the self-control they are unable

to exercise. According to Mill's damage principle, self-harming behavior is expressly excluded from the scope of legal social involvement. He claims that the agent's own benefit, whether it be material or moral, is insufficient justification. He cannot be legitimately forced to do or refrain from doing anything only because it would benefit him, make him happy, or be morally correct to do so in the eyes of others. In later chapters of *On Liberty*, after Mill established a distinction between self- and other-regarding actions, instances in which an agent only harms himself are categorically classified as self-regarding, and the interference of others, whether through the use of law or other coercive social agencies, is strictly forbidden. There are exceptions to this requirement. Undoubtedly, Mill maintains that he is not talking about children. Those "who are still in a situation to necessitate being taken care of by others, must be safeguarded against their own activities as well as against external damage," to put it more broadly. Sadly, this disclaimer also applies to barbarians who are trapped in "those backward states of society in which the race itself may be considered in its nonage."⁶⁶ An example or two of appropriate paternalism towards the uncivilized members of barbaric societies would help clarify the point, but I am at a loss for words. What specific foolish self-harming habits does he want to eradicate? One candidate is the practice of con-sensual suttee in India. Remember that he is not anticipating the dubious assertion made by twentieth-century autocrats that, for instance, freedom of expression restricts the development of the gross domestic product, contrary to what some opponents have claimed [3]–[5].

Let's start by outlining the main traits of paternalistic interference in order to narrow the scope of the investigation. At the beginning, it will be forceful and impose penalties for non-compliance. Hortatory statements of the kind sent by ministers of health may be inherently paternalistic, but, to paraphrase Mill, they do not count for the purposes of this debate since they do not constitute any kind of coercion or control. Paternalism includes any policy aimed to compel all citizens to improve their situation, as well as the ability for governments to brainwash their people into taking better care of themselves. An example of a technique to enhance everyone's dental health is fluoridating the water supply. Second, preventing people from hurting themselves must be the major goal of the intervention. Legislation mandating the use of seatbelts is not paternalistic if its goal is to reduce the expense of hospital care after accidents. Again, the intervention is not paternalistic if the comfort and health of non-smokers are seen to be the intended outcomes of smoking bans.

Because in situations like these, persons who are required to wear seat belts or restrict their smoking lessen the chance of injury to themselves to some extent, the law of twofold impact may be at work here. The rule of twofold impact should also be brought up to warn liberals against being hypocritical. There are whole armies of people who are yearning for others to better while being unconcerned with the possibility that the recipients of their sympathetic attention may refuse their mission. They will seize on the facts to justify the compulsion they feel is necessary in any instance if they can slip their preferred suggestions into the category of permissible interference via the back door reference of any little possibility of damage to others.

Mill had good instincts; if the effects that need to be prevented can be inhibited by other means that are less intrusive on the citizen's freedom, such as if drivers could be persuaded to pay a premium on their insurance policies to cover the additional expenses that their decision to not wear a seatbelt may impose on others, one who chooses to implement universal coercion is acting in a paternalistic manner. Very often, those who would want to meddle have occult motives. Those who would control our behavior at will are unlikely to stop manipulating the

debate's parameters. Despite the fact that paternalism describes the intents or goals of the interferer, those who disagree with it, like Mill, must define it only in terms of the potential consequences of proposed policies and the willingness of the proponents to explore alternatives. In any policy discussion that invokes the specter of paternalism, reasons that are legitimately seen as suspect are seldom directly contested. There is a lot of double speak and double dealing. Here is a list of behaviors that have prompted good Samaritans to step in on behalf of their mistreated neighbors: masturbation, risky sports, gambling, smoking, drinking, and drug use, eating T-bone steaks or oxtail stew, not wearing seat belts while operating a motor vehicle, suicide, consensually assisted euthanasia, and locking up mentally unstable adults who are prone to self-harm and injury. To encourage readers to reflect, I purposefully blended the absurd, the contentious, and the not-so-contentious.

Since we easily accept it as justifiable in regards to children, we are aware of the structure of the case that must be made out for paternalistic involvement. We assume our kids are unaware of the gravity and probability of the threat when we shut the garden gate to stop them from playing with the traffic. Conversely, if we have properly conveyed this, we feel that they are likely to make mistakes in estimating the anticipated costs and benefits. We require kids to go to school and coerce them into taking unpleasant medications. We stop them from hurting themselves in ways that their illiteracy or bad judgment would otherwise allow. Sensible parents give their kids greater freedom to make choices as they become older. There will be mistakes, but one hopes that they will help the teenager acquire the qualities of prudence, such as curiosity in how their actions would affect them in the future, the intelligence to find out what they may be, and solid judgment about the advantages of dangerous activities. These abilities must be developed by expanding the possibilities for their use. Then, hey presto, individuals emerge with the ability to choose for themselves how to follow their own interests with whatever risk of injury to themselves, often between the ages of 13 and 21, depending on the activity in issue in most countries.

There is a presumption that individual agents are in the best position to judge these matters at adulthood or thereabouts; this presumption will be examined in due course. We assume that adults have access to all information relevant to their actions, but if the information is obscure or technical, governments work to make it publicly accessible, even going so far as to beat people over the head with it whenever they use something like cigarettes. Bentham referred to this beneficial procedure as "reappointed evidence," and Mill cited him with approval. We also assume that adults can assess the advantages of a dangerous activity and can arrive at a realistic assessment of whether the kind of life they choose is desirable for themselves. There is less room for predetermined evidence in this case because non-participants are likely to find the appeals of high-altitude mountaineering mysterious, even if they make an effort to understand them by reading the bleak accounts of the activity that the mountaineers themselves provide five weeks of hell-on-earth, followed by one stunning sunset.

Is this assumption justified? Countries like the UK, where schooling is required until the age of 16, have many possibilities to convey the proper signals about the degree and likelihood of danger, supporting the counsel of parents who, for the most part, want their children to be safe. The government issues health warnings on billboards, and athletes line up for TV appearances to persuade us of the advantages of walking to work. For the adult, preappointed evidence is everywhere. It's interesting to note that Mill believed this theory should also apply to the risks associated with pharmaceuticals and poisons, which it does in fact, given that approved

medications come with the proper dosages and information about contraindications. Yet for the vast majority of us who are pharmacologically challenged, "Doctor Knows Best" is a safer approach. Most modern readers will see this as a prescription for a National Health Service, with readily available services free or cheap at the point of delivery, rather than a defense of self-prescription. According to Mill, "to require in all cases the certificate of a medical practitioner would make it sometimes impossible, always expensive, to obtain the article for legitimate uses."

About the worth of dangerous activities, the situation is totally different. Societies are forced to leave most people unprepared in this situation. Once again, mountaineering serves as an instructive example. Schools and families may expose kids to the experience, but it will be homeopathically diluted; bringing them hiking is not the same as taking them to the ballet. Danger must be minimized, at least for schools and government agencies that see their engagement as instructive; otherwise, the benefits won't make sense to the majority of people who can't envision what a free and self-directed endeavor may be like.

Other challenges relate to pursuits whose purpose is always obscure to non-fans. The culture of stoicism and self-knowledge provides a glimpse of creative identification, at least in the case of climbing, but aspirants will likely find the results unsatisfying. But consider watching trains go by, collecting beetles, or playing dominoes. How can one understand the worth of these things if they are not done? Thankfully, the paternalism debate is avoided here since the pastimes I've described don't typically hurt their PR practitioners. Yet, how do we as non-users of alcohol or drugs see their lives? I saw William Burroughs' novel *Junkie 70* as a promotion for the heroin addict's free life. No ordinary vice goes without having its literary, dramatic, or artistic self-destruction celebration, but this is not a given. What chance do we have of picturing the sublime effects of an injection of heroin if the majesty of seeing a steam-driven Britannia class locomotive racing down the line is completely opaque to us?

There is a decent response to this query. There may be more or less commitment at the experimental decision phase. One's decision to try heroin may be the reason why they choose not to engage in certain behaviors in the future.⁷¹ It is doubtful that seeing Britannia herself or experiencing the thrill of winning a cunning game of dominoes would prove to be addictive. If heroin addiction were as benign as the ubiquitous human desire to fresh air, I suppose it wouldn't matter. But, it is difficult to see addiction as a noble lifestyle choice as opposed to the terrible result of an uninformed or negligent error, at least in the grim situations in which this addiction is often pursued. Which option indicates how difficult paternalist intervention is—hard but not impossible. The worst aspects of human civilization have almost always led to individuals engaging in self-destructive behavior that can be justified under the horrendous conditions.

Given my animosity for paternalism, it may be assumed that paternalism presents a special challenge to the account of liberty I have been building. Following Locke and Rousseau and, more recently, Joseph Raz and Philip Pettit, I argued that the ability to commit crimes without consequence does not further human liberty. In fact, a concern for our moral freedom could drive us to support societal restrictions on our behavior as the best kind of self-control. From this vantage point, it is possible to conclude that even laws that explicitly protect others, such as those prohibiting stealing, have a paternalistic undertone if they are seen as the result of people's desires to have their resolve strengthened in the face of temptation. As it is based on the assumption that paternalistic meddling is necessary, this line of reasoning will actually promote it. I firmly believe that the issue is not as serious as it seems. First and foremost, this component

of a philosophy of liberty must be considered alongside a need for a certain level of political freedom as supported by democratic institutions. It is not acceptable for government to manage the behavior of its people in a paternalistic manner, as parents may do with their own children. However distant or indirect the procedures, the institutions of political decision-making must make it clear that individuals are placing these restrictions on themselves. The arrival of democracy will make things worse for certain people. When Mill read de Tocqueville's writings on America, it was this tyrannical, even illiberal, tendency of democratic egalitarianism to make everyone else's affairs their neighbors' business that inspired him to write *On Liberty*. Don't democratic institutions and the democratic temperament both encourage intrusive paternalistic practices? I'm willing to concede that they may. The language of elected officials, who are anxious to keep their compatriots on the straight and narrow for their obvious benefit, irritates the sensitive liberal ear on a regular basis.

This appears to be how some people see pursuing the public good, which is what they were elected to do. Soon after being elected, local council members excitedly begin to control movies, serve on licensing committees, and limit the hours that young people may enter clubs. They never consider the possibility that these issues may not be their legitimate business. A government official gravely said on the radio only this morning that a new system of online lottery to be played in bars posed a major threat to the country's moral wellbeing. That has to be looked into! It is wrong and hazardous to combine drinking with gambling. It was never suggested throughout the conversation that this kind of activity falls beyond the purview of governmental control or that it gives a chance for amusing personal misbehaviors that shouldn't be subject to regulation.

Yet, just because democracies have grown to be so invasive does not mean that they must or ought to continue in that direction. The abuse of institutions cannot be stopped by philosophical reasoning alone, and Mill's damage principle is just a philosophical one. It is not a solid barrier that allows homes to be sealed off from their neighbors and all other forms of social control. Hence, based on a theory of liberty, we may argue that people who value liberty won't regard their fellow citizens like idiots whose lives need to be controlled to save them from hurting themselves. In particular, they will be cautious about restricting their fellows' participation in risky activities because they will be modest about their own capacities to discern what good these activities serve. This is because they will have reassured themselves that adults have, whenever possible, all the information they need to make wise decisions. Is this activity a temptation that I want the government to help me control? Is this activity not a temptation that I desire the government to aid me in controlling? is not the same as asking herself, and expressing respect by asking: Is this something I want to stop them from doing? One lesson from Rousseau's theory of the general will about which more below is that real democratic organizations need certain types of thinking from their members. He cannot accept that his audience will violate one another's rights since he thinks he is speaking to people who respect liberty.

Last but not least, even if we must accept that there is room for some paternalistic involvement, we must stress that this does not give anybody the right to meddle with even the most sound-valued and straight-thinking state. Let's assume I am right to think that I need other people's assistance if I want to avoid harming myself in ways I find abhorrent but am unable to stop, and I agree that social interaction is a necessary aspect of developing self-discipline. One would realize that the state is extremely excellent at producing criminals and not very good at modifying their behavior if they are aware of the realities of history about grandiose state

programs of individual amelioration, projects like Prohibition and temperance laws to the War on Drugs.

As we have observed, even when government intervention is supported by the damage principle, we should be concerned about its consequences. First, as stated above, it is likely to be ineffective; second, even in cases where it is effective, we should take into account the depleting effects of big government on the spirits and vitality of the populace.⁷³ Family, friends, self-help organizations, and even churches serve as better resources for the weak-willed than the government's agencies. If the government has a responsibility to help its people live less harmful lifestyles, it may, almost paradoxically, be better to fulfill this obligation by supporting non-governmental organizations.

If there are several ways to think clearly about liberty, just as there are multiple ways to think clearly about democracy or justice, the key issue is which one we should choose as being the most fit to describe judgments about the significance of liberty as a political ideal. Which of the two accessible analyses better explains why so many people believe that liberty is something worth fighting for? These are the main elements of the complicated account I have been constructing. Agents are essentially free when they are not prevented from pursuing what they believe to be the ideal life. The term "hindrances" should be used broadly. These will include laws supported by fines as well as the coercive tools of good morals in a political or more broadly societal environment. But, people may also assert their lack of freedom when governments, in particular, fail to provide them the amount of support they need to achieve the accomplishments that are the essential building blocks of a life that is really their own.

I want to eliminate opportunities to commit evil by arguing that the goal of liberty should be the pursuit of the good life. When I say "capacity to follow lofty objectives," I also mean the potential to carve one's own path among the competing demands of one's different allegiances, interests, and commitments. Under this broad conception, political institutions may promote liberty in a variety of ways. Democracy is required because, for many people, actively participating in politics is a vital component of the good, integral to living a self-determined life, and in some ways as meaningful to religion or the practice or enjoyment of the arts. Democracy is important because it gives obstinate people the ability to create or accept coercive measures that put some discipline on their pursuit of noble objectives - when the application of such restrictions is a necessary complement to their lonesome efforts. Whether such restrictions are required depends on a person's moral fortitude, but even in cases where they are not, compulsion is still required to create an environment that allows for unrestricted action while being safe from outside interference.

A genuine philosophy of liberty should acknowledge, in particular, the Janus-face of the penal code. It may act as a kind of protection by establishing the limits that freedom needs in order for the pursuit of the good life to be secure within them. But, it is equally clear that such regulations may sometimes restrict freedom, as is the case when the possibility of penalty makes it too expensive to consider engaging in prohibited activities. If these activities are lawful or essential for leading a fulfilling life, then the law is restricting freedom.

We have argued that democracy is a prerequisite for political freedom, but it also poses a danger since it is the source of coercive legislation. De Tocqueville may have been correct in his assessment that democratic legislatures, when acting in their representative capacity under the authority of the mandate, have a propensity to act arbitrarily in the affairs of their constituents,

passing laws to address social issues without considering whether interference in particular conduct domains is appropriate. Limits must be set on the competence of organizations having the power to restrict agents' freedom in order to address the issue of overburdened law and to restrain a society's moral propensity for self-repression. The most well-known methods for doing this include using concepts that may or may not have constitutional entrenchment. One of them is Mill's damage principle, while another is the notion of protected rights. This might be seen as either an addition to or a replacement for the damage principle. The concepts of legal moralism and offense have been considered together with other potential principles. They are not separate principles, I have contended. These are either flawed or should be interpreted as appeals to the applicability of certain harms. The damage principle faces its most challenging situations when it comes to paternalistic interference. In this case, the desire to stop agents from hurting themselves conflicts with the virtue of autonomy, which is the most fundamental justification for free systems. The use of the autonomy principle to support coercion is strange from a formal standpoint. When a certain amount of coercion creates the social circumstances essential for an independent existence to be engaged, such as with children, it could be necessary. Adults are in a very different position. Governments and individuals alike should be modest in their goals and efficacy when it comes to the possibility that their involvement would advance the interests of their defenseless and obstinate fellow people [6]–[8].

CONCLUSION

There have been instances when philosophers have severely limited their work. Some humbly asserted throughout the middle of the 20th century that the investigation and articulation of ideas was the rightful role of philosophers and the height of their reasonable aspirations. Political philosophy deteriorated greatly during this time among these philosophers, yet the work's clarity and accuracy provide an example of excellent practice in terms of style, if not philosophical technique. The work of Benjamin on liberty constituted a significant improvement above the accepted norms of philosophical correctness. He demonstrated how there are potentially 200 alternative ways to analyze a key ethical notion. There are at least two distinct ways of thinking about liberty; there isn't just one that makes sense. Each of these approaches has a rich heritage and challenges the other competitors for the title of "the finest method of thinking about the worth of liberty." As we have seen, Berlin has faced criticism for his categories' exclusivity. The discussion of "positive" and "negative" liberty obscures an underlying framework into which any reference to liberty might be inserted. Berlin's genuine goal was to contrast the expensive ethical obligations of one analysis against another, when each option passed the conceptual coherence test. MacCallum's statement may be viewed as a fair requirement on putative analysis.

REFERENCES:

- [1] L. M. Kolbe, B. Bossink, and A. P. de Man, "Contingent use of rational, intuitive and political decision-making in R&D," *Manag. Decis.*, 2020, doi: 10.1108/MD-02-2019-0261.
- [2] B. Vis, "Prospect theory and political decision making," *Polit. Stud. Rev.*, 2011, doi: 10.1111/j.1478-9302.2011.00238.x.
- [3] Y. Xing, "Analysis of Political Decision-Making and Its Influencing Factors," *Cross-Cultural Commun.*, 2015.

- [4] M. Öllinger, K. Meissner, A. von Müller, and C. C. Seidel, "Expectation violation in political decision making: A psychological case study," *Front. Psychol.*, 2017, doi: 10.3389/fpsyg.2017.01761.
- [5] B. Vis, "Heuristics and Political Elites' Judgment and Decision-Making," *Polit. Stud. Rev.*, 2019, doi: 10.1177/1478929917750311.
- [6] N. Tsotsolas and S. Alexopoulos, "Towards a holistic strategic framework for applying robust facilitated approaches in political decision making," *Oper. Res.*, 2019, doi: 10.1007/s12351-017-0295-8.
- [7] S. Melia, "Learning critical realist research by example: political decision-making in transport," *J. Crit. Realis.*, 2020, doi: 10.1080/14767430.2020.1765643.
- [8] C. Niessen, "When citizen deliberation enters real politics: how politicians and stakeholders envision the place of a deliberative mini-public in political decision-making," *Policy Sci.*, 2019, doi: 10.1007/s11077-018-09346-8.

CHAPTER 11

A BRIEF DISCUSSION ON HUMAN RIGHTS

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ABSTRACT:

All people have the same basic legal rights, regardless of their gender, color, nationality, ethnicity, language, language, or any other distinction. Human rights include a wide range of freedoms, such as the right to work and get an education, the freedom from slavery and torture, and many more. In this chapter author is discusses the Hohfeld's classification. Human rights discourse appears to be very widespread in today's world. No dictatorship or tyrant seems to be so illiterate as to reject the demands of human rights, at least not in public. In reality, they might imprison or torture political opponents, or forbid women from attending school, but when they apply for aid to the UN, they will solemnly guarantee that human rights are respected in their country, at least as far as is practical in an emergency, and respected at least in principle: that once the current crisis has passed, normal conditions will return quickly. Naturally, "normal circumstances" will include the promotion and defense of a common set of human rights.

KEYWORDS:

Autocracy, Human Right, Political, Philosophy, Universal.

INTRODUCTION

The European Convention for the Protection of Human Rights or the Universal Declaration of Human Rights are likely to include the "standard list" of human rights. Human rights have if any political ideas have reached the pinnacle of political correctness, when denying them taints the pure philosophical skeptic. It is crucial that we look into their philosophic background in light of this. Due in part to this official inter-national recognition, human rights have taken on a particularly distinctive position among political principles. At first, the rights to life, liberty, and property could be simply mentioned. The French Revolutionary Assembly's declaration of The Rights of Man contained rights to liberty, property, security, and opposition to persecution; the American Declaration of Independence added "the Pursuit of Happiness." The so-called social and economic rights, as well as rights to health, education, welfare, and many other things, are contained in the United Nations Charter and the European Convention. Even these generous limitations have been overstepped, and now readers will almost always find requests for the recognition of hitherto unheard-of human rights when they open a newspaper. Human rights to parenthood and abortion are asserted by the fertile and the infertile, respectively. The UK has criticized the practice of putting prepayment water meters as a breach of a person's entitlement to a mains water supply[1]–[3].

Such statements can be shown as absurd. Sometimes, they are. Most often, they imply that the legality of the requests they make or the illegitimacy of the acts they criticize are derived from more general concepts of rights by its claimants. In any case, the language of rights is now widely used. At least in the cozy West, a cynical explanation for this may be put forth one that I

don't feel qualified to evaluate. For much the same reason that nineteenth-century British politicians feared calls for the extension of the franchise, it has been suggested that Cold War warriors feared the obvious appeal of communist ideology to the poor and starving of this world: calls for the end of private property as we know it invite the poor to trespass and help themselves. To counter this evil dogma, a rival ideology was required, and the notion of human rights was a perfect fit. It is said that Western citizens have started to accept the official propaganda. Criticisms that refer to the denial or violation of human rights now have a special weight. Due to all of these factors, it is essential that the political philosopher carefully examines the idea of human rights.

Definition and analysis

Preliminaries

Jargon abounds in the language of rights, but that's okay provided it has a clear technical purpose. The process of deciphering and clarifying the jargon, however, may be as minutely detailed as any that philosophers have concocted. Let's get to the point. The rights that, if anybody possesses them, everyone does will be our major emphasis. These rights may be universally asserted or attributed. The French referred to them as the Rights of Man, and they have often been referred to as natural rights. For reasons I'll get to later, Hegel referred to them as abstract rights. The phrase "human rights" is preferable for two reasons. First, it corresponds with the wording of the aforementioned charters, declarations, and conventions that enshrine rights as a fundamental tenant of international law. For better or worse, these documents allude to human rights, and as a result, people's complaints against their governments are based on human rights. Second, the older phrase "natural rights" has a specific history. To put it simply, natural rights were seen as natural since they were the result of natural law. Describe natural law. To many, it symbolized the law that God had established as appropriate for animals with natures similar to ours, the guidelines that He had decided people must abide by in order to accomplish the goals He had established for them. We have a case that natural law upholds natural rights since it follows that people cannot be expected to fulfill their predetermined purposes without respecting each other's claims of rights. This summarizes Locke's defense of natural rights.

As long as one accepts the theological premises, it is also a strong argument. Humanity cannot possibly serve as the trustees of God's intentions unless God provides them with the skills, moral latitude, and resources necessary to carry them out. If God's prescription of the moral space of rights is required for His creatures to carry out His purposes, then this strict command must apply to not only individuals who would willfully obstruct one another's actions but also the state, especially sovereigns, who were unaccustomed to establishing normative boundaries around the exercise of their absolute power. No matter how compelling the case, proponents cannot expect it to be accepted by those who would reject or reject the theological premises altogether. Hence, a secular complement is required. When he asserts that reason may be used to determine the need and details of a system of rights, Locke himself hints that one is possible; this line of inquiry will be pursued later. For the time being, we should acknowledge that discussions of natural law have a transcendental, non-naturalistic quality to them. There is no use in attempting to promote holiness if the aroma repels many people. It is another justification for why it is best to discuss human rights.

Human rights are a kind of moral right; typically, they represent moral assertions that must be supported by moral reasoning. They have therefore been compared to legal rights, which are the

result of a particular legal system. This difference in provenance might mask a significant amount of overlap. The law may acknowledge moral rights, enshrining in its provisions the normal liberal freedoms of speech, association, and religion. A municipal legal system may explicitly recognize an international charter or it may be implied by specific prohibitions that make certain behaviors illegal, such as theft or the unauthorized use of personal property. Yet, certain legal systems may not recognize all moral rights. Legal systems could be flawed. In certain situations, there may be valid arguments against making moral rights enforceable by law. The additional expenses associated with law and enforcement, such as the expansion of police authority, may be too high to sustain. One who asserts a moral right would often demand that it be made a legal right, enlisting the state's resources for their protection or delivery, or else forcing the state to restrain itself from providing other services if doing so would require the violation of rights. Yet this difference is important to make, not the least because it invites consideration of Bentham's rejection of claims of natural rights as nonsense. Legal rights, on the other hand, are products of legal systems.

DISCUSSION

A further distinction between positive rights and what we might refer to as critical rights, echoing H.L.A. Hart's distinction between positive and critical morality, is obscured by the straightforward distinction between legal and moral rights. Accordingly, positive rights are those that are recognized within a suitable system of actual, operative rules. While other systems of rules may formally acknowledge rights claims, legal rights are unquestionably positive rights. Hence, having the freedom to practice one's religion may be beneficial, as in the case of those who are allowed to be married in a church or be buried there. Under the confines of the game's rules, positive privileges may be granted. In a bridge game, the declarer has the authority to demand one of many potential play continuations if an opponent leads out of turn. Most perplexingly, when a recognized set of moral principles permits one to make a valid argument, one may also refer to moral rights as positive rights. As a result, parents may claim a positive moral right to expect obedience from their kids, and if the kids are old enough, they may assert a positive moral right to independence. Positive moral rights are articulated when all parties agree that this is a component of the system of domestic control that binds them and that this is how morality really operates in this situation. Of course, one might acknowledge that a community has positively established a parent's moral right to beat their kid without embracing that system of positive morality, just as one can point out a legal requirement that one believes to be unfair.

Critical rights, on the other hand, are those that should be protected regardless of whether they really are. It would be strange to assert a significant legal entitlement. Why not just say that when the law does not really recognize a right, it should? Nonetheless, there is room for such a locution logically. A system of positive morality may be challenged in regard to rights on two fronts: first, it may acknowledge rights that cannot find any critical backing. This is why it is important to insist on its application in the case of morality. We may utilize the aforementioned case once again. The opponent objects that it may be incorrect for parents to assert that they have the right to physically abuse their kids. In terms of the community's high moral standards, the parents could be right. Some may think they are doing nothing wrong and perhaps deserve kudos for not sparing the whip or indulging the kid. The critic, on the other hand, believes that there isn't such a thing as a critical moral right, that using corporal punishment doesn't pass the requirements of critical reflection, and that using such a positive moral right breach the right not to be physically attacked.

Second, the argument for rights that positive morality does not acknowledge may be supported by critical reflection. Critics may argue that adult children should have the fundamental moral right to make these decisions for themselves, without parental consent, in cases when positive morality may provide parents the power to reject their children's potential spouses. Of course, positive moral rights may coincide with the rights required by a critical morality, just as legal rights may coincide with moral rights. Under such circumstances, one admits that the positive system of moral rights is in no need of restoration. This divide between moral rights that are positive and those that are critical may seem to have no rhyme or reason. We'll see later on in this chapter that a lot depends on whether or not rights have a particular moral force. At that point, I'll stress that the difference I just made is essential for a precise interpretation and an effective response to the question.

The categorization of Hohfeld's

The examination of rights by Wesley Hohfeld is a model case in legal reasoning. Hohfeld's primary goal was the comprehension of essential legal ideas, as his work, *Fundamental Legal Conceptions as Used in Judicial Thinking*, reminds us. His examination of rights was centered on legal rights, but it has proven helpful to students of rights more broadly. In essence, he argued that the idea of a legal right was unclear and had four distinct meanings. He thought we should stop talking about legal rights completely since the uncertainty was so pervasive and led to confusion. It is reasonable to argue that since his disambiguation was so effective and his meticulous analyses' teachings were so well understood, this idea has turned out to be superfluous [4], [5].

Liberty rights or privileges

The phrase "P has a right to x" might also imply "P has no responsibility not do x." Hohfeld referred to this kind of right as a privilege; other people have called it a naked liberty or a liberty right. The compatibility of such rights with others behaving in ways that prevent the right's holder from xing is its key characteristic. Thomas Hobbes' right to one's own nature, which he defined as "the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own nature," is the most well-known example of a liberty right. Hobbes was making the point that people may use even one another's bodies if one's life is in danger. As the shots start to fly, it seems sense to maybe employ other people as a human shield. So if I don't do anything wrong when I utilize your body in this manner, according to Hobbes, then resisting me won't either. Nobody else is required to allow you to use the right. Assume, as Locke did, that one has the right to work on unowned property in order to make it one's own. This right is a liberty right as well. Everyone is entitled to this. In spite of my attempts to claim it, the land is yours if you get to the uninhabited area before I do and work on it effectively.

Assert Rights

Unquestionably, the most significant rights in political philosophy are claim rights. According to this interpretation, a person who makes a claim to something (x) states that someone else owes him a favor by allowing him to have it or by providing it. As x is a good or service, the statement "P has the right to x" implies that some Q has a responsibility to neither interfere with P's x-ing nor to furnish x. The intricacy we have already added to the study merits further exploration.

We are often informed that rights imply obligations. This is often the politician's thinly veiled threat to warn the populace that their rights may be revoked if they do not behave properly and

toe the line. Others would see such a remark as a gentle reminder that individuals who assert the moral stature of right-bearers also possess the stature of duty-bearers. In both instances, the appearance of logic serves to quickly support what are, at their core, serious theses that need for thorough deliberation and thoughtful application in the context of their employment. At the very least, it is debatable whether or not someone has rights but no obligations. Hobbes essentially said that the sovereign has rights against the people but no obligations to them in describing the relationship between the two. With the exception of the residual right of nature, which they might use to sue a sovereign who endangers their life, people have obligations to the sovereign but no rights. This best describes the nature of absolute sovereign authority. Any logical claim that rights imply obligations on the side of the right holder cannot refute Hobbes's thesis, which holds that a rational actor would support an asymmetrical pattern of rights and responsibilities.

A distinct logical theory is accessible in the situation of claim rights. Duties logically correspond to claim rights. Claim rights and liberty rights may be distinguished using the correlativity theory. We have a right of the classical liberal kind, a right of non-interference, when P's right to x implies a responsibility on Q's behalf to refrain from interfering with P's xing. So, one who asserts a right to free speech asserts that the state has a responsibility to allow her to express her thoughts to other people. While they may not have a responsibility to listen, they do have a duty to keep her from being silenced. Such rights have been referred to as action rights and negative rights. Claim rights of supply, in contrast, include a distinct level of correlativity. This situation involves an obligation of service being imposed on some Q by P's claim right to x. Such is P's right to demand that Q fulfill a contract. Human rights include the right to an education, to a job with good working conditions, and to health care, all of which place an obligation of service supply on the relevant state organizations.

The existence of a correlation between rights and obligations in the context of claim rights should not be interpreted as establishing the analyticity of the related claims about rights and obligations. We propose a justificatory thesis to the effect that Q's duty may be derived from P's right, that P's right is the basis of Q's duty, in order to argue that P's claim to to x imposes an obligation on some Q.⁷ Nevertheless, how the derivation may be performed may be a complicated matter. My right to life imposes a responsibility on others not to murder me and maybe a duty of care whenever others can stop a third party from killing me or, in Good Samaritan circumstances, provide me with vital first assistance. P's right may give rise to a variety of obligations dispersed among various organizations. The state may be required by this right to defend me against assassins. I'll come back to this group of differences later since it has been the subject of ongoing debate on human rights, not the least because it relates to the division between classical liberal rights and the social and economic rights outlined in the 1948 UN Charter. Let's keep working on the terminology chart for claim rights for the time being.

The Roman word indicates the next contrast to be revealed, which is a matter of jurisprudence: the distinction between rights in persona and rights in rem. Rights in personam imply corresponding obligations on the side of the designated people. The right of the creditor to the debtor's service is the traditional illustration. I have the right to demand the £100 from you if you pledged to pay me that amount. Rights in rem may be asserted against any person or organization. I have the right to roam the streets of Glasgow, and I may assert that right against anyone individuals or authorities who orders me to stop. When it comes to human rights, rights of non-interference are often rights in rem, or rights that may be asserted against anybody who could consider interfering. There may be instances of human rights in personam, however they

are uncommon. Foster care for children with parental rights might serve as an example. Parents have responsibilities that are different from those of citizens, however in cases when parents are unable to fulfill their responsibilities, tax payers may be required to cover the expense of child care.

The contrast between special rights and general rights has been helpfully addressed in recent years by Jeremy Waldron. The usual example, once again, would be the rights emerging out of a promise or contract, but special rights may also develop out of other dependent deeds or transactions. The possibility of a world without promises exists. In such scenario, there wouldn't be any promisee's rights in this strange universe. This right would also be unique if victims are entitled to restitution from those who abuse their rights. Depending on the context of the crime or negligence. Contrarily, general rights are not the result of unforeseen circumstances. The right to life of a person is infringed by his murder, regardless of what he may have done or endured. Hence, universality of general rights follows. General rights are those that "all men have if they are capable of choice: they have them as men and not only if they are members of some society or stand in some special relation to each other" (10). It is also useful to compare special rights to conditional rights and general rights to unconditional rights when making this distinction. In fact, I think this second interpretation is preferable. It enables us to assert that everyone has the right to expect commitments made to them to be maintained, provided that the promise has been made. Everyone has a legal claim to compensation, provided they have suffered harm.

These contrasts provide us a helpful tool for describing philosophical disagreements. Yet they are not sledgehammers designed to break down arguments and silence opponents with a single, sure-handed blow. Consider the contrast between non-interference rights and provision rights. According to some, in rem universal rights are what constitute true human rights. If one is defining the conventional liberal liberties, such as the rights to life, free speech, association, etc., then this is not an issue. They are available to everyone, and they may be claimed against any potential competitors. Contrarily, it is believed that positive, provisional rights, particularly the social and economic rights recognized by the UN Charter, instantly cause issues. Everyone has a responsibility not to intervene in accordance with their right to non-interference. A responsibility to provide the goods and services that are the subject of a supply right must exist.

Insisting that rights to the provision of goods and services, such as economic and social rights, cannot be genuine human rights at all because they are rights in rem, held against everyone, and because it is impossible to hold everyone accountable for the provision of the necessary goods in the same way that everyone has a responsibility not to kill others, is the wrong way to resolve this issue. A supporter of economic and social rights may only object to the assumption that real economic rights are real property rights. Obviously, a lot of effort has to be done to identify precisely who or which agency is responsible for delivering the requested items. For instance, in the case of the right to education, obligations may be placed on parents, taxpayers, teachers, local government agencies, the state, or international, intergovernmental organizations. Everything depends on what is believed the right to education to mean in the specific situation.

It would seem that the difference between rights of non-interference and rights of provision is starkly contrasted by the absence of specificity in this case on the agent or agency against whom the right is asserted. Yet doing so would be wrong. Consider a typical negative right, which seems to be unmistakably a right of non-interference at first glance: the right to life, in clear-cut terms, understood as the right not to be murdered, a right asserted against all others. Someone who asserts such a right will not be satisfied with prohibitions that make it apparent that violating

such a right is immoral under any realistic circumstances. She will need stronger defenses than this. She would demand that such activities be made illegal from her administration. She would also demand that the institutions of government take all necessary steps to safeguard her from any infractions. Special protection may be needed in the event that the victim faces direct threats to herself or to members of her sex, race, ethnicity, or religious community. She may demand that the state's agencies take whatever precautions will best safeguard her and everyone else in the face of a broad danger.

Citizens have the right to urge institutions to support the statutory prohibitions intended to safeguard rights, regardless of their socioeconomic background or perception of the threat. They will demand that criminal institutions administer the penalties that the legal system deems suitable while courts adjudicate guilt. One is committed to the provision of resources to finance the protective activities as soon as one starts to specify the type of institution needed to achieve protection and to ensure, to the greatest extent possible, the moral space needed to pursue whatever activities one claims to be legitimate as of right. In general, rights of non-interference may be asserted both in rem against anybody who would commit an act of aggression against the person and in personam in situations when particular people or organizations have obligations to provide protection, preventive, or care. The variety of people and organizations that may be tasked with educating children is shown above. The same group of organizations may be appointed as youth security guardians.

A similar response might be given to those who insist that the ability to uphold human rights obligations is a need for the existence of human rights. That is simple since non-interference rights are being asserted. They request that agents refrain from interfering with others when they stroll the streets, use their private property, or worship their own deities. There are many things I may be asked to refrain from doing. I can logically abide by an infinite number of these accusations made against me. This is not the case with regard to obligations of supply, since they call for the use of resources, which may not be available to everyone. States and people alike may attest to this.

There is a notable distinction between non-interference rights and providing rights. As soon as this difference is seen to be identical to the divide between social and economic rights and classical liberal rights, and as soon as the social and economic rights are demoted and regarded unsuitable because they are impractical, controversy develops. As we've seen, non-interference rights may be highly expensive for the organizations considered necessary for their preservation. Where does crime prevention end after it is determined that it is an appropriate approach for those tasked with defending citizen rights - and this seems reasonable to me? Several have argued that a policy of full employment is an effective approach for a community to safeguard its citizens' negative rights since the Devil finds work for idle hands. We are aware that the majority of violent crimes are committed by people who are equally impoverished or worse off than themselves. Some people think a more generous assistance system would make such rights violations less common. They could be in the right. This is an issue that is purely empirical. Yet, if they are in fact correct, a significant amount of resources may be needed to effectively safeguard residents against robbery and violence.

The most logical conclusion is that such protection and provision should be made in a systematic, institutional manner and that the costs of such systematic provision should be shared by many people, rather than that it is improper to grant rights in situations where providing or protecting is expensive. Of course, I shouldn't bear the whole burden of your kid's medical bills,

but I also shouldn't bear the expense of shielding your child from harm on my own. All rights, whether they are favorable or unfavorable, liberal or socioeconomic, need institutional support, and the price of such support should be shared among the members of the society that is in charge of providing them. The political exercise of determining responsibility and issuing the necessary tax bills may be contentious, but we shouldn't let the challenge of the work make us undervalue the rights that call for it. The analytical tool I've been offering promises to make our understanding of claim rights simple and clear. In terms of determining what hazily defined rights require of whom in what situations or of formulating policy measures to give them effect, it does not guarantee simplicity and clarity.

Powers

Hohfeld's interpretation of legal rights' third component focuses on rights as powers. The ability to leave property to someone is the traditional illustration of such a power. The kind of power in issue is the ability to change the way rights and obligations are assigned. This legal right may seem to be tangential, and its relevance to human rights may appear even more constrained. Nonetheless, there are illuminating instances of human rights or aspects of human rights that closely resemble the capabilities Hohfeld discusses. The ability to obtain or take possession of things that are not one's own is a component of the right to private property. John Locke was much perplexed by this extremely large conundrum. Consider unowned property as a common resource and unowned items as common stock. Assume that everyone is free to utilize everything they can get or create. What justifications exist for someone to be able to take property or assets from this common stock, properly claim them as their own, and forbid anybody else from using them? While we won't address this issue now, take note of the format in which the first resident or laborer who brings the product into private land asserts their claim to the right.

It is apparently the right to change the obligations and rights of anybody else who may have previously had access to the resource. I am claiming a right in the sense of the ability to change other people's rights if the argument holds up as follows: By my productive labor on this unowned property, I obtain the right to exclude all others from its use. They previously had the freedom to acquire things or sometimes utilize them. They no longer possess this right. They now have a responsibility not to utilize the land or cross it without permission thanks to my act of appropriation. The democratic right to political participation, which is defined as the right to participate in political decision-making by casting a vote, whether directly for a policy option, as in a referendum, or indirectly, for a representative who will have additional decision-making powers, looks very much like a Hohfeldian power. It is difficult to see this as a claim right that can be analyzed as a right of non-interference or provision.¹² It may be better understood as a Hohfeldian power, the ability to establish or change the legal rights and obligations of fellow citizens together with other voters [6]–[8].

CONCLUSION

The fundamental rights guaranteed by the Indian Constitution serve as a guarantee that as long as democracy prevails and everyone in India is guaranteed the preservation of their fundamental rights. These civic freedoms have precedence over all other laws of the country. Human rights are a collection of values that emphasize justice and equality. They respect our right to choose how to spend our lives and how to maximize our potential as people. They emphasize leading a life devoid of intimidation, harassment, or prejudice. Every individual in the world, from

conception to death, is entitled to some fundamental freedoms and rights. These hold true no matter who you are, what you believe, or how you conduct your life.

REFERENCES:

- [1] A. Lebret, "COVID-19 pandemic and derogation to human rights," *J. Law Biosci.*, 2020, doi: 10.1093/jlb/ljaa015.
- [2] D. Cardenas, C. Bermudez, and S. Echeverri, "Is nutritional care a human right?," *Clin. Nutr. Exp.*, 2019, doi: 10.1016/j.yclnex.2019.05.002.
- [3] J. Zandy, "Universal declaration of human rights," *Radic. Teach.*, 2019, doi: 10.5195/rt.2019.591.
- [4] R. McCorquodale and J. Nolan, "The Effectiveness of Human Rights Due Diligence for Preventing Business Human Rights Abuses," *Netherlands Int. Law Rev.*, 2021, doi: 10.1007/s40802-021-00201-x.
- [5] S. S. F. Regilme, "The global politics of human rights: From human rights to human dignity?," *International Political Science Review*. 2019. doi: 10.1177/0192512118757129.
- [6] T. Baum and N. T. T. Hai, "Hospitality, tourism, human rights and the impact of COVID-19," *Int. J. Contemp. Hosp. Manag.*, 2020, doi: 10.1108/IJCHM-03-2020-0242.
- [7] A. Sen, "Human Rights and Capabilities," *J. Hum. Dev.*, 2005, doi: 10.1080/14649880500120491.
- [8] E. Aizenberg and J. van den Hoven, "Designing for human rights in AI," *Big Data Soc.*, 2020, doi: 10.1177/2053951720949566.

CHAPTER 12

A BRIEF DISCUSSION ON GENERIC RIGHTS AND SPECIFIC RIGHTS

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ABSTRACT:

The phrase "special rights" was first used by conservatives and libertarians to describe legislation that offer some people exclusive powers. The concept of special rights is contentious because it goes against the idea of equality before the law. In this chapter author is discusses the Lockean themes modes of ownership.

KEYWORDS:

Generic Right, Ownership, Political, Philosophy, Specific Right.

INTRODUCTION

Immunities, Hohfeld's last category of rights, are possibly the least significant or well-known. Technically speaking, an immunity is the opposite of a power. If no Q has the legal authority to change P's position in relation to x, then P has immunity with regard to x. With rights that are more broadly conceived, an immunity is typically a crucial component. According to Waldron, rights that are firmly enshrined in the form of constitutional guarantees, such as those protected by the Bill of Rights, include a component of immunity: "not only do I have no duty to do x, or not only do others have a duty to let me do x, but also no one - not even the legislature - has the power to alter that situation."

A alternative illustration may be seen in the concept of "due process." Evidently, courts of law have the authority to restrict the rights of people who are convicted. Several of the protections that fall under the category of rights to a fair trial and due process of law are better viewed as immunities, which serve as safeguards against arbitrary or excessive exercise of those authorities. As a result, one part of the right to remain silent is best viewed as protection against jurors' ability to infer guilt or self-serving concealment from defendants who choose not to testify during their trial [1]–[3].

Both general and particular rights

Hohfeld's analysis was a masterful effort. Its effectiveness in making us consider the logical ramifications of rights claims raises a new issue. Rights are described in extremely generic terms in declarations and charters as well as in everyday speech, including life, property, work, association, health care, and education, to name a few. We are aware that the situation is far more intricate than this. We are aware that in any specific occupation, the key phrases "life," "property," etc., practically act as slogans for a complex constellation of Hohfeldian rights, claims, powers, and immunities. If we inquire as to what, say, the right of private property amounts to in relation to the positive assignment of rights in any particular legal system, we may be given volumes of legal textbooks outlining case and statute law with the caveat that things may have changed since publication: consult the most recent Law Reports. In terms of positive

law, things are as they are. The difficulties of positive morality about private property that cannot be enforced should be added. If this were codified, which it obviously couldn't be, it would increase the length of the library shelves. Philosophers appear to have to choose between two opposing positions: Do we need to individually defend or oppose each of a number of specific rights that collectively amount to the in-question right of ownership, or do we need to defend or oppose a generic right, in this case the right to private property? Certainly, there may be disagreements on both levels. For instance, Waldron differentiates between the principles of communal, common, and private property and contends that, at this level of abstraction, the various property systems may be contrasted using an evaluative framework. This is feasible, or at least understandable: One philosopher may highlight the benefits of a private property system from a practical standpoint, while another may argue that a common property system is vital to advance freedom. They both agree that the property system, as so conceptualized, is what necessitates defense.

But the other viewpoint is as tenable. Others may think that the justification for the private property system can only come from the bottom up. If one thinks that the right to private property is a collection of distinct laws governing ownership, exclusive use, administration, receipt of income, capital value, security, and transfer, among other things, one can demand that each of these be upheld independently. One may support bequest rights, but they may conflict with inheritance rights. One may insist on property-based income rights while contesting the notion that they give rise to the need to pay taxes. Exclusive use of one's property, which seems to be the fundamental right, may be restricted or denied in cases of national emergency or when a local government needs the land to build a bypass or construct essential housing. Certain established systems of adjudication may require that individual rights coexist alongside conflicting national or municipal rights. A neat option would be to identify a line of justification for the general right that could be used to evaluate the qualifications of the individual components of that right as they are evaluated. An untidy solution would include using one arguing method to defend the general right and then using multiple strategies to defend any specific rights that are seen to be included in it. As a result, one can find themselves defending the general right to private property as essential for freedom but still acknowledging that inheritance rights cannot be justified in this manner. Maybe the only justifications that hold here are utilitarian ones [4]–[6].

DISCUSSION

Individual and group rights

There is no question that the old discourse on natural and human rights placed a strong emphasis on the individual rights of human agents. Individuals have rights both against other people and against supra-individual organizations, most notably the state. Although Richard Tuck, a modern historian, and Hegel both claimed that ideas of individual rights go back to the early Middle Ages,¹⁶ the idea of equal, universal rights first emerged in the seventeenth century. For some, it was a result of the individualism that was explicit in Protestant theology, for others, it was an ideology suited to emerging capitalism, and for still others, it was a political reaction to the emergence of the nation-state [7]–[9].

The concept of the person as the legitimate subject of rights, where person signifies the basic moral position to which contemporary humans do strive, is at the heart of all these views. As a result, the word "person" is used in moral metaphysics to refer to the unique human being who

makes moral claims and is the holder of basic rights. To assert one's rights and, crucially for the majority of rights theorists, to acknowledge the comparable claims of others, one must see oneself as a person. Be a person and respect others as persons is Hegel's commandment of right, which summarizes this conception of morality. According to Hegel, this view of oneself as discrete and distinct, atomistic loci of personal moral claims of right, a status asserted against others and acknowledged when asserted by others, is a distinctive feature of the modern world. How about asking what the default setting is? How could someone fail to introduce themselves in such a simple and clear way? Hegel responds that it is a historical accomplishment that this reflective view of the moral self exists. Man's first answer to the inquiry, "What or who am I?" was time. If one were to ask about their moral identity, they would have to specify if they were a part of a family, tribe, or larger group of people perhaps an ancient Greek polis. This discussion about history is not something we should be worried about.

Hegel's interpretation of the claims of personality as historically emerging and localized may be incorrect. Maybe each individual person has always thought of themselves as a distinct human atom. Hegel himself underlines that this understanding of the moral self is, at best, partial and lacking. Nonetheless, this account of the person is perfect as a description of the linked metaphysics of the human rights tradition. As rights claims help to define the moral limits of different people, it allows us to understand very clearly the basis for rights claims in a social ontology that stresses the moral potency of discrete individuals. According to Robert Nozick, moral rights act as "hyper-planes in moral space," dividing the moral cosmos into a group of distinct right-holders. Paradigmatically, the language of rights conveys the specific moral vocabulary of the philosophical viewpoint of unique individuals. Both Hegel's explanation of "abstract rights" and Nozick's presentation of rights as side-constraints in modern times reflect the essence of rights discourse.

Yet, to state that they contain the essence of rights discourse is not to support that discourse or the metaphysical ideas it encompasses, nor is it to assert that this individualistic viewpoint provides us with the whole picture of rights. It obviously doesn't. It demonstrates the importance of negative rights and, for some, their power. It clarifies the way in which rights breaches are seen as crossing lines, but it does not address the possibility that they are failures to provide. Yet this is only a drop in the bucket. According to the account just described, the usual subjects or bearers of rights are going to be individual people, which is our main focus here. There is a close relationship between claims of right that define the bounds of that singularity and a metaphysics of social singularity, or social atomism, if you prefer.

Both those who oppose and support human rights have noted this. Particularly within the socialist tradition, there has been a notable antipathy against human rights discourse based on this underlying individualism. Regarding Marx himself, the main source of this animosity was the idea that this metaphysics of the person did not extend beyond economic man, the lone consumer, producer, or participant to economic transactions, more specifically, the bourgeois capitalist entrepreneur. Hence, the morality of rights is the proper ideology of capitalist production, and the rights of man are in fact the rights of capital. Yet, Marx's thesis is broader than this and has been embraced by many who would reject the traditional Marxist criticism. The broader assertion is that the metaphysics of the person, which serves as the cornerstone of human rights doctrines, is inherently flawed. There are many variations on this fee. The theory that the person is a fiction in this technical sense is the most extreme one. The solitary, atomic, bounded, and distinct human agent does not exist. By our shared history and place of birth, each of us is a

part of a variety of communities, including families, tribes, and countries. These active affiliations shape who we are as people. This is the main idea behind contemporary communitarianism. It is evidently true that there are few or no such people if we see the person who bears rights as a lonely loner, a Robinson Crusoe, or as a person devoid of any emotional attachments to other people and recognizing no allegiances or claims of membership. The "unencumbered self" is a myth, but it's important to remember that speaking of someone as distinct and limited does not fully capture their social ontology or the resulting moral or political status.

It is not possible to evaluate the philosophical arguments between liberals and communitarians over the correct ontological location of rights and obligations. Thus, without further ado, let me offer my personal opinion while also inviting people to study up on the topic. Of all, we are all unique human beings. This viewpoint, which is now practically common among self-conscious agents, is given moral power by the additional understanding that we are individuals. We all have strong personal interests that compel us to impose obligations on others. The right to life, seen as a demand that others refrain from killing us, is a prime example of this style of thinking. The same is true for the right to health care, if this is asserted on the basis of one's personal interest in living rather than, for instance, one's duty as the family earner. Another is the freedom of employment, which is the liberty to prevent others from assigning us jobs that are compatible with their perceptions of our capacities.

The closest thing we have to an argument here is the idea that if we didn't recognize these assertions as coming from specific individuals, they would be impossible to understand. Yet, this does not imply that all claims for human rights must have this kind. The political rights are the obvious counterexamples: traditionally, the right to vote, but also the various rights required by the ideal of participation in the political life of the community rights to free expression of opinions, free access to information, and to the free association of like-minded individuals to review, and if necessary amend, their political commitments and to publicly agitate on behalf of these to hold public meetings or other types of gatherings. None of these rights are reasonable requirements for specific projects. Each of these assumes a fundamental understanding of citizenship: the conviction that each individual, together with others, has a constructive role to play in the political life of the society. The majority of the time, political rights make sense in the context of collective engagement in collective decision-making. The citizen participates in the community in ways that would be incomprehensible if the community's decision-making processes were not acknowledged. Not as an individual, but as a citizen, one asserts political rights.

This idea that people first assert their relationships with others before demanding the rights that their strong relationships entail can be applied to a broad variety of typically human pursuits. In addition to thinking of groups of people as having rights in and of themselves, we also conceive of individuals as having rights as members of those groups. Speaking of rights being held by families, groups, churches, businesses, or even larger communities is neither metaphorical nor does it boil down to a concatenation of individual rights. The relationship between a community's rights and the rights of its individual members may be intricate and unique. A crofting township is granted unique land use rights. Cattle must only be grazed on common property by members. Individual crofters have inclusive rights; each may, let's say, graze up to five cattle without interfering with the grazing rights of other crofters. Often, the articles of association of groups would include provision for the assignment of individual rights upon

dissolution of the group. In the event that jointly owned property is sold, for instance, club members may each be entitled to a portion of the proceeds. If a family splits up due to divorce, each family member will be given rights to a certain amount of the family's assets. It would be incorrect to infer that the rights that are assigned once an organization is dissolved show the fundamental structure of rights holding at that time. Just because exclusive rights are conferred when the group is dissolved, a structure of inclusive rights is not to be exclusive after all. I would anticipate receiving half of the value of the family's assets after the divorce. This does not imply that since I am now married, I own the whole family automobile.

Since groups have profoundly diverse normative systems, group rights are difficult to analyze. The declaration of collective rights always attests the reality of the group as a unit of moral action, possessing some of the boundedness and uniqueness asserted for individual individuals. This is an intriguing idea, however. Marking the individuality of the hypothetical group in terms of the legality of rights claims is one method to make sense of the concept of an artificial or corporate person. Families have rights that they may use to their advantage when dealing with other families or institutions. As a parent, I can remember being a little concerned when my kids told me that their instructor had asked them to memorize some "news." Principle led me to fear that this technique may infringe on family privacy rights rather than a guilty conscience or probable shame.

Similar to individuals, nations promote themselves as moral agents when they assert their territorial sovereignty against invading forces. It would be incorrect to assume that politicians speaking out against territorial aggression are doing it on behalf of those whose private property is in jeopardy. Does mentioning the rights of the human race make sense? There aren't any real-world examples that come to mind. Could that be logical in any way? Only, in my opinion, in situations when it is obvious that the interests of the species as a whole must be upheld against outsiders let's take Martians as an example from outmoded science fiction. It is not surprising that critics refer to such talk as "speciesism" when it is used to justify eating meat or performing animal experiments because that is exactly the underlying premise: that the human species is a unique grouping with legitimate interests to defend and promote against the competing claims of other groups.

Group rights bring up a unique challenge that has to be recognized before we continue. I haven't yet discussed how group rights may be protected; instead, I've tried to describe merely how they can be understood. Recent writing on group rights has revealed a unique type of conflict between rights claims. This is the conflict between rights claimed by a particular group, typically to live lives in accordance with their distinctive religious beliefs, and rights which members of that group may claim as individuals against that group. This writing on group rights was motivated in part by attempts to come to philosophical terms with the practical problems of multicultural coexistence. If individual rights are equivalent to or come from universal rights like freedom of conscience, the conflict is particularly difficult. The ability of Amish parents to remove their children from school before the age of 16 is one example that Kymlicka brings up.

By doing so, they may better isolate their kids from the world's temptations and ensure their adherence to the customs of their community. As it limits their capacity to consider alternatives, this approach drastically lowers the opportunity for Amish children to decide for themselves whether they want to continue adhering to the beliefs and lifestyle of their community. It raises the broader question of whether individual rights should take precedence over collective rights, and readers may find several additional, less obnoxious situations that raise related themes. The

freedom of the individual conscience may be seriously threatened when freedom of religion permits the freedom to indoctrinate children. Individual rights disputes are frequent. Assume they may be addressed piecemeal by examining the relative significance of the interests that the right claims defend or advance or the relative relevance of the rights that are in conflict. The question at hand might be stated as whether group rights are consistently less demanding than individual rights as long as we agree that group rights cannot be broken down into a collection of individual rights. I can conceive of no reason why they could be, which implies that we get directly on to the challenging issue of justification before addressing more general problems about the justification of rights claims.

The defense of Rights

We may now address how rights claims are to be justified after distinguishing the various types of rights in a Hohfeldian way and raising additional issues pertaining to the examination of rights claims. By taking a closer look at John Locke's classical principles, we can get things going in a beneficial way.

Themes from Locke: Forms of Ownership

Locke provides a very clear defense of natural rights, as we just saw above. He affirms that God is the creator of mankind. We are His property; He created us. Our life of service demands that we all find equal protection in our autonomous pursuit of His plan for us since our assigned work is to fulfill His purposes. We have a natural right to these things, subject to recognizing comparable claims that other trustees of His purposes make upon us, since we cannot function as trustees of His purposes unless our lives, health, liberty, and belongings are respected. Consequently, we can claim against others that they do not interfere with our life in God's service and as parents or, in the worst case scenario, fellow creatures, that they provide us with the means of a properly human life. Natural rights are rights asserted in accordance with natural law, which is God's law, prescribed to us as His creation.

This is a beautiful defense. If the premises are accepted, the conclusion follows quickly: everyone must respect the rights that are considered vital for the realization of the ideals that everyone should uphold. Moreover, this line of reasoning is fruitful because it allows us to elaborate on and specify restrictions on the general rights Locke specifies. It gives us the opportunity to elaborate on the right to property and define the political rights that correspond to the right to equal liberty. In the event that additional rights are required for the defense of individual rights, they turn out to include the right to punish and the right to revolt. However, the argument is only as strong as its underlying assumptions, and regardless of how much one agrees with Locke's findings, one cannot expect everyone to embrace the religious underpinnings of claims of right. If these premises are accepted, that is fantastic. Yet, if they don't and it's likely that many won't other defenses will have to be made.

According to Locke, reason may identify the natural law that upholds natural rights. How far reason, as Locke defined it, can function independently of a person's belief in a particular religion is a topic of academic controversy. Since using reason means examining the implications of biblical truths, it is obvious that reason cannot be relied upon by non-believers as a source of morality or natural law. We may set aside the disagreement over how Locke's ideas should be interpreted since some have discovered in his works principles that they think everyone can agree upon and which might underpin human rights. As Locke addresses the challenging issue of the right to private property in Chapter V of the Second Treatise, he maintains that "every Man

has a Property in his own Person." No one else except himself has any right to this. This idea is known as the Thesis of Self-Ownership. "The Labour of his Body and the Work of his Hands, we may say, are rightly his."

The self-ownership thesis cultivates odd alliances and has strong friends. It supports Robert Nozick's assertion that taxing money for redistributive goals constitutes "forced labor"²⁶ and it grounds G.A.'s allegation that capitalism exploits labor. Understanding historical conflicts over the legality of slavery and the often linked idea that legitimate hierarchical social and political relations must have consensual underpinnings requires an awareness that we naturally own ourselves, according to Cohen²⁷. Others said that because we own ourselves, we may sell ourselves or agree to various forms of political or social slavery. Others argued that since we possess unalienable property in ourselves, slavery and submission are unjustifiable. Others contend that the self cannot be logically possessed by either ourselves or others since it cannot be alienated in the manner of private property.

It is obvious that important problems are raised in these arguments, but I won't go too into them. In my opinion, defending human rights in terms of self-ownership involves engaging in a kind of philosophical boxing in which comparison, allusion, and metaphor are used in lieu of argument. I'll explain. Ownership rights are often exclusive. The right to exclusive occupancy and use is a fundamental component of the general right to private property. One may utilize their possessions for personal purposes. We already have a mental image of the owner operating inside a private possession area that is defined and constrained by certain rights to assignable property. The illustration might be further developed by saying that if the ownership is land, my rights' borders are marked by my fences. Without my consent, you may not cross; otherwise, you are violating my rights.

According to the self-ownership thesis, people have an ownership connection with themselves. There are certain things that others cannot do to them without infringing their rights as self-owners since we consider them to be our property. The rights of self-owners and the rights of genuine owners may be roughly compared. You owe me a responsibility not to murder, harm, enslave, or otherwise act aggressively against me, just as you owe me a duty not to destroy, damage, utilize, or invade my property. If a self-ownership thesis groups collectively agreed-upon rights and then uses those rights as a kind of shorthand, it is completely permissible. Saying that rape violates a self-ownership principle will stand in for the argument that people have a right to bodily integrity and that rape is a breach of this right, which is one of a collection of rights. Thus, one may differentiate between rights of self-ownership and rights of collective pursuit, or rights to participate in activities with others. This second category would encompass rights to political participation and rights to non-political affiliation. Nobody can argue against a language that effectively combines a variety of operational notions.

Who can deny it if we conceive about self-ownership rights in this manner and believe the idea has philosophical applications? Regrettably, it could be used as a justification for claiming that people have certain rights simply because they own themselves and that these rights can be inferred from a person's position as a self-owner. This is unmistakably Locke's approach in the previously mentioned argument. Imagine making such a statement. One would immediately encounter the need that the right to self-ownership itself be justified. I'm not sure how to demonstrate that this is irrational, impossible, or contradictory, therefore I won't insist on it. Nonetheless, I firmly believe that this endeavor is misguided. Every one of these actions murder, rape, assault, theft, property destruction, and trespass should be deemed wrong, regardless of any

conception of self-ownership. Life, physical integrity, and property rights do not require us to uphold an earlier right to self-ownership.

Why is it bad to commit crimes like murder, rape, or theft may baffle an open-minded, introspective person drawn to philosophical discussion. I believe it is improbable that anybody could come up with a solution that is both convincing and recognizable as going deeper than the intuitions that lead them to recognize the moral gravity of issues like these. This is a direct statement. I may be off. Without a doubt, inquiries will increase. I know one thing for certain: nobody should promote the idea of self-ownership as being fundamental. And this isn't because new ideologies can't end up being accurate or enlightening. Instead, ownership theories are overused. They bear the burden of previous arguments over property rights, and these concepts have come under scrutiny. To suggest that one should first resolve philosophical issues relating to ownership before moving on to develop a complete account of human rights from the results gained is to advise hopelessness.

As was already said, liberals seem to find the concept of self-ownership to be especially appealing in discussions around slavery. So if the self-ownership thesis is accepted as a self-evident reality, it immediately refutes the idea that a person may be another person's property, i.e. a slave. Yet this challenge could be overcome. Some people may disagree with the idea that the right to liberty is unalienable, picturing scenarios in which one can figuratively exchange dangerous or financially precarious freedom for well-fed enslavement. Slavery may seem appealing if the alternative is death or severe disgrace. The endeavor to define a minimum moral position attributed to all humans—the moral status, as previously indicated, of the person lies at the core of these debates. These concerns are profound, and ancient philosophers have examined them. I contend that this position cannot be explained by the self-ownership concept. It can at most provide a summary of the findings from such a conceptual investigation. Is self-ownership a better alternative to the Lockean theme? Many people will discover this in the idea of autonomy [10]–[12].

CONCLUSION

Rights are very important to individuals. By granting individuals political, economic, and social rights, rights play a crucial part in the operation of democracies like the one in India. In order to preserve equality and safeguard the rights of minorities, rights are also crucial. They include the freedom from torture and other harsh or inhumane treatment, the right to life, the right to a fair trial, the freedom of expression, the freedom of religion, and the rights to health, education, and a living standard that is sufficient. Fundamental normative norms concerning what is permitted of individuals or due to people in accordance with a legal framework, social norm, or ethical philosophy are known as rights.

REFERENCES:

- [1] B. Slattery, "What are Aboriginal Rights?," *SSRN Electron. J.*, 2011, doi: 10.2139/ssrn.967493.
- [2] S. Butt and P. Murharjanti, "The Constitutional Right to a Healthy Environment in Indonesia," *J. Environ. Law*, 2021, doi: 10.1093/jel/eqaa031.
- [3] H. Rosemarin, A. Rosenfeld, S. Lapp, and S. Kraus, "Lba: Online learning-based assignment of patients to medical professionals," *Sensors*, 2021, doi: 10.3390/s21093021.

- [4] P. Elliott *et al.*, “Classification of the cardiomyopathies: A position statement from the european society of cardiology working group on myocardial and pericardial diseases,” *Eur. Heart J.*, 2008, doi: 10.1093/eurheartj/ehm342.
- [5] R. G. Beran, “Generic Substitution and Advice to Patients –Potential Legal Medicine Consequences – From A (Australia) to U (United Kingdom or United States of America),” *Seizure*. 2021. doi: 10.1016/j.seizure.2021.03.016.
- [6] R. Dai and J. Watal, “Product patents and access to innovative medicines,” *Soc. Sci. Med.*, 2021, doi: 10.1016/j.socscimed.2021.114479.
- [7] L. Jerby, T. Shlomi, and E. Ruppim, “Computational reconstruction of tissue-specific metabolic models: Application to human liver metabolism,” *Mol. Syst. Biol.*, 2010, doi: 10.1038/msb.2010.56.
- [8] L. Thiault, S. Gelcich, J. E. Cinner, S. Tapia-Lewin, F. Chlous, and J. Claudet, “Generic and specific facets of vulnerability for analysing trade-offs and synergies in natural resource management,” *People Nat.*, 2019, doi: 10.1002/pan3.10056.
- [9] S. Nengsi, “Jurnal Ipteks Terapan,” *Telev. Dan Kepentingan Pemilik Modal Dalam Perspekt. Teor. Ekon. Polit. Media*, 2016.
- [10] P. Trkman, “The critical success factors of business process management,” *Int. J. Inf. Manage.*, 2010, doi: 10.1016/j.ijinfomgt.2009.07.003.
- [11] C. Semenza and S. Benavides-Varela, “Reassessing lateralization in calculation,” *Philosophical Transactions of the Royal Society B: Biological Sciences*. 2018. doi: 10.1098/rstb.2017.0044.
- [12] Y. H. Huang, D. Zohar, M. M. Robertson, A. Garabet, J. Lee, and L. A. Murphy, “Development and validation of safety climate scales for lone workers using truck drivers as exemplar,” *Transp. Res. Part F Traffic Psychol. Behav.*, 2013, doi: 10.1016/j.trf.2012.08.011.

CHAPTER 13

A BRIEF DISCUSSION ON NATURAL AND ARTIFICIAL GROUPS

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ABSTRACT:

A biological categorization based on morphological and anatomical correlations and affinities is known as the natural system of classification. Based on physical characteristics including habit, habitat, color, quantity, and form of leaves, artificial categorization systems have been developed. In this chapter author is discusses the individual autonomy. While debating the worth of freedom, the idea of autonomy came up. Discussions of rights and freedom often cover the same conceptual ground, according to philosophers. Whether we consider private property, for example, to be the subject of a human right or one of the traditional freedoms, doesn't appear to matter much. It would be difficult to separate debates of the freedom of worship from talks about the right to practice one's faith.

KEYWORDS:

Autonomy, Artificial, Freedom, Group, Natural.

INTRODUCTION

The right to free expression is an apparent example of how rights may be explained in terms of freedom. In a well-known paper, H.L.A. Hart argued for the thesis that "if there are any moral rights at all, it follows that there is at least one natural right, the equal right of all men to be free."²⁹ Those who support negative claim rights, rights to non-interference, evidently value freedom of action within the space created by the proscription. The relationship may go deeper than that suggested by coincidence or connectedness of usage. Positive claim rights may specify the conditions of positive freedom by requiring the supply of an item or service. Those who cherish freedom often express their demands in terms of rights, demanding that the desired possibilities be granted or safeguarded as a matter of human rights. This argues that the languages of rights and freedom are interchangeable, that liberal principles may be stated as rights or freedoms, and that the liberal is offered a choice of moral idiom—albeit at the expense of some strain in everyday use [1]–[3].

One can also think that the idea of autonomy provides the analytical underpinnings for this conceptual luxury. We have previously noted that the ideal of autonomy serves as the foundation for some people's value of freedom, and we have given this theory our qualified support. Assume that one is using a condensed model of autonomy that is defined as reflective choice.³⁰ This allows us to connect the study of rights and freedom to autonomy. The ability to choose a lifestyle that fits him and live it out is what is meant by an agent's freedom. According to this, someone has a right if they have the authority to make a protected decision.

The philosophical minefield that is the relationship between freedom and rights, as well as how each relates to the fundamental questions of autonomy, warns us to proceed with extreme caution. One can immediately see that the proper area of freedom is defined by the attribution of

rights that impose responsibilities of non-interference on governments and other agencies if they use a simple definition of personal freedom and limit rights to negative rights of individual activity. The concept of autonomy serves as the fundamental justification for rights claims that impose obligations and so safeguard freedom. When actors disregard the obligations placed on them by the legitimate rights of autonomous agents, their freedom is infringed. If only philosophy were that straightforward! The worth of freedom is too complicated to allow for such a quick examination, as we have previously shown. If our research of rights leads us to the same conclusion, we shouldn't be shocked. Let's argue that the promotion of autonomy is a legitimate justification for human rights. One weak defense of this assertion is that it logically derives from the fact that holders of rights basically have a choice as to how they fulfill the obligations placed on them by the rights they assert. The expression of an agent's autonomy via a decision is what it means to have a right. Hence, if I have exclusive access to my land, I may decide whether to allow you to go about it. The ability of the right holder to forego the obligations that his or her ownership of the right entails is the element of choice that underlies all rights claims.

This thesis' main assertion could be contested. Certain rights may not be possible to be waived since they are unalienable. Some people believe that the right to freedom has this status; as was previously established, it is illegal to submit to slavery. Suicide is forbidden because it is believed that the right to life is unalienable. While there is controversy around the alienability of certain rights, the concerns cannot be resolved by conceptual fiat, the assertion that no right can be unalienable given that right holders always have the authority to renounce their rights. Those who have the right to vote in countries where presenting a ballot paper is required are the subject of a separate case, but one that makes a similar conclusion. Voters who follow the law's requirements are behaving in line with an important right, regardless of whether they have the freedom to vote or not—analysts are divided on this point. Some people could believe that the accompanying right to abstain would increase the value of the right, but we shouldn't disregard it as a right just because it's less useful [4], [5].

An alternative line of reasoning links rights with autonomy. The definition of "autonomy" used here is a loose extension of the skeleton Kantian explanation, which is expressed in terms of the ability to create universally applicable moral rules and to live by them, or the right not to be used as a simple tool. According to a recent theorist: It is necessary for us to respect the dignity of the person in order to recognize autonomy as a right. We must treat others as individuals rather than as playthings, resources, or objects that we can use for our own ends. These individuals are at least potentially capable of making plans, forming relationships, pursuing projects, and living up to an ideal of a worthwhile life.

Dagger defines autonomy as the ability to live a life under one's own control. This echoes related themes found in the work of other renowned modern liberals: rights reflect the fact of our separate existences, the fact that there are distinct individuals, each with his own life to lead; they require us to take seriously the distinction between persons; persons equally have a right of moral independence. "Every other right either derives from it or is in some sense a manifestation of our human right to autonomy." Similar language is commonly used in discussions about utilitarianism, which is said to contradict our understanding of the discreteness of moral beings via its aggregation principle. We will return to this topic later. Yet these arguments show the conceptual connection between the idea of the individual as a distinct and self-governing agent and the normative language of rights, whether directly in celebration of autonomy or indirectly via the denial of utilitarianism.

Consider Dagger's assertion at its most audacious. Are we certain that the value of autonomy can give a complete derivation of human rights because it is strong enough or clear enough? There are undoubtedly human rights that seem to demonstrate the importance of autonomy. If we interpret the right to life as requiring others to refrain from murdering us, it is simple to see why doing so would go against our autonomy. After all, a life with autonomy is still a life. No autonomy, no life just as killing me instantly is the most efficient method to cease my breathing. Consider the right to life as a right with a positive claim. Once again, if you refuse to provide me the life-saving medical care, I won't be independent. If there is an abnormality in this argument and I believe there is it is the notion that murdering someone is immoral because it denies that person's autonomy. Consider a non-autonomous person. Whatever capabilities underlie autonomy say, let's reason or the capacity to separate from, evaluate, and then regulate her desires if they are lacking as a result of a psychiatric state, murdering her cannot be justified on the grounds that her autonomy was denied. Whichever awful example we have in mind the infant, the adult who is seriously handicapped, or the elderly person who is insane theory has gone out of control if we deny them the same right to life that is granted to others.

And the majority of readers will identify an ad hoc answer in the argument that killing them would be bad, but for reasons different than the fact that we assert our own right to life, as though killing us would double the harm done to these unfortunate individuals or be wrong for more reasons. To illustrate a different issue, consider how my right to bodily integrity would be infringed if you punched me in the nose as we were walking down the street. You strike me and go. I tidy up before heading back home. There are several reasons why you have wronged me, in my opinion. My suffering and the expense of having my suit professionally dry-cleaned as a result of your aggression. Have you diminished my ability to regulate myself? Have you changed my life's course? You could have done it or not. You've definitely succeeded in making me into a frightened, housebound wreck. Yet I may not be impacted in this way. I can see a mugger's attack as just another expense that unlucky people like me who, in the end, chose to work in the inner city, must bear. In this situation, I may readily believe that my rights have been infringed while yet holding my autonomy in high respect. I may decide not to change my commute. I'm whistling in the wind, but please, don't allow these folks win.

There are certainly wrongs committed against people that may limit or remove their autonomy but are not wrongs solely or largely for these reasons. Moreover, there are rights that may or may not violate a person's autonomy. My suspicion is that if we interpret respect for rights as respect for autonomy and then consider the violation of autonomy on Kantian grounds, i.e., treating people not as ends but as mere means, then it stands to reason that when you treat me like a punching bag, you are obviously violating my rights. Then then, this is the hallmark of all wrongdoing.³⁴ This conclusion seems too definitive.

In the end, my concern is that when autonomy is used as the guiding principle for all claims to human rights, it is being asked to do too much work. The line of reasoning leading from the assertion that people are ends in themselves to the defense of human rights is likely to be too weak to be persuasive if one adopts a narrow understanding of autonomy. If one adopts a broad definition of autonomy—and we have already shown how Dagger amplifies the core ideas of Kant—then the autonomous life is, in most cases, the well-led life, marked by goals, projects, connections, and ideals. We may anticipate both a formal and comprehensive response. The formal response may limit goals and projects to those that don't interfere with others' attempts to pursue their own plans and projects; my autonomy shouldn't be acquired at the expense of others'

autonomy. I find this to be much too restricting. If Jill and Jane agree that Jack is the greatest possible father for their children, why shouldn't Jane support Jill in her efforts to find the partner of her choosing? It will be necessary to evaluate potential initiatives and ideas to determine the substantive response to the inquiry. What tests are accessible to us? I'm certain there are plenty. The harmfulness of the proposed project or goal is one point that has to be raised. Recall, as we saw in 3, the pursuit of a profession in child abuse should not be done on one's own initiative. Another bad idea for the happy life is racial supremacy, but if it's my own, can I use the virtue of autonomy to help me pursue it? For sure not.

None of this is intended to suggest that human rights cannot be justified in terms of the agent's autonomy when she wants her decisions and actions to be safeguarded. In many circumstances, it is crucial that the initiatives agents have undertaken be recognizable as their own when they reflect on their accomplishments and shortcomings. The regret or embarrassment experienced by a kid who has fallen short of her parents' unreasonable expectations is the saddest thing in the world. While the flaw is fake, the deterioration of self-respect and the growing feeling of personal inadequacy in the face of others' incorrect expectations or unreasonable standards are actually terrible, even if the personal repercussions may be disastrous. We have argued before that imposing life objectives on a kid by a parent amount to a serious violation of that child's autonomy when the child internalizes the goals at a critical juncture in her development. This well-known explanation for personal desperation reveals a lot about the true worth of autonomy.

It is not appropriate to portray the concept that moral actors are self-governing, that they have their own lives to live, and that they have their own objectives to establish and pursue in the metaphysics of morality. Or at the very least, it shouldn't be portrayed that way in order to derive any human rights specification. The terrible experiences I've described that go against the principle of personal liberty serve well to define certain human rights. It is a lovely but delicate plant that can be both successfully hidden by weighty intellectual machinery and completely destroyed by a powerful extraterrestrial invasion. It is susceptible to well-intentioned parental goals, peer pressure, social conformity processes, as well as governmental plans to produce a well-structured labor force. All of these coercive methods stand in the way of the weak individual leading a respectable and happy life. As such, autonomy calls for a declaration of human rights, yet it would be incorrect to assume that all human rights are rooted in individual autonomy.

Exist any human rights that cannot be derived from, or that cannot be drawn only from, the concept of autonomy? To say that the right to life, which is infringed by murder, or the right to bodily integrity, which is violated by assault, stem from some tale about how these activities undermine autonomy, in my opinion, defies logic. I believe it is equally false to say that political rights come only from autonomy. Of course, the autonomous agent will want to have the ability to participate in democratic forums, but using one's civic rights in ways like voting, speaking out, or joining a protest is more of a communal performance than an individual endeavor. To answer the seventh argument, it is we, the people, acting in unison with one another. Democracy may be portrayed as a platform for lone performers to parade their talents in a public show of their own desires, but this is a poor picture of what is probably a misguided activity. One of those occupations that does not find its feeling of value in individual assessments of the tasks that give it meaning is politics, much like church attendance.

Interests and Rights

Individuals have interests. Some are important, some are unimportant. Some are peculiar, while others are very ubiquitous. Evidently, these categories overlap. Certain interests are so significant and pervasive that people will accuse others of failing to act in their best interests. The claims that follow may be made against other people, demanding that they not harm, murder, or steal from us, or against governments, demanding that they provide security services. For Mill, a right is a legitimate demand for protection from society. Since security is "to everyone's feelings the most vital of all interests," Mill used it as an example of a right that should be protected by society. While this was not Mill's intention, it serves as a reminder that crucial rights can be either, or both, negative and positive, depending on the terms in which they are spelled out. Hence, to have a right is to have a legitimate claim that some interest should be safeguarded or promoted against others. What rights do we then possess? Everything will rely on the specified interests that deserve protection and advancement. They may be universal in certain circumstances, as Mill's example of security implies. In such situation, they may be regarded as human rights. They will be specific or conditional in other situations. Examples include the special privileges that club members have.

Interest discussion is always ambiguous. It should come as no surprise that disputes over rights are commonplace and that fresh claims of rights emerge every day. The right of adults born via a procedure of artificial insemination to be provided knowledge of the identity of the sperm donor is a new case, which I suppose I am bringing to the notice of readers for the first time. It is obvious that the first step those who want recognition for such a right must do is to persuade others of the value of their interest in learning such information. The 'rights inflation' phenomena, as well-expressed by L.W. Sumner, 37, observes the range of interests people use as justifications for the allegations they make against others. While competing interests fight for visibility in policy discussions, rights intersect and compete. A court may be required to decide what arises as a conflict of rights based on laws or principles that create a hierarchy or ranking between them. The interest a natural parent has in raising her kid may conflict with the child's interest in having a healthy, supportive upbringing. Others would argue that "the child's rights should be the deciding factor."

The conceptual link between rights and interests brings up issues of two different types: moral issues regarding the weight or importance of the declared interest and its implications for the obligations that the claimed right imposes on others. Philosophical issues regarding whether interests are subjective or objective. I set aside the first category of issues. Second-order issues seem to be limitless and unsolvable. Yet rather than serving as a call to give up, it could be seen as motivation for endeavor. Rights assertions do not validate themselves. Examining the interests that underlie the claims is crucial for resolving disputes according to the viewpoint that views rights claims as manifestations of interests deserving of promotion and protection. We should point out that interests might be either individual or collective interests. This difference can appear to be erroneous. Regardless of whether we consider interests to be subjective or objective, don't we constantly consider the interests of specific people? Who or what else may be interested or take? It is obvious that there is some link between individual and collective interests. It would be astounding to testify a group interest that had nothing to do with any shared interests among the group's participants. It is difficult to imagine a project being in the best interests of a company without also being in the best interests of the shareholders or a national policy without also being in the best interests of the population. It is often assumed that a company's interests

would coincide with a majority of its shareholders. Similar divisions between the interests of the majority of people and the national interest are possible. According to this perspective, you should speak with the members or look for other proof of their interests if you want to assess the group's interest. Find out about their interests by asking them directly or in another way. How else might the interests of various groups be ascertained? This straightforward strategy is flawed conceptually. The common sense that underpins it is afflicted with a kind of individualism that includes a unique and contentious philosophical vision of how people should relate to the organizations they belong to. This viewpoint's defining characteristic is the recognition of groups as being crucial to the realization of prior individual objectives. On this theory, group interests are just a concatenation of individual interests. These groups' decision-making processes will be created to take into account these individuals' particular interests.

This perspective is undoubtedly accurate for certain organizations, but not for all or even the majority of groups when they reach stability. The difference between natural and artificial groups is helpful in this context. Artificial organizations recruit members based on a public prospectus. Both membership and ongoing subscription are often optional. Membership will be for the aim of pursuing an individual interest, which is more successfully accomplished when people work together. A division of labor may boost efficiency and effectiveness in the utilization of resources for the common good as soon as the convener, secretary, and treasurer are in place. Such organizations are likely to form as soon as shared interests are discovered and to dissolve once the desired outcome is achieved. The obvious error is assuming that all groups are of this kind [6], [7].

Natural groups are ones in which agents randomly find themselves as members. The obvious examples are families and clans. A contentious candidate for natural status is the nation-state. Hobbes, on the other hand, thought the state to be an artificial group created by individuals with a congruent set of purposes through their individual pursuit of the preservation of their lives and 'commodious living'. Aristotle, on the other hand, thought the state in the form of the Greek polis was natural - man is *zoon politikon*, a creature of the polis, because the polis is the minimum-sized unit of human self-sufficiency. Artificial organizations may be distinguished based on the prior goals that membership advances. When it comes to natural groupings, some members' interests could follow from the fact that they belong to the group. They develop specific interests because they belong to a certain group; their concern for the group's welfare will be the most obvious example.

There is a lot of overlap between the categories of natural and artificial organizations, as well as interests developed before to or as a result of membership. Humans are known for forming groups for specific reasons, sometimes overtly motivated by self-interest but sometimes not, and then discovering that the newly formed organization takes on a life of its own. Parents may start or join a parent's organization to further the education of their kids, but they soon discover that the habit of association leads to social activities that are enjoyable on their own, apart from the organization's initial goals. Some people seem to be born clubbers; they are eager to join, lead, and serve the organizations they enroll in. Groucho Marx, who was determined to stay away from any club where he may be a member, appears to be the exception. Even for people whose primary goal is self-interest, belonging to a group both serves and creates individual interests. This process, according to Hegel, is the universal mediating the specific. It is characteristic of Civil Society, the social realm in which family members look out for their individual wellbeing in the workplace.⁴¹ I suppose that the only organizations that are able to avoid this dynamic are

those founded to fulfill extremely specific and transient objectives. Nonetheless, the connotation is obvious. Just as effectively as people's interests cause them to create groups, groups may be formed by individuals' interests. When this occurs, it is comprehensible to refer to a collective interest. Moreover, when groups articulate a unique group interest, we should anticipate them to assert their entitlement to protection and maybe promotion of that interest. It may be exceedingly challenging to determine if the rights that are therefore asserted are group rights or individual rights due to the dynamic of transition between individual interest and group interest. Consider a religious group that wants to construct a house of worship among a non-believing neighborhood. Imagine intolerance is used as justification for denying planning clearance. We accept Muslims here, but they shouldn't attempt to construct a mosque, please! I once overheard a benighted Presbyterian say, "." Is it a collective right or a collection of individual rights that the congregation is asserting when they file an appeal and mention their right to worship together in a suitable building? One could only come to this conclusion if they had an incorrect belief about how persons should act in their own best interests [8], [9].

CONCLUSION

We can understand natural selection better by using a model of artificial selection. From human selection of desirable features in plants and animals to the idea of natural forces acting selectively on populations and creating changes in the environment, particularly over geological timeframes, is a short step. In contrast to natural selection, artificial selection refers to selecting practices used by people to cause genetic change. The trait(s) being chosen are known when artificial selection is used, but they must be inferred during natural selection.

REFERENCES:

- [1] C. G. Giesen and C. Frings, "Not so social after all: Video-based acquisition of observational stimulus-response bindings," *Acta Psychol. (Amst.)*, 2021, doi: 10.1016/j.actpsy.2021.103330.
- [2] K. Shiimoto, S. Hamai, G. Motomura, S. Ikemura, M. Fujii, and Y. Nakashima, "Influencing Factors for Joint Perception After Total Hip Arthroplasty: Asian Cohort Study," *J. Arthroplasty*, 2020, doi: 10.1016/j.arth.2019.12.039.
- [3] S. Mani *et al.*, "The effect of natural and artificial periphytic substrates with biofloc system on shrimp *Penaeus vannamei* (Boone 1931) culture: growth and immune response," *Aquac. Int.*, 2021, doi: 10.1007/s10499-021-00646-0.
- [4] M. A. Castillo, W. P. Wardley, and M. Lopez-Garcia, "Erratum: Light Dependent Morphological Changes Can Tune Light Absorption in Iridescent Plant Chloroplasts: A Numerical Study Using Biologically Realistic Data (*ACS Photonics* (2021) 8:4 (1058–1068) DOI: 10.1021/acsp Photonics.0c01600)," *ACS Photonics*. 2021. doi: 10.1021/acsp Photonics.1c01621.
- [5] Y. W. Leung *et al.*, "Natural language processing-based virtual cofacilitator for online cancer support groups: Protocol for an algorithm development and validation study," *JMIR Res. Protoc.*, 2021, doi: 10.2196/21453.
- [6] J. M. Rommers, C. Boiti, I. De Jong, and G. Brecchia, "Performance and behaviour of rabbit does in a group-housing system with natural mating or artificial insemination," *Reprod. Nutr. Dev.*, 2006, doi: 10.1051/rnd:2006038.

- [7] G. Ripoll, M. J. Alcalde, A. Argüello, M. de G. Córdoba, and B. Panea, “Effect of the rearing system on the color of four muscles of suckling kids,” *Food Sci. Nutr.*, 2019, doi: 10.1002/fsn3.994.
- [8] R. Ortiz and J. H. Crouch, “The efficiency of natural and artificial pollinators in plantain (*Musa* spp. AAB group) hybridization and seed production,” *Ann. Bot.*, 1997, doi: 10.1006/anbo.1997.0488.
- [9] J. Demant, “Natural Interactions in Artificial Situations: Focus Groups as an Active Social Experiment,” in *An Ethnography of Global Landscapes and Corridors*, 2012. doi: 10.5772/34659.

CHAPTER 14

A BRIEF DISCUSSION ON DISTRIBUTIVE JUSTICE

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ABSTRACT:

Distributive justice is the perceived fairness of how benefits and expenses are shared by (distributed among) group members, according to social psychology. For instance, group members may believe that distributive justice has not been served when some employees put in more hours but yet earn the same compensation. In this chapter author is discusses the Nozick's theory of entitlement. Interests may be both extensive and significant. The preferred means of defending and advancing rights is via claims, whether such claims are based on international agreements or local laws. How might interests, as the things to which rights are ascribed, serve to provide institutional support? Registering the interests that rights serve in a consequentialist, generally utilitarian calculation is the quickest solution, albeit it is not the only one.

KEYWORDS:

Distributive, Justice, Legislation, Political, Philosophy.

INTRODUCTION

People have interests either on their own or because they belong to certain organizations. Consult these interests, defined in terms of the best value theory, and determine if pursuing them via institutional support would provide the most benefit. If it does, one has created a moral right, which is seen as a claim against the institution's creators, demanding that the most efficient institutional structures recognize the specific interests. The legal systems of individual nation-states will often be the most successful institutions. When it comes to defending genocide, crimes against humanity, and war crimes, international legal structures, such as the recently established International Criminal Court, may be deemed the best means of doing so.⁴² Some specific provisions that derive from more general rights may find informal protection within positive morality [1], [2].

Consider the innovative rights claim I stated earlier, which is the right of people born via artificial insemination to know who their donor is, to illustrate how this initiative may function. Those who assert this right will say they want to know who their biological father is. They will point to their ignorance as a hardship and cause of pain. They'll look forward to the potential pleasure of potential new friends. The benefits to beneficiaries of AID and maybe children will be diminished, according to some opposed to this privilege, as donors are scared off by the possibility of receiving calls from mature embryos whose creation they have some degree of responsibility in the future. And so on, recording the positive and negative information for the many people who are likely to be impacted by a policy of recording information to which putative right holders claim access. If it is determined that disclosure rather than concealment is generally more advantageous, after accounting for the impacts of such institutional innovation on

all persons with an interest in such matters, then a case has been established for a moral right. The establishment of the institutions that best provide closure is required for public acknowledgment of this right. As the case may be, or not. It should be highlighted that this assessment necessitates taking into consideration everyone's interests. This includes persons who claim, for instance, that a disclosure procedure would infringe their right to AID or their right to privacy. The registration of the interests these rights protect also breaks down these rights.

Evidently, the kind of consequentialism that supports the assignment of rights is indirect. When rights are recognized, behaviors become either permitted or unlawful depending on whether they fall inside the purview of a valid claim of rights. It is acceptable for people to utilize their own property but illegal for others to do so without the owner's consent if, for example, it is acknowledged that individuals have a right to the exclusive use of private property due to considerations of general utility. The kind of consequentialism that supports this derivation of rights and the associated judgements in the case of specific acts is no stronger than it. I'll set aside broad critiques of the utilitarian enterprise for the time being and speak specifically to a few key issues with the utilitarian defense of rights. Let's start by discussing a few slogans. As we've seen, claims of rights are made by either people or organizations. These equate, in the simplest, though misleading, situation, to demands that the moral bounds of the people be upheld. They have a long history of being connected to an emerging individuality. Rights are thus "side-constraints" on the pursuit of aims since they presume "the differentiation of people the separateness of existence and experience" and "this underlying concept, namely, that there are different individuals with separate lives"⁴⁵.

Since many people who have taken these claims to be unquestionably true have also believed that they are incompatible with utilitarianism in the sense that it incorporates aggregative and maximizing elements, they have taken on a great deal of significance in discussions of utilitarianism and rights. The ideal course of action may be one that sacrifices the interests of some people in order to maximize the well-being of everyone. It is not necessary to identify as a utilitarian to see the flaws in such flimsy arguments. The requirement that everyone's interests be recognized, and treated equally, in the aggregate is one of utilitarianism's distinguishing characteristics. The Benthamite orthodoxy was stated by Mill as follows: "Everybody to count for one, nobody for more than one. This was just one of the reasons why the classical utilitarians were viewed as philosophical radicals because they insisted that the interests of all be taken into account when making a determination of the common good.

No one's unique or particular interests, no matter how eccentric, should be disregarded. The evident fact that the items to be considered in any computation are goods to persons supports this idea. Individuals are the sole potential beneficiaries, regardless of whether they are calculated in terms of happiness, pleasure net suffering, desire-satisfaction, or components of an objective list. This conclusion is not called into question by the idea that groupings may have interests that are distinct from the interests of the people who make up the groups. Whatever the source of the interests, fulfilling them will benefit different people in different ways. What evidence do we have that the utilitarian endeavor ignores the reality that different people have varied lives to lead if the separateness of persons is acknowledged in the calculation of value and if the calculations of utility support the acknowledgment of individual rights? There must be another area where the separateness of humans is not acknowledged for this conclusion to be justified.

DISCUSSION

Before we look at this additional assertion, let's take a look at another one, one that comes from Ronald Dworkin, who famously makes the argument that rights are supreme and, more specifically, that rights claims supersede opposing judgments of usefulness. Rights are best understood as triumphing over any underlying rationale for political actions that declares an aim for the community as a whole, according to Dworkin. Utilitarianism is the "background justification" that Dworkin is referring to. For those who are unfamiliar with the rules of whist, the metaphor of trumps suggests that, regardless of how great a policy's utilitarian benefit, if its execution violates rights in a particular situation, it is unjustifiable. If clubs are trumps, the two of clubs wins the trick no matter how great the other player's card is in the other three suits. There is an argument behind it, just as with the other slogans, but I'll overlook the specifics like I did with them. It is crucial to consider what this argument cannot prove. It cannot demonstrate how it is analytically or conceptually essential to statements about rights that refute arguments from utility. While the utilitarian argument for rights is strong, it might fall short if the supporting theory is rejected. It cannot be rejected from the outset on the grounds that it offers to assess rights whose standing is in some way beyond utilitarian scrutiny or that it is wrong, theoretically speaking, to subject rights to the utility standard [3]–[5].

Dworkin's assertion that rights take precedence over usefulness has another meaning that has to be clarified. Remember that the two of clubs overcomes the ace of spades if clubs are trumps. This implies that the meanest right, if upheld, trumps utility-based defenses for its infringement in the specific situation. No matter how much inefficiency may develop, the right must be respected. Now, as long as the right is recognized and supported by sound utilitarian arguments, the utilitarian may concur with this. The extent of rights claims will be made obvious by the right's precise specification. Let's assume that everyone utilitarians and non-utilitarians agrees that there should be recognition of a right to private property. We may anticipate certain exclusions being included in the specifics of any such right. In an emergency, the government may assert the right to seize farmland for the building of airports, or a local government may be granted the ability to compel the acquisition of property in order to create a city bypass. Every zoning or planning legislation outlines the bounds of certain rights via restrictions. As Rawls noted in "Two Concepts of Rules," there will be no opportunity for arbitrary executive violation of the cluster of rules judged optimal after they have been laid out and approved. If there are no trumps, the lead of the ace of spades will win the trick over the play of the two clubs, but if there are trumps and clubs are trumps, this is not the case. Everything is dependent on the specific game regulations. The fact that the rules of whist allow for a trump suit does not mean that they are inherently non-utilitarian.

In a similar spirit, David Lyons has argued that the utilitarian theory cannot account for the particular moral power of rights claims⁴⁸. Let's call the moral theory that does account for this moral force T. There is no reason, in my opinion, to rule out the possibility that the utility principle would not produce precisely the same institutional configurations as T. As the institution that utilitarians choose relies on the specifics of the situation, it is evident that this is a contingent concern. So let's say that a certain set of rights is supported by both T and utilitarian reasoning. In this instance, the argument that utilitarianism cannot adequately capture the moral power of rights comes down to the claim that it gives officials authority to breach the law if they believe that doing so would benefit society. The utilitarian should not accept this, in my opinion.

Any discretion that officials may use will be outlined in the set of regulations, which are, ex hypothesi, the same for both theories.

The contingency at the core of utilitarian theories does not satisfy everyone. Evidently, our support for certain institutions relies on how the facts turn out. This aspect of contingency cannot be denied by the utilitarian. To resolve the problem, we must compare the utilitarian stance with an alternative, such as T above, which draws rights in all of their specificity from several foundations, and we must examine the utilitarian proposals' verifiable claims. While this latter job is enormous, we shouldn't anticipate that theory T will find simple a priori basis and direct application. T would affect the interests that rights are supposed to protect, according to how I see them. This analytical aspect of rights claims drastically restricts the scope of possible alternative derivations.

Those who believe that rights are supreme or have a special moral power that belies their foundation in utility often make a different claim. Assume that theory T and utilitarianism provide precisely the same set of rights-granting laws. The argument can be that rights come before everything else have enough moral weight to be respected even in the face of disaster. Regardless of the weather, respect rights. Support rights regardless of how much human interests are sacrificed in the process.⁴⁹ Since rights are meant to defend human interests, such assertions are absurd. If rights are ultimate trumps, then we would be better off without them. But I'll let the reader make that decision.

A non-theory

Before we finish talking about rights, I want to bring up one last notion. I'll start with a tale by Arthur Danto: In the aftermath of 1968, I discovered that I was a part of a team tasked with developing the policies for dealing with offenses against my institution. Administrators, tenured and non-tenured teachers, graduate and undergraduate students, men and women, whites and blacks all of whom were urgently needed made up this model group. Yet, we all questioned whether we had the authority to carry out the request, and we spent a lot of time voicing our uncertainties. Eventually, a law professor replied, in a tone of voice I can still hear, and with the weary patience of someone forced to explain something that ought to be obvious as day: "This is the way it is with rights." In the end, he was correct. "You want'em, so you claim you got'em, and if nobody says you don't then you do." Everyone disagreed with the code we came up with, but after discussion, the community recognized the rights. Jefferson said that we regard these rights to be self-evident, not that they were self-evident or that they existed. He made this choice, I believe, mostly because he was more confident that we had them than he was of any claim that they were implied by, or that they followed from, any premises. This describes how rights work. We proclaim our possession of them and inquire about their acceptance.

This no-theory hypothesis is seen from one angle as a warning of doom. Imagine that while being intellectually conscientious and being moved by assertions of human rights, we are unable to provide a basis for them that we believe to be compelling. For certain rights claims, in some situations, autonomy serves as the value that rights promote; for other rights, in other situations, utility provides solid reasons; and for yet other rights, whose power we admit, we may find ourselves perplexed – no justification appears to serve. Even if we accept justificatory assertions, we could still be cautious to assert that we have a solid theory in hand that can be applied universally. Right now, it could seem alluring to hold the belief that the assertion of rights is a

fundamental ethical principle that cannot be further explored. We may give them the status of first principles while perhaps further muddying the waters by referring to them as intuitions.

This would be misinterpreting Danto's statement since it ignores a key aspect of the logical grammar of rights, which is that they are often expressed as claims against other people. All that is required for the establishment of rights is for others to recognize the strength of claims of right. All parties engage in the practice of asserting, respecting, and recognising their respective rights. If this is the case, then no more justification is required to justify the origin of rights if they are asserted, recognized, and respected by a society. This tactic's apparent drawback is that the right in issue may be rejected whenever it is asserted. Therefore it seems that rights are subject to the whim of rulers or violent opponents. On Danto's committee, even one adamant opponent would have been enough to thwart progress.

At this point, the supporter of the no-theorie hypothesis should not lose heart. History and sociology will be the obvious sources. I assert with confidence that no one now believes the justifications for slavery put forward in the seventeenth century. The several documents establishing human rights serve as the standards of national and local political correctness. Nowadays, people continue to assert their individual and collective rights with the often-correct hope that they will be broadly accepted. As a result, rights have arisen alongside the growing humiliation of their critics in public, serving as a fundamental component of respectable political discourse. The folktale or myth of a community with the kind of spontaneous civic unity that disallows claims of right has been lost, even for the most cynical political conservative. We are all bloody-minded enough to maintain awareness of our rights since we are descendants of the Reformation, anti-slavery arguments, and battles for the realization of human and citizen rights. The no-theory theory could seem hopelessly like a no-argument theory, helpless in the face of ongoing controversy. How can progress be made if the dissenter won't admit that she is demanding the rights that she rejects? At this moment, a string of additional parameters start to emerge. We may employ the Lockean, Kantian, or Millian strategies as *ad hominem*, or any other reasoning route that will lead the dissenter from her premises to our conclusion. While pluralism may be the adversary of intellectual order, it is an ally in the quest for consensus.

The thorny subject of how wealth and income, products and services, should be dispersed or shared among the people of a state will be discussed in this chapter. There are numerous possible principles that may be used, some of which I explain clearly in what follows, but before we progress any further, I should bring to your notice a constraint which I have set on this research which you may well find to be arbitrary. For many, the challenge of social justice reduces in practice to the social question of how a society should manage with poverty, presuming that the poor are always with us, that even in the wealthiest societies pockets of apparently uneradicable poverty exist alongside extremes of luxury. This was recognized by the first philosophers to examine the social mechanics of growing capitalism. Hegel, to take one example, reminds us that 'civil society gives a picture of excess and suffering as well as of the physical and ethical rot common to both.

Yet if the co-existence of tremendous riches and profound poverty is a problem inside states, it is a far larger challenge between states or between the peoples of different states. In the face of these sad realities, one key philosophical issue is this: are these separate problems – one of social justice, say, the other of global or worldwide justice – or are we faced by the same problem occurring in various contexts? Relatedly, are the philosophical grounds which one can deploy to determine the fairness of these varied expressions of severe inequality the same in each

situation or are different principles required to address them and to prescribe redistribution when that is considered necessary? It is fair to argue that the difficulties of international distributive justice are in their academic infancy, albeit already one may distinguish utilitarian, Kantian and contractualist approaches. With considerable reluctance, I will set these problems to one side, assuming, perhaps naïvely, that one will have made a start to the contemplation of them if one has considered thoroughly about social justice within states [6], [7].

I'll start the debate by looking into Robert Nozick's entitlement theory, one of the most recent additions to the field of competing ideas. I start anachronistically here because I think Nozick's explanation of social justice is the clearest and most concise; even if it isn't the best-founded, it most accurately expresses our instincts about who has a legitimate claim to what property. These intuitions will need to be rectified, as we will see.

Entitlement

Hopefully, you already possess the book you're reading. Let's pretend it is. If your ownership claims are contested, how can you prove them? Do you have that copy? ', one may inquire. If you are meticulous and organized, the ownership dispute will probably be resolved as soon as you show a receipt. This may not completely assuage the inquirer's concerns. She could be looking at your salary and wondering how you were able to afford this pricey item. So you provide your pay stubs and bank account to demonstrate that the item was acquired within your clearly stated budget. What else is required of you? The issue was raised and resolved. You already know that you have a right to the copy you already have. You've shown that it's your personal property.

Nozick's entitlement thesis

This episode contains a theory of entitlement that has recently been linked to Robert Nozick. According to Nozick, a distribution of assets is fair if it satisfies the following three criteria:

1. A person who obtains a holding in conformity with the principle of fairness in acquisition is entitled to that holding, according to this definition.
2. **Justice in Transfer:** "A person who purchases a holding from someone else entitled to the holding in line with the concept of justice in transfer is entitled to the holding."
3. **Correcting Injustice:** "No one has a right to a holding unless via applications.

The "legitimate first moves" are addressed by the just acquisition principles. Acquisition in this context refers to the first or first purchase of items that are collectively held by everyone or neither by anybody. The principles of just transfer are concerned with "the proper ways of changing from one distribution to another," with sales and gifts as typical examples. When holdings are illegal in terms of acquisition or transfer, principles of rectification apply. For instance, they might demand the restoration of stolen property to its rightful owner. When you provide proof of purchase, you are able to defend your ownership of the book if we apply the basic concepts of this entitlement theory to the event recounted above when your ownership of the book was contested. Restitution to the owner would be required under the application of justice in rectification if it became out that the book had been stolen or retained after being lent. The entitlement theory of justice in distribution, according to Nozick, "is his- torical; whether a distribution is right relies upon how it came about".

Nozick's entitlement theory is a powerful tool for critical analysis. As we will see later, all theories of distribution are disregarded since they are shown to be incompatible with it. The

peculiar thing about his presentation is how little he does to give the entitlement theory substance by means of a thorough specification and defense of the three principles after giving a cursory overview of its shape. He assures us, "I will not tackle that work here," and from what I can see, he never went back to it. He does reject Locke's effort to defend original acquisition in what he does say about the first principle, for instance. Yet, Nozick has clearly provided us with the framework of any default opinion about the fairness of any specific allocation of private property. Every theory of distributive justice that is properly developed and consistently implemented must result in a specification of who owns what property so that it may be decided by looking at the morality of the transactions that led to the distribution in question. Regardless of whether these transactions involve the private agreements on which Nozick focuses, such as gifts, bequests, sales, etc., or government transfers that Nozick considers to be unlawful, such as social security grants or payments, state pensions, or anything else, there must be some story available to be recited when holdings are contested. If a private property system is seen to be unfair, this must mean that certain community members are not entitled to the products they are claiming to be entitled to within the variety of tales that may be told. When the commodities are redistributed in line with a suitable plan of rectification, justice will have been served.

The appeal of Nozick's proposition stemmed from its connection to common-sense intuitions about who owns what, as shown by my experience with your book, as well as its promise to challenge reams of previously published discussion on the issue of justice. The idea that a fair distribution is an equal distribution will be known to all readers. Others may have advanced to the idea that we may advance equality if those who are least fortunate in a society with uneven distribution are better off than they would be if equality were the norm. Some may insist on the recognition of merit and deservingness, while others may demand that a fair distribution respond to claims of necessity. Participants in the discussion who are philosophically compromised will assert that no distribution that does not maximize utility can be fair.

The ability of Nozick's entitlement theory to challenge theories derived from intuitions or theoretical positions of the kind described above was well known to him. In order to establish whether a distribution is fair, time-slice principles now in use use a structural principle. He compares this with his historical idea of justice. A modern time-slice concept won't inquire as to how this distribution came to be. But does this distribution demonstrate a certain pattern or accomplish a particular goal? A patterned theory is one that starts out with "from each according to his" and ends with "to each according to his," which includes the equality of wealth and income.

Nozick makes the argument that Hume's hopeless, if well-intended, principle, "to each according to his moral virtue," is an unusual example of a patterned principle because it obliges us to examine how goods are currently distributed to people to determine whether or not it complies with the principle. If it does—that is, if a person's goodness outweighs that of others, they own more goods—then the distribution is fair, regardless of how it was achieved. Again, regardless of where the distribution came from, if we find that those with less virtue are owning more assets than those with more virtue, the distribution is unfair. Nozick continues by exposing what he believes to be a flaw in the structure of these ideas.

He offers a mental exercise. Consider the example of your preferred just distribution model—say, rigid equality of wealth rather than riches proportional to virtue. Today, Wilt Chamberlain joins a basketball team that will pay him 25 cents for each spectator allowed to home games. By the conclusion of the season, he will have collected \$250,000 from the million people who have

gladly come to see him play. Is he eligible to receive these earnings? The distribution that results is obviously unfair when compared to the equality principle. Wilt has \$250,000 more and each fan has \$25 less. Yet each of these people decided to donate Chamberlain 25 cents of their money. The implication of patterned theories of justice is that since this society has changed from a just to an unjust pattern of holdings, this position needs to be corrected: "They could have spent it on going to the movies, or on candy bars, or on copies of Dissent magazine, or on copies of Monthly Review."

most conveniently by seizing Chamberlain's gains and giving them back to the eager gamblers. The conclusion reached by Nozick seems to be fatal: "The main point shown by the Wilt Chamberlain example is that no end-state principle or distributional patterned principle of fairness can be continually implemented without ongoing meddling with people's lives." Liberty disturbs patterns.

The iconoclasm of this result should not be seen as extreme as Nozick would have it. The idea of "constant meddling with people's lives" may concern those who love liberty. They may decide that they do not see this continual interference as a significant loss of liberty, however, if they consider that the form that interference will likely take is taxation and that, for most people, "continuous" means every time they get a pay check or make a purchase. The benefit of retaining one's pre-tax income may not be insignificant, and paying income or sales taxes may be onerous, but most people adjust to it. Maybe they have seen that individuals with the highest incomes also tend to complain the loudest and are more prone to relocate to tax havens. For many individuals, the annoyance of paying their taxes is on par with the annoyance of traffic lights turning red whenever they are in a rush or of pedestrians crossing a zebra just as they are about to drive through it. They see tax reductions as a significant benefit rather than a marginal decrease of an unfair burden. As we learned while considering liberty, not every limitation, obstacle, or interference has a significant impact.

Of fact, individuals who are upbeat about taxes and consider them as part of the inevitable destiny of humans, along with death, may be underestimating the moral injustice of their situation. They could be the kind of victims of a dominant ideology who might benefit from a fast injection of insightful thinking. People may study and reflect, and they might identify Nozick as a religious philosopher. According to Nozick, "taxation of profits from work is on a level with forced labor."⁹ I have my doubts. Moreover, I believe it would be quite impolite to inquire about their opinions from individuals who have engaged in forced labor, such as in the Gulag, Nazi factories, China's Cultural Revolution, or Cambodian fields.

It makes sense to use rhetoric to counter rhetoric. Yet, a philosopher should cough quietly and start working on revealing an argument's flaws if it reads as really dangerous in the context of one's prior political convictions. Put the hyperbole aside and focus on the specifics of the arguments instead. There are strong arguments opposing Nozick's viewpoint, and it would be wise to properly prepare them [8], [9].

CONCLUSION

By guaranteeing equitable distribution and appropriate resource allocation, distributive justice helps to avert such social unrest. The least advantaged social group may thrive because the difference principle permits the least advantaged to get the largest advantages. According to the distributive justice concept, everyone should have access to health care based on their needs and the availability of resources. Distributive justice is jeopardized when there are obstacles blocking

access to contraception and abortion. Social justice is a long-standing idea that has been used to support government action and resource allocation.

REFERENCES:

- [1] S. Burri, D. Lup, and A. Pepper, "What Do Business Executives Think About Distributive Justice?," *J. Bus. Ethics*, 2021, doi: 10.1007/s10551-020-04627-w.
- [2] B. A. Jafino, J. H. Kwakkel, and B. Taebi, "Enabling assessment of distributive justice through models for climate change planning: A review of recent advances and a research agenda," *Wiley Interdisciplinary Reviews: Climate Change*. 2021. doi: 10.1002/wcc.721.
- [3] T. Yang, R. Lei, X. Jin, Y. Li, Y. Sun, and J. Deng, "Supervisor support, coworker support and presenteeism among healthcaeworkers in China: The mediating role of distributive justice," *Int. J. Environ. Res. Public Health*, 2019, doi: 10.3390/ijerph16050817.
- [4] B. Hu and S. Han, "Distributive Justice: Investigating the Impact of Resource Focus and Resource Valence," *J. Bus. Psychol.*, 2021, doi: 10.1007/s10869-019-09668-1.
- [5] R. H. M. Pereira, T. Schwanen, and D. Banister, "Distributive justice and equity in transportation," *Transp. Rev.*, 2017, doi: 10.1080/01441647.2016.1257660.
- [6] M. van Dijke, L. B. Gobena, and P. Verboon, "Make me want to pay. A three-way interaction between procedural justice, distributive justice, and power on voluntary tax compliance," *Front. Psychol.*, 2019, doi: 10.3389/fpsyg.2019.01632.
- [7] K. McLean, "Revisiting the role of distributive justice in Tyler's legitimacy theory," *J. Exp. Criminol.*, 2020, doi: 10.1007/s11292-019-09370-5.
- [8] E. Randal *et al.*, "Fairness in transport policy: A new approach to applying distributive justice theories," *Sustain.*, 2020, doi: 10.3390/su122310102.
- [9] T. Yang *et al.*, "Occupational stress, distributive justice and turnover intention among public hospital nurses in China: A cross-sectional study," *Appl. Nurs. Res.*, 2021, doi: 10.1016/j.apnr.2021.151481.

CHAPTER 15

A BRIEF DISCUSSION ON THE THEORY OF SOCIAL JUSTICE

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ABSTRACT:

A more equal distribution of resources and opportunities is the goal of the political and intellectual movement known as social justice. Advocates for social justice want to create a more equitable and equal society by correcting past injustices and allocating resources to underprivileged groups. In this chapter author is discusses the politics and public administration. The entitlement idea is the greatest place to start. The notion of rightful acquisition is its initial constituent. First holders and first inhabitants are the acquirers. First occupation has two possible solutions, each of which is confusing.

KEYWORDS:

Acquisition, Citizens, Government, Political, Philosophy.

INTRODUCTION

The first response is that nobody owned the property. It was legal for anybody to cross it or gather mushrooms from it. So, the first buyer has a unique moral authority. Assume, as Locke proposed, that acquiring property involves combining one's labor and working on other people's land. We now have the prospect that agents might diligently pursue their own interests while also creating duties for everyone else that did not previously exist. Having obtained a right of ownership via legal channels, everyone else has a responsibility to respect the owner's exclusive possession [1], [2]. When co-ownership is the normative backdrop rather than a situation of no-ownership, the same issue is raised even more forcefully. Locke believed that the world was a gift from God to all people. Everyone has exclusive property rights to the world, its resources, and its animals at the beginning. With this theory, it may appear impossible for anybody to acquire property in anything at all. It does, not least because individuals who have replaced a former comprehensive liberty right with a duty have clearly lost a moral right they could previously claim.

Locke presents the reader with a bevy of justifications for an original acquisition right. It is a well-known fact that the possessions one has for themselves are somehow linked to the area of the globe with which they have collaborated. The things one has made are infused with the rights of self-ownership. As many observers have noted, the analogies are normatively ineffective. Ironically, Nozick wonders why combining what I own with what I don't own isn't a manner of losing what I own rather than a way of acquiring what I don't own. Why do I obtain the land rather than simply the extra value if I increase the worth of the land? One interpretation of Locke's assertion is that it is desert. The dirty-handed digger is entitled to make exclusive claims. Maybe, but how can the losses that everyone else suffer be justified? They didn't accomplish anything to earn them. This issue is answered by Locke's requirement that there be "enough, and

as good left in common for others," but if the "others" include all potential claimants in the future, then requirement can never be fulfilled. Locke also makes distinctively consequentialist arguments. Despite the first abundance, humanity would have starved if there had been no private property. Also, everyone benefits from industriousness, which is a condition of private property. These are persuasive arguments, but we'll hold onto them because, even if they do support the initial purchase, they could also support redistribution and Wilt Chamberlain's taxes.

The most obvious objection to using arguments about original acquisition to support current holdings is the fact that it would be very difficult to identify episodes of original acquisition with regard to the majority of the world's goods, even if there were arguments strong enough to support the would-be property owners benefiting themselves while shifting the costs of their acquisition onto others. The evidence has disappeared. The Original Contract is cloaked in the same obscurity as the Initial Acquisition. If the entitlement defense is to be regarded seriously, as Nozick contends, first occupation, first ownership, and first title to the property as well as its benefits are what are meant by "acquisition." Moreover, no one is aware of such ancestor claims.

Let's say we don't consider the likelihood of justice claims stemming from acquisition. Why can't we just disregard disagreements that go back farther than, say, 1750, accepting the validity of ownership claims at that time and legitimizing the present in terms of genuine transfers, presuming they are correctly documented after that date? Consider further simplifying things by supposing we are only interested in transactions that are classified as wages, gifts, sales, and bequests. If all parties are fully informed, the executions are voluntary, and they are duly recorded, we must not assume that any of these transactions reflect legal transfers. Take the present, for instance. While it may seem straightforward, the field has other, conflicting laws. One claims that all gifts are lawful means of transfer. According to another, presents up to the value of $\$x$ are legal transfers; gifts exceeding that amount are only legal if the receivers pay the government $y\%$ of the item's worth. Regarding salaries, sales, and bequests, the alternatives structure may be stated in the same way. How does one choose the best transfer principles? All subventions from gifts are confiscations, all sales receipt reallocations are theft, all bequest reapportionment is grave robbing, and all taxation on labor earnings is equivalent to forced labor, one might argue, but stating something doesn't make it true.

Under a recent constitutional agreement, the Scots chose to establish a devolved Parliament in Edinburgh as well as to provide that body the authority to levy taxes in addition to those held by Westminster. Does this imply that those Scots who benefit from the public services that their taxes pay for are making them work against their will? Of course, the philosophical debate is not resolved by the fact that the majority of participants in a vote favor a policy allowing their representatives the authority to levy taxes. No taxation is necessary if rights are side restrictions on government behavior and all taxes violate such rights. Yet not even Nozick believes this to be true. Taxation for the nightwatchman, to defend the city walls, to keep the city streets secure, and to safeguard people in their private houses is justified; thus, it is necessary to make arrangements for tax collection.

As a result, one cannot simply wave the flags of individuality and the value of living independently to individuals who only have one life to live while waiting for those who support forced taxes to give up the fight. One cannot assume that the fundamental moral principles underlying the substantive concerns which involve the limits of justified coercive taxation will automatically determine these difficulties. It will take centuries of careful adjusting to the conditions of production, distribution, and exchange, to the requirements of existing domestic

and family patterns, and to the specifics of unique constitutions governing hierarchies of local and national political institutions before the rules of transfer are specified for any given society. We may anticipate that a variety of values will support these agreements. The specific transfer rights should overlap one another, as expected. Bequest and inherited rights complement one another. We may anticipate that the widespread usefulness of certain arrangements would advocate for their establishment as rights. What else may support a state's ability to compel the purchase of something in order to provide a public good? We are likely to discover a unique value in private property, which causes us to see another significant flaw in Nozick's case.

DISCUSSION

His fundamental beliefs center on the separability of people and the need of each individual living an independent life. According to the Kantian notion of respect for humans, we must consider people as ends in themselves and not only as simple means to a goal. While this is a general request, presumptively it may be used in important situations. Evidently, it forbids slavery, rape, and other forms of non-consensual use of another person's body for one's own gain. Kant made it quite evident that our treatment of the soil, its produce, and its animals is not governed by this concept. They lack the rational will that is a need as well as a sufficient factor for considering agents as autonomous entities. If I steal one of your kidneys without your permission, I'm violating your autonomy, but what regulation am I breaking if I saw a limb from a tree or gather pebbles from a mountain? Before any damage or injury is done, the tree and the hillside must be tied to someone as property; at that point, the owner and not the tree or the mountain is the one who is mistreated. Hence, we must comprehend property as a kind of attachment and a connection between people and things. Also, we must defend the assertions made by those who are involved in this relationship [3], [4].

Hegel's hypothesis is an intriguing one in the area. His justification for private property is that it is vital for people to be free. While the plot is convoluted, the main theme is that personal freedom which for Hegel is but one aspect of freedom is attained when an agent's will is materialized in the possessions they each have. Property allows the will to be projected in a way that makes it understandable to the owner and to others, and comprehending oneself in the context of a larger social context is a prerequisite for freedom. When we look at our friends' bookcases, we could be interested in the books, but it's also possible that we are more interested in them as people because we assume that they are aware of how their selections can be understood by those who are familiar with the titles. Freedom necessitates interpretation, which permits deception. As the writer describes the parvenu purchasing a whole library at auction, everyone is aware of what is happening.

I parody Hegel's arguments with shocking succinctness, but think about the result. Shouldn't everyone have some private property if we see private property as a symbol of freedom and if personal freedom is a distinctive and universal value? Determining whether Hegel agreed with this result requires challenging textual analysis. Although he is quoted as saying that everyone should own some property in an appended note and that poverty is a moral offense that robs citizens of their personal integrity at pages 240–5, he denies that his account of private property has any distributional implications in *The Philosophy of Right* at page 49. Notwithstanding the intricacies of his written opinions, he should have been clear in stating that the absence of any property is a personal hindrance in a culture that values private property as a foundational element of freedom.

Nozick might face the exact same accusation. Whatever justifications are put up for a private property right are likely to have some effects on how it is distributed. The more significant private property becomes, the more important it is to accept certain canons of distribution. In Nozick's scenario, we must make an educated estimate as to what the foundations of a private property value would be. If people are to conduct their lives as independent autonomous agents, property is presumably required. This makes sense since people are forced from pillar to post in a culture where property is valued highly. To comprehend this, one need not agree with every aspect of the Hegelian narrative. In such circumstance, it is vital to determine how much and what sort of private property are required for an independent living. For the time being, disregard the challenge of this assignment. I'll end on a formal note. If objects, items, or other physical components cannot be used as simple means by anybody, they must be someone else's private property because when we handle them in this manner, we are failing to respect that person's property rights. Whichever explanation we provide for how utilizing things might hurt individuals, it will emphasize how valuable the things people claim to own are to them. If ownership has such importance, then everyone should have some degree of private property. What action? The future? Yet, a modeled theory of justice will be applied to any measure that results from a philosophical analysis of the worth of property. We should try to make everyone independent if private property is a need for a free and really autonomous existence. We need to make sure each person has enough material goods to live a worthwhile life. Defending private property is the only strategy I can think of that does not lead to this result, even if the pattern that freedom needs may require that freedom be compromised and continuously pledged in the manner of recurrent taxation. To put it plainly: if private property is really vital, then everyone better have plenty of it [3], [4].

Reiterating this lesson in light of F.A.'s philosophy of social justice is important. Hayek. The published work of Hayek represents a remarkable synthesis of economic, political, and administrative research. A foundational book like *The Constitution of Liberty* had the appearance of an academic dinosaur plodding across fields now dedicated to the growth of other interests in an era when political philosophy was said to have died the death. Then, in a stunning turn of events, Hayek lived long enough to see his ideas adopted as new dogma to which "there is no alternative" by strong and determined leaders, most notably Keith Joseph and Margaret Thatcher in the United Kingdom in the 1970s and 1980s. He lived long enough to see some of the suffering and societal breakdown brought on by his pupils before passing away in 1992. On the importance of social or distributive justice, Hayek is doubtful. He believes that the concept of social justice is a "hollow incantation," "empty and useless," and that the "Empire has no clothing." His skepticism stems in part from a claim that shouldn't hold any water. According to him, justice is a value that is represented negatively by adhering to a set of laws that follow the logic of Nozick's side-constraints: Injustice can only be seen when one person coerces another person against their will.

Assume that voluntary interpersonal exchanges of the kind envisioned in Nozick's Wilt Chamberlins scenario result in a pattern of ownership. Since no one intended for this new distribution of assets to occur it is the unintentional result of thousands of independently made choices it cannot be considered unfair. Wilt is fortunate that this reaction to his abilities occurs. Even though her domino skills are similarly exceptional, my mother hasn't made any money from them. Extend this illustration to all kinds of free market transactions. No matter how wealthy the winners or how impoverished the losers, the pattern of ownership that emerges arbitrarily from tens of thousands of market transactions cannot be termed unfair. Michael goes

to Spain and sells his council property, which he had bought for £5,000 in Lewisham in 1984, for £300,000. Judy is unable to make her mortgage payments and is evicted from her home. John launches a company but it fails, costing him his home. Five years later, Bridget still provides the same services and finds a willing clientele. She's wealthy. This is the diet of terrible cautions and wonderful examples that fuels our rumors and fills the ads in regional newspapers. Both good and terrible news. There was no manipulation or coercion. The results are not unfair, regardless of how unequal the distribution of wealth and income is or how inconsistent a person's abilities, efforts, or character traits may be.

While this conclusion makes sense, we should reject it because of its tendentious assumption. Hayek's argument would be persuasive if we were functioning with a definition of justice that was so unambiguous and obvious that the derived idea of social justice were an obvious solecism. Yet we are not. At now, it seems as if one may claim that since promises are transactions between people and treaties are meant to be promises made between governments, no treaties are legally enforceable because states are unable to make promises by nature. Social justice and international treaties are not forbidden to us. We go back to the drawing board and clarify our ideas so that further conversation is possible.

Hayek's rejection of societal justice is motivated in part by the idea that moral judgments can only be made about specific individuals and their actions. Being born with cerebral palsy or a significant learning handicap is unfortunate but not unjust. The fact that some people can read and write and can support themselves independently while others cannot is not an indication of unfairness. States of circumstances like this are not morally reprehensible in the absence of a God who apportions these commodities iniquitously on purpose. They are the result of bad luck. This fact has to be accepted. These situations are not unfair insofar as their causes are concerned. They very well could be in terms of maintaining these conditions. It's unfortunate that Jim was born with palsy, but this should not be seen as resolving the fairness of his continuing immobility or his inability to handle the physical demands of a regular education.

If there are already available practical remedies, the issue of whether or not social provisions should be made for them in the name of justice is debatable. Does this also apply to how market transactions turn out? I fail to see why not. Large numbers of individuals may be jobless and unable to find meaningful employment through no fault of their own if markets crash and whole sectors fail. It is natural to use the language of justice to frame the demands of the poor for assistance, even though the resultant poverty is not the result of injustice. However, their continued existence in a state where they lack the resources to fend for themselves may well present a moral issue to the society in which such structural unemployment has occurred. It is not necessary to think of social justice, the kind of justice that calls for the allocation of goods within a community, as the solution to purposeful injustice, as if there must first be evidence of injustice before the call for justice has any merit. The examples I've given indicate that the reality of extreme need will be helpful.

Hayek disputes this, contending that the notion of need is polluted by the normativity of the many conceptions of human nature used to determine its substance, but the debate has obviously moved on. He believes that this is not an issue of justice even if he does not dispute that everyone should be guaranteed a basic level of sustenance, which is portrayed as a minimum level of income. Frequently, it may serve as a socially responsible precaution against the likelihood of significant social unrest.²⁰ Other times, it may be a socially coordinated philanthropic reaction to the shamefully obvious problem of pervasive indigence. In actuality,

reactions to glaring health needs or extreme poverty may be of these sorts and justified in these ways, but the possibility of alternative justifications for redistribution of wealth and income does not invalidate claims of justice.

The main flaw in Nozick's and Hayek's rejection of social justice is same. He has to believe that there is some legitimate foundation from which a pattern of market-based holdings might develop. We hypothesized a quasi-Kantian doctrine of rights derived from people's autonomy in Nozick's case as the candidate justification most in line with his moral philosophy, and we insisted that any such doctrine must issue in at least a minimally patterned theory of justice in holdings: that everyone should have enough property and receive enough income to live an autonomous life. Hayek doesn't seem to be inclined to go such a conceptual path. In contrast, but to the same effect, he shares David Hume's belief that the institutions of property, the laws and customs that govern who owns what in contemporary capitalist societies, have developed as an effective response to the issues associated with the distribution of commodities. He surmises that the laws controlling the purchase and sale of property must have a purpose, or else they would have been abandoned in the past.

This is a really strong line of reasoning. In fact, we had already identified this particular kind of conservative utilitarianism. Nonetheless, it is crucial to understand that it just produces a default position. If the assumption of utility in the market's rules constitutes justice, then those rules are subject to modify for the sake of justice if doing so will better serve utility. Due to this, social justice is not separate from usefulness, but as a derived ideal, it shouldn't be considered pointless. It may very well operate as the type of safeguard against pervasive social experimentation that Hayek focuses upon, but it also may permit the argument that enormous inequalities in wealth and income or the reality of crippling need violate social fairness. Any rationale is put up to support the distribution of wealth and income before the series of market transactions must be susceptible to evaluation of the results. None of these assertions are relevant if the conclusion is incompatible with the principles of justice used to support the original set of views, whether the outcome was not expected, the implications were not intended, or the subsequent pattern was not intended [5]–[7].

I previously said that discussing Hayek would be like doing clumsy surgery. Hayek devotees will undoubtedly refer to it as butchery. Well, OK. Hayek's positive defense of the free market against regimes of central planning is surely not given justice by it, and Hayek's philosophical objections of certain social justice ideas are not addressed. It doesn't go over his idea of the rule of law or look at his painfully honest analysis of constitutional lawmaking. What I assert is that, notwithstanding Hayek's attacks, social justice is a virtue that must be thoroughly expressed and examined rather than being thrown in the trash with philosophical fairy tales or pseudo-concepts.

Personal Property

My conclusion is that developing a theory of property must always come first when thinking about the issue of fairness in the allocation of commodities. In order to justify a holdings system, we need to understand what principles may be promoted. Thus far, we've assumed that the issue is one of private property. This is because, in keeping with Nozick's view of justice, we have focused on the distribution of property among persons and on the rights of individuals to make claims on property. But, as we said, group rights may exist in addition to individual rights, and we are quite acquainted with both organizations or collectives and individuals asserting exclusive property rights. In addition to the property of the state and, in fact, of international associations,

there may also be family property, university property, church property, corporation property, village, city, county, or regional property. They might result in inclusive property rights that allow group members to demand access, or they could not. A crofter may let his cow to graze on the township's common ground, but a citizen is not permitted to stroll about on state property at pleasure. There are also philosophical debates about what style of ownership is best for each type of product.

At this stage, definitions are dangerous. We can imagine someone arguing that all property is private, that is, private to the agency asserting exclusive rights over the domain, private despite the agency's collective nature, and private in the sense that the collective agency asserts rights over other agencies or people who are not members of it. On the other hand, one may argue that all ownership is collective ownership since every domain would be subject to use and access laws that are eventually enacted by the state. 'The full authority of defining the Laws, whereby every man may know what Commodities he may enjoy and what Actions he may doe, without being harassed by any of his fellow Subjects,' says Hobbes. This is what people refer to as propriety.

Around predetermined definitions of private vs public property that are used in discussions of justice, two centuries of disagreement on private versus public ownership, capitalism against socialism or communism, may be arranged. In this chapter, I will concentrate on private ownership in the completely traditional sense of ownership by single people or families. I admit that this choice would seem to raise concerns and exclude contributions from collectivist traditions that stress group membership or interpersonal solidarity as a crucial component of each person's identity. It's possible that throughout this investigation we neglect the fact that we are human, as Marx must be understood to imply, or that we overlook important aspects of our relationship to others because of how we are positioned in relation to how societies in which we live manage the production of goods. But, at least we can't fight every war on the same ground. In the end, I'll presume that we all live and pass away as distinct individuals a meager but unassailable reality.

We need the resources of this planet to eat, clothe, and generally support ourselves as humans. Thus, we must assert our own rights against others to get the absolute requirements. We all depend on the land to keep us alive. All of these necessities clean air, wholesome food, unpolluted water, clothes, whatever is needed for warmth and shelter are earthly, products of our natural environment, and if they were denied or unavailable, everyone of us would demand access to them. No one can prevent the famished youngster from reaching the food with her fingers and putting it in her mouth. The thing that belongs to you is mostly physical a it's piece of nature. There may be a variety of plans that try to get the essential items to the people who need them. Private ownership and community, yet inclusive, ownership are at opposite ends of the spectrum. There are several permutations of each in the center, and we may anticipate political parties battling it out between themselves to choose the best division. According to my intuition, any allocation of the earth's resources that has these terrible results is unfair under circumstances when they may be distributed in a way that prevents anybody from dying as a result of an unfair divide [8], [9].

CONCLUSION

In conclusion, I believe that the argument over private vs public property is tangential to the question of an individual's right to the means of sustenance. Instead of the rights that control

allocation, the means of production and trade are the subject of this discussion. Who needs which products in order to survive, and to live well, as Hobbes could put it, takes precedence over problems of which is the best system for managing production and which is the most effective method of distribution. In the end, moral claims are about people who are alive and may die. It is not meant to imply that philosophical issues with production and trade are unimportant or that the socialist objective should be abandoned in the wake of the free market's success. That'd be foolish. In the end, it could turn out that in order for people to be free and capable of leading respectable lives, a common system of ownership, production, and trade is necessary. Yet for the time being, we must set these considerations aside. We should start by talking about the main point my argument has brought up in the conversation.

REFERENCES:

- [1] R. R. Walter, "Emancipatory nursing praxis: A theory of social justice in nursing," *Adv. Nurs. Sci.*, 2017, doi: 10.1097/ANS.000000000000157.
- [2] L. M. Garcia, "Theory analysis of social justice in nursing: Applications to obstetric violence research," *Nurs. Ethics*, 2021, doi: 10.1177/0969733021999767.
- [3] M. Wilson-Strydom, "University access and theories of social justice: contributions of the capabilities approach," *High. Educ.*, 2015, doi: 10.1007/s10734-014-9766-5.
- [4] G. Theoharis, "Social justice educational leaders and resistance: Toward a theory of social justice leadership," *Educ. Adm. Q.*, 2007, doi: 10.1177/0013161X06293717.
- [5] G. A. Lasker and N. J. Simcox, "Using Feminist Theory and Social Justice Pedagogy to Educate a New Generation of Precautionary Principle Chemists," *Catal. Fem. Theory, Technoscience*, 2020, doi: 10.28968/cftt.v6i1.32084.
- [6] S. Duffy, "The citizenship theory of social justice: Exploring the meaning of personalisation for social workers," *J. Soc. Work Pract.*, 2010, doi: 10.1080/02650533.2010.500118.
- [7] B. Campbell, "Social Justice and Sociological Theory," *Society*, 2021, doi: 10.1007/s12115-021-00625-4.
- [8] E. Hatfield, M. Salmon, and R. L. Rapson, "Equity theory and social justice," *Journal of Management, Spirituality and Religion*. 2011. doi: 10.1080/14766086.2011.581818.
- [9] C. Inostroza-Barahona and M. Francisca Lohaus-Reyes, "Inclusion and diversity: new challenges for chilean curricular policy. reflections from curriculum theory and social justice," *Rev. Int. Educ. para la Justicia Soc.*, 2019, doi: 10.15366/RIEJS2019.8.1.009.

CHAPTER 16

A BRIEF DISCUSSION ON RAWLS'S DIFFERENCE PRINCIPLE

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ABSTRACT:

Rawls supported maximizing the advancement of the "least-advantaged" group in society in accordance with the Difference Principle. He would do this not simply by ensuring "fair equality of opportunity," but also via other means, such as a minimum salary or guaranteed minimum income his preference. In this chapter author is discusses the about the human need. Consider a property system where wealth and income are subject to laws of entitlement and transfer. Hume predicted that given historical conditions, all kinds of strange concepts would eventually find a home.

KEYWORDS:

Human Right, Property, Political, Philosophy, Rule.

INTRODUCTION

Humanity in our region has reacted to chances for mutual benefit and wise public usefulness. We will then have a list of who owns what items. The formal legal regulations governing this game will probably be written in terms of the rights of the many types shown. Notwithstanding its history of roots, a theory of justice would view the specifics of any particular property system as a standard, a test that the system must pass in order to be considered valid and given moral sanction. We can only take a handful of the many such tests into consideration here. The test of necessity is perhaps the most well-known and most disputed among philosophers. Does the property system we are evaluating satisfy specific human needs? Given how much social policy is based on meeting needs, one must assume that a proper use of the word is often sufficient to settle disputes about equitable distribution. In reality, policy disagreements are resolved after disputing parties concur that a certain policy serves an obvious need, just as when issues over liberty and human rights are resolved. Yet when political conflicts are resolved, philosophical discussions often start. Given the importance of the idea of wants and how often it appears in the arguments put out by politicians, interest groups, and people themselves, philosophers must examine it closely [1]–[3].

The demand that we properly define the idea of needs stems from an evident difficulty. Keep in mind the common critique of Mill's damage principle: because any action may be regarded hurtful, the concept lacks a sharp edge that could be used to distinguish between acceptable and illegitimate involvement. The idea of needs would be similarly ineffective in determining whether components of a property system might be regarded equitable or unfair if it were as nebulous or imprecise as this criticism suggests the concept of damage to be. The risk is that the idea cannot be defined well enough to separate needs-based claims from claims based on wants, desires, preferences, likings, whims, or fancies. Hegel, for instance, referred to the economic

system as a system of requirements, where needs are represented by consumer demands, which are acknowledged to have advanced in sophistication and refinement. Although Hegel's argument is not hurt by the terminology, it is difficult to see how justice can be a matter of satisfying needs if those needs include acquiring a car that is at least as powerful as that of one's neighbors given his recognition of the mechanisms by which needs, as construed here, multiply in contemporary society.

We may draw the conclusion that, on a continuum of psychological states, fantasies, for example, are at one end and wants, which are not a particularly intense or urgent sort of desire, are at the other. Saying that someone requires something does not describe a person's mental health in any way. One would be inclined to assert that needs are objective and wants subjective, yet the phrases are ambiguous. It is a reality about one's mental state that one wants something. Not one's mental condition, but more likely one's physical health determines whether or not one needs anything. Doctors may thus advise you on what you need, but they lack authority when it comes to what you want. You may want to take advantage of Viagra to change the focus of derision, but physicians won't automatically prescribe it unless they believe you need it.

If these justifications hold water, we have refuted the claim that requirements and wants are interchangeable at the moment when justifications are accepted. Much more work still has to be done. We must specifically explain why needs give birth to claims in a manner that wants, it seems, do not. Yet the idea that needs are a kind of desire does not undermine this mission. To determine if needs are satisfied or disregarded, we must consider the state of the earth, mankind, and its many species. It does not matter whether or not wishes are gratified in this situation. Even if the poor kid doesn't want to take the medication, he needs it. The conceptual difference we want is established by the fact that this notion makes sense. The idea that all needs are instrumental presents a second obstacle to the conceptual integrity of need assertions. We can always ask, "What for," if x requires y . If this is the case, the value of addressing the need depends on the value of the aim or goal that is furthered by doing so. If this is the case, addressing needs has no value until the specified objectives are met. If this is the case, we may stop talking about how important it is to satisfy needs and instead focus on achieving important objectives.

There is no question that several judgments accurately attesting certain demands play a key role in the method recommended. "I need money for the parking meter," you said. For a pound, do you have two 50p pieces? ', one may be questioned in public. I suppose it is always acceptable to inquire, "What for," if someone claims to require two 50p pieces. The inquiry "What for?" always bears the ellipsis that such a request implies. addresses specifically. Under a different set of circumstances, such a query would be just absurd. A well is needed in this town, according to the assistance worker, the social worker thinks these parents need a vacation, and the doctor says this casualty requires morphine. In these situations, we anticipate that any literate individual may deduce from the word "need" use what urgency is being addressed. When a need's citation leaves no doubt as to what goal will be achieved by satisfying the need, we can refer to those needs as absolute needs.

There will be a solution, and it could come in the exact way that the need is satisfied. The medicine will end the excruciating agony, the vacation will ease the parents' stress from raising the disabled kid, and the well will save the village ladies from making a daily round journey of ten miles. According to David Wiggins, the need statement contains these answers—or something similar—explicitly or in advance. In such decisions, an ellipsis is not even a

possibility. One need not add to what is already present. If the skeptic persists and queries: What is there already? The questioner may have come up with a schematic solution for himself had he properly comprehended this idea of necessity. It is an assessment that, if the need is not supplied, the agent will suffer, some important interests will be jeopardized, and some minimum degree of human flourishing will not be realized. While the whole tale hasn't been revealed, it is clear from any assessment of absolute need of this kind that a portion of it can be.

Thus it is clear why a need principle and a damage principle are in the same situation. Its use demands a certain notion of the good life for humans, which is immediately thwarted by a situation of need or injury. Yet until such a notion is developed, this is not a weakness of the idea. It is only a weakness if we have good reason to believe that such an account cannot be given or, if it can, the conception of harm is too broad to serve the purposes of articulating a theory of justice, such as if one believes that a person is harmed if they are unable to obtain their desired outcome. Yet in the absence of a compelling case for any of these claims, one has no reason to think so. We have created a conceptual space by distinguishing between instrumental and absolute demands, allowing for the formulation of further queries. The importance and urgency of needs varies. Although Sylvia's need for a cast and plaster for her broken leg is more serious than Fred's need for a heart bypass surgery, Fred's need may wait as it is less urgent. Given fundamental and unchangeable truths about the universe and the average human constitution, a need may be considered basic if a person cannot proceed unhurt until it is supplied.

There are solid arguments in favor of the idea that the idea of wants and how to meet them does not fully capture the idea of human flourishing or well-being. We have no trouble imagining a group of academics sacrificing a few years of their life to renovate a library. We can comprehend the scientist who is so eager to gain knowledge that he subjects himself to a perilous experiment. If parents believe that their disabled kid would prefer a computer or hi-fi to a wheelchair, they may choose to purchase one. Nonetheless, it is suggested that the primary, i.e. governmental, agencies of distribution should pay close attention to the problem of how well fundamental requirements are supplied in the specific context of justice, since what is at stake is the allocation within a community of broadly transferable commodities and services. This is where the so-called Principle of Precedence, which states that a population's needs should take precedence over anyone else's or their preferences, finds its home.³² No distribution can be considered just if it does not satisfy the fundamental needs of its constituents or if certain minimum requirements for the provision of goods and services are not met [4], [5].

Simple requirements don't indicate a core value. The justification for taking care of them is based on the value assigned to the unique human agency, human flourishing, or human well-being that their fulfillment is believed to be a necessary prerequisite for. These deeper principles may be ingrained in Kantian normative ethics, utilitarian ethics, or perfectionist ethics. In reality, it is difficult to come up with an ethical framework that, when applied to the obligations of the government to uphold the rules of justice, does not call for the fulfillment of human wants. The accusation of being poorly developed has been removed from the idea of human needs. But is it really working? It has a deeper basis, one based on an account of human good, and it accuses governments of wrongdoing in the name of justice. But can the accusation be proven false with regard to certain policies? The area where the assessment of requirements must be fixed is between the idea of need as a component of justice and the specific policies necessary if needs are to be satisfied. What needs must be identified and met? Threats from relativism and needs inflation are present in the background in this situation.

When we talk about "basic human needs," we could want to make a list of the things that everyone need in order to flourish as a person or to maintain a certain level of well-being. They must have the means to survive, and then they must be able to control whatever resources are required if they are to live freely, according to a realistic plan they have created, or in a societal position they support. The really poor do not have a good quality of life while they are alive because they are pushed to the breaking point in their pursuit of the urgent needs of food and shelter. Yet as we all know, people in various civilizations are used to varying levels of endemic illness, infant mortality, or life expectancy. Indicators of lifespan and good health even in the developed West show considerable socioeconomic inequalities.

Even people at various echelons of the British government service hierarchy vary from one another significantly. Do all of these variations reflect varying levels of satisfaction of fundamental needs? We may agree that being homeless greatly restricts one's freedom, and that people who are "born to fail" are severely limited in their life choices, but how much wealth must one possess in order to be considered to have the bare minimum of freedom? Also, the response to this question will seem to vary greatly depending on the society. For UK people to enter the labor market with confidence that they won't be compelled to take what they see as the most degrading and exploitative jobs, they may need to have completed enough schooling. Members of traditional, agrarian communities, for whom labor is a means of family subsistence rather than the study of a spectrum of individual talents, may find this concept and consequent requirement to be illogical.

If the minimum standard of living for contentedly living in a manner as comfortable as their neighbors is used to determine the baseline of human need, it is likely to be set at a level that is totally unacceptable to those who are least fortunate in wealthier societies, as well as to observers of their plight. If discussing the potential marriage of a TV soap opera character with your neighbors is a need for social interaction, you better have a television. Less contentiously, if residents of Western democracies must have some access to the news media in order to participate in democratic decision-making in an informed manner, they must be able to buy Televisions, radios, and newspapers or have access to libraries.

Arguments like this have a clear line of reasoning. If we are not vigilant, we may find ourselves obliged to accept that Glasgow residents need television sets but tribesmen in New Guinea do not require antibiotics. We wouldn't be concerned whether polls of public opinion showed that these very diverse persons had such desires or not, but we should be concerned by arguments that produce such a pattern of plainly relative wants. It shouldn't be assumed from the discussion thus far that philosophers have shied away from the painfully empirical job of articulating essential requirements.

This list is brave coming from a philosopher. The list is not intended to be taken as exhaustive, according to Braybrooke. To achieve this, we should assert that we have learned all there is to know about what is required for people to live properly. The list is detailed enough to make it obvious why various provisions would be required in different societies in order to achieve the demands listed. Consider the importance of education. As was previously said, depending on the needs of the society where adults are expected to take their position, different skills will need to be taught and different levels of proficiency will be needed.

If the context of justice is global and the issue of resource distribution is considered across borders, relativities of this kind seem to be a significant concern. Is it selfish for Western

countries to spend so much money on secondary and higher education when Calcutta's slum dwellers' fundamental medical needs go unmet? Issues of this kind cannot be ignored, but it would be a grave error to assume that the idea of needs is irrelevant to resolving them due to the theoretical and practical challenges of defining norms of international justice. The contrary is really true: these topics demonstrate such difficulty and urgency because the attraction of satisfying universal needs is so high.

The lack of a conflict resolution agency is one aspect of the international justice dispute that lends it the illusion of intractability. A democratic state will have a political mechanism where disagreements about meeting needs may be expressed and resolved. Every time resource allocations for health, education, and social security benefits are addressed in public, we see people claiming to be in need. Not the philosophical question of whether an appeal to need is a claim of justice, but rather the quasi-philosophical question of whether, for example, publicly funded nursery education satisfies a real need or, if one agrees that it does, what is the measure of gravity or urgency involved, what comparative judgements should be reviewed, is at the center of many policy proposals. Here, persistent conflict is visible, and it is clear that these conflicts often stem from divergent needs assessments. None of this should make us think that the idea of need is unsuited to serve as a benchmark for fair provision since the relativities involved prevent an objective evaluation. We may adjust the list, discuss the evaluation criteria as we determine what level of care a given need justifies, and finally, we can defer to the political process for making fine-grained decisions about policy recommendations [6]–[8].

Does this prove that addressing needs is a precondition of justice? This last question connects a normative ethics that decides which principles are acceptable to a Humean idea of justice as the rules that control resource distribution within a community. On this account, needs are in a middle position. There will be contrasting explanations of what makes human lives successful at their core. Any such account will provide a list of requirements that serve as declarations of need. The process of figuring out all the specifics is enormous, yet it is necessary since it pertains to figuring out what justice demands.

Reviewing our progress so far, we must assume that a well-ordered society has in place a system of laws that resolve disputes between rival claims to property. A legal library's shelves of books will probably be filled with the specifics of these regulations. I believe that we may safely assume, in the absence of specific criticism, that these norms serve the broad purposes of upholding expectations and resolving conflicts. This may be true even in the specifics of how they are implemented. Hume felt that such an existing system amounted to a system of justice, but as we have shown, this conclusion is premature until the resource allocation serves the requirements of those who are subject to it. Now that requirements are being taken into account, transfers from those who have more property than they need to those in need are necessary.

Such transfers might be impacted in a variety of ways. People who own more possessions than they need may acknowledge a responsibility of care or demonstrate their goodness by making charitable contributions. The transfers that ensue will be unplanned and ad hoc, but it is quite conceivable to see requirements being satisfied in this way in a very tiny community. However, even in extremely big contemporary civilizations, a significant amount of human wants will probably be satisfied in this fashion, especially within families. We are all used to hearing that a charitable organization provided funding for hospital equipment, that parents and neighbors sponsored the neighborhood school, and that volunteers run soup dinners for the poor. Yet, transfers that are managed by the government are more significant. They usually include taxing

income or sales, less often wealth; governments levy their levies in hardly discernible methods. Yet, the confiscation and redistribution of capital assets may be carried out for the same aim, notwithstanding the strikingly dishonorable history of such operations in the twentieth century. Although private individuals provide for the needs of their fellow citizens via conspicuous public charities, contemporary democratic governments fulfill needs covertly, often in the belief that there are fewer voters who win than lose.

People dislike being labeled as poor, deserving of charity, or the eventual forceful transfer of their fellow citizens' riches, unless these are gains that were obtained illegally. This is true regardless of their actual circumstances. Nozick's assertion that taxes is forced labor, the philosophical equivalent of a cocktail-bar grudge, may cause beneficiaries to feel guilty and ashamed as much as it may cause providers to feel resentful. Welfare rights officers are essential to the welfare state's efficient functioning in Britain because they encourage individuals to assert their legal rights. Even still, take-up rates are well below the estimates made by statisticians hired to estimate the highest potential costs of the redistribution operation. The phrase "the needy" evokes memories of Lady Bountiful. It's possible that those who recognize and address unmet needs encounter opposition from the underprivileged people they are trying to help. Maybe it is preferable to discuss rights rather than obligations and to frame the rights of the poor in terms of equality. Speaking about needs puts many people's sense of dignity, which the language of equality implies, at jeopardy.

Equality

The idea that fair distribution depends at least in part or in some ways on equality is well-known. It's possible that the person making this assertion has in mind a particular egalitarian system that they believe to be the foundation of justice. This requirement, which states that everyone must get equal shares under a system of equitable property allocation, may be their intention. Everyone should get an equal share of property if it were a homogeneous good, such as a cake. But, equality may be used in a broader sense. It may be summed up as the demand that the principles of justice must in some way treat all those who are subject to them equally in order to be accepted. Otherwise, those who are not given equal treatment have strong prima facie grounds for complaint, and one need not be a contractarian to see the gravity of this criticism.

According to Amartya Sen, the desire for equality of something that plays a significant role in the specific theory is a trait shared by almost all approaches to the ethics of social arrangements that have withstood the test of time. Not only do welfare egalitarians seek for equal levels of welfare, but pure libertarians also demand equality with regard to a broad range of rights and freedoms. Moreover, classical utilitarians insist on equal weights for each person's utility. In some fundamental manner, they are all "egalitarians." This is an effective way of stating things, not the least because it raises the appropriate questions. Instead of discussing the advantages and disadvantages of egalitarianism vs anti-egalitarianism, we might think about the several types of equality that have been considered essential to justice in turn. In the words of Sen's renowned article, we may inquire. We may return to the question of whether equality principles satisfy needs-based concerns or are correctly seen as complementary to them after the various accounts have been clarified. The equality of products or resources is the most obvious response to Sen's query. A variation of this is included in Rawls' theory of justice. I will cite it today in its broadest sense: "All societal values liberty and opportunity, income and wealth, and the foundations of self-respect are to be divided equally, unless a distribution that is uneven in any one or more of these respects is advantageous to everyone."

Rawls's Difference Principle, specifying that social and economic inequalities are to be arranged so that they are reasonably expected to be to everyone's advantage, is 'strongly egalitarian in the sense that unless there is a distribution that makes better off an equal distribution is to be preferred. The social fundamental goods items that are universally useful no matter one's plan of life and amenable to social distribution are those that should be provided in line with the concept. These are things that every reasonable man is presumptively desirous of. The main items Rawls has in mind at this stage are wealth and income. Both equality and inequality have to do with how economic resources are distributed.

Given that the government may distribute economic benefits through enacting transfers, this proposition makes perfect sense. The way that equality is sought through income and wealth is especially suitable for the objectives of governments that understand the needs of justice. The policy ramifications of the difference principle would be obvious if it were to be accepted. A clear way to achieve redistribution in favor of equality is via progressive taxation, especially of earnings, in combination with a negative income tax. When transfers from affluent to poor restrict the amount of products available to the poor, redistribution would be limited at that point. This would be the case, for instance, if taxes served as a strong enough deterrent to productive activity that business owners stopped producing, curtailed their output, or moved their operations to a different tax jurisdiction.

This proposal's drawback is that it doesn't take needs-based claims into account. A society where wealth and income are distributed equitably is not difficult to envision. If those who are worst off under the new system are better off than they were under equality, we might suppose that all members of this society will eventually move towards a situation of inequality. Nevertheless, this interpretation of justice overlooks the significant individual disparities among the people who make up this society. Sen emphasizes the significance of variables in determining inequality. For instance, even with equal wages, there may still be significant disparities in our abilities to pursue our values. Even if they both earn precisely the same amount of money, a handicapped person is unable to function the same way an able-bodied person can.

Naturally, if we did not care about disparities in "our capacity to accomplish what we would value doing" or, as in the specific situation of the individual with special needs, if we did not believe that justice was at least partially a question of satisfying these needs, this objection would have no merit. Yet it's important to note that if we didn't believe that some underlying values drove our concern with such disparity, the ideals of equality in the distribution of economic commodities would be a true mystery. We acknowledge that people differ in terms of their height, weight, and attractiveness without pointing out an unfairness. Why should we express worry about variations in household size or income? Such disparities must be seen as violating some rule of equal respect or as failing to acknowledge equal rights to the outcomes of social cooperation. If so, we'll need to determine if these guiding principles need an inequity of resources in response to needs claims.

Equal input may be equated with equal output in terms of commodities. Given the extreme variance in the circumstances in which people find themselves, it is possible to interpret the complaint about special requirements as highlighting output disparities. The products that are distributed do not consistently help to promote equal levels of well-being. Maybe we need to focus on results, on the welfare of people who are subject to the demands of justice. This implies that we strive equal usefulness, focusing on the contentment or pleasure of people who get the commodities. As we have previously seen, the utilitarian will now make a claim.

Arguments from utilitarianism aren't any more persuasive than the facts allow. According to the theory of diminishing marginal utility, when there are winners and losers in moves away from equality, the utility gains of the winners are less than the disutility experienced by the losers. Yet, this assumes that the distribution of the good will be transformed equally well by winners and losers. There may be a threshold of resource supply in circumstances of exceptional needs, physical or mental incapacity, below which allocations are ineffective. If Harry has a mobility issue, he will only be able to go about without an electric wheelchair. Vouchers for travel or discounted tickets won't help him since, even if he could sell them, he wouldn't have enough money to buy the wheelchair. Sally, on the other hand, would like a sports vehicle immensely.

It is all too simple to picture societal situations in which Sally receiving the sports automobile at the expense of Harry and several other people who are similar to him would improve overall usefulness. Sen notes that in such a situation, the cripple will be in a worse situation than he already is since he would get less money and will also have less utility from the same amount of income. Due to its exclusive focus on increasing the utility total, utilitarianism must result in this. This example is significant because it strengthens the lesson learned from using resources or things as a yardstick for equality. The variety of people matters. One would have assumed that because justice is a primary concern of the government, it must always be a question of rough justice and that effective policies must ignore the particulars of variations in people's circumstances and conditions.

Instead, the unique situations that some groups of people are in may show the kind of exceptional need that government programs intended to promote justice are specifically meant to address. The ability of the cripple and the speedster in the aforementioned example to convert the input of commodities into the output of utility, where utility refers to some improvement in the affected individuals' mental states, is the key element. These details are well known. Little children are not very good at turning their toys into useful objects. To be happy, one doesn't need to spend a lot of money. Varieties of utilitarianism that consider pleasure or desire-satisfaction to be the good to be maximized are undermined in another way by differences in the contribution of commodities to individual happiness. Societies as we experience them are severely torn apart by group membership-based inequality. Societies distribute resources according to distinctions in race, religion, sex, gender, and class, which has inevitably resulted in the creation of a social hierarchy.

While the unfortunates at the bottom of a given pile may have awful conditions, subjectively, they may be content with their lot. The wealthy man in his castle, the poor man at his gate, God formed them, lofty or humble, and organized their estate these may be the two well-known stories people hold dear. Several of the lower classes have joined in the song with their superiors, stoically accepting the injustices they can do nothing about in a way that makes them as content as anybody in the castle. Even though they may have inadequate housing, bad nutrition, poor health, and an early death, in terms of usefulness, their lives may not have been much worse. Even if they don't complain, it's reasonable to say that their situation is unfair if they can't have their fundamental requirements satisfied [9], [10].

CONCLUSION

John Rawls describes a system that helps every segment of society equally. He envisioned a system in which the people who would be subject to the rules and principles of justice work consciously to create those laws and principles. According to Rawls, such an overlapping

agreement may be produced through justice as fairness, with its guiding principles of justice and the institutionalization of public reason's ideals. According to the difference principle, disparities are not acceptable unless they improve the situation of the least advantaged. Yet, in order to put this theory into practice, we must make predictions about how present economic policies will affect the economy in the future. These projections are notoriously difficult to make.

REFERENCES:

- [1] H. Y. Kwon, H. K. Ryu, and D. J. Slottje, "A utilitarian perspective on Rawls's difference principle," *J. Manag. Inf. Decis. Sci.*, 2017.
- [2] P. Mongin and M. Pivato, "Rawls's difference principle and maximin rule of allocation: a new analysis," *Econ. Theory*, 2021, doi: 10.1007/s00199-021-01344-x.
- [3] D. Machin, "Rawls's difference principle as compensation for social immobility," *Polit. Q.*, 2013, doi: 10.1111/j.1467-923X.2013.12049.x.
- [4] J. E. J. Altham, "Rawls's Difference Principle," *Philosophy*, 1973, doi: 10.1017/S0031819100060447.
- [5] P. Mongin and M. Pivato, "Rawls's Difference Principle and Maximin Rule of Allocation: A New Analysis," *SSRN Electron. J.*, 2019, doi: 10.2139/ssrn.3489059.
- [6] H. Chung, "On Choosing the Difference Principle Behind the Veil of Ignorance," *J. Philos.*, 2021, doi: 10.5840/jphil2021118831.
- [7] J. Ahlberg, "Two conceptions of talent," *Educ. Philos. Theory*, 2021, doi: 10.1080/00131857.2020.1742697.
- [8] S. Gordon, "John Rawls's Difference Principle, Utilitarianism, and the Optimum Degree of Inequality," *J. Philos.*, 1973, doi: 10.2307/2025008.
- [9] J. R. Williams, A. Sanchez, P. Hofmann, T. Lin, M. Lipton, and K. Mantripragada, "Modeling supply chain network traffic," in *RFID Technology and Applications*, 2008. doi: 10.1017/CBO9780511541155.008.
- [10] S. Strasnick, "Social Choice and the Derivation of Rawls's Difference Principle," *J. Philos.*, 1976, doi: 10.2307/2025509.

CHAPTER 17

A BRIEF DISCUSSION ON CAPITALISM

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ABSTRACT:

A common conception of capitalism is as an economic system where individual actors own and manage property according to their interests and where supply and demand freely determine market prices in a manner that may best benefit society. The desire to earn a profit is capitalism's fundamental characteristic. In this chapter author is discusses the John Rawls's theory of justice.

KEYWORDS:

Capitalism, Equality, Political, Philosophy, Policy.

INTRODUCTION

Sen's analysis of equality as a gauge of goods and utility teaches us that we should put our attention on equality of something else. He suggests that we focus on equality with regard to people's capacities to attain functioning, or what he terms "Equality of What?" ', 'equality of fundamental ability'. Human functioning may refer to a state of being or an action that a person may do. Therefore, exercising and maintaining excellent health are both necessary. These kinds of functions may be vital for human flourishing, but we can comprehend someone who chooses to risk or reject them in the sake of another goal. In order to make the scientific breakthrough, I put my health at danger and cease exercising until the book is complete. With these options, it is clear how vital it is to be able to maintain my health or engage in regular exercise if I so choose [1].

Capabilities are different from the basic necessities that support them in that a fundamental good's equality does not guarantee a capability's equality. They differ from utilities in that societal circumstances might lead to equality of pleasure while severely limiting some of the happy people's ability to perform essential functions. There are certainly many aspects of human functioning that have little to no theoretical value. To use Sen's example, if the Blanco washing powder firm goes out of business, I am not free to use the product or choose it among a variety of equally excellent alternatives. Technically, my ability has decreased and my functioning has been hampered. Contrarily, some functionings are essential, and these functionings will be those that are less formally classified as human needs.

If our main focus is on promoting equality with regard to people's capacity to operate in ways that are required for them to have a good existence in the society they live in, we will have made it difficult for ourselves to come up with specific policy goals. Because needs are somewhat objective and preferences, as we have shown, are subject to substantial and systemic distortion, this will demand for a careful blending of philosophy, economics, and sociology that cannot, in theory, be reduced to a democratic practice of collecting preferences. The next step is to take on

the political challenge of structuring a society in a manner that will enable the transfers required to achieve the identified demands. Western European social democratic nations have always paid lip service to the notion of equality in terms of addressing needs, but achieving it is starting to resemble an unsolvable practical issue. Politicians, increasingly of all mainstream parties, respond that meeting these needs first requires more economic growth, that the strategic political priority must be the effectively painless process of raising more resources, and that achieving a greater social fealty is the best way to address the level of unmet needs in a variety of different policy contexts, such as health, education, housing, and provision for the elderly[2], [3].

There is reason to believe the practical challenges have deeper roots. This may seem to be a strategic issue exclusive to political representatives who make choices out of fear of disturbing the comfortable majority. According to the claims of justice that I have been formulating, people who have the means to satisfy fundamental human needs have obligations to do so. The task of meeting these needs is given to politicians who promise that social amelioration won't be prohibitively expensive, despite ample evidence that residents of the comfortable West are gravely displeased by, for example, neighbors who are forced to live in cardboard boxes, line up at soup kitchens, or beg on the street. This may be a realistic recognition of a serious tension in citizens' practical reason, a tension between their acceptance of need-based justifications on the one hand and their conviction that needs can only be met by an economic system driven by the potent self-interest that is inherent to capitalism on the other [3]–[5].

The case has been weak, but let's suppose we've demonstrated that meeting people' fundamental wants and enabling them to perform a minimal range of essential functions in an equitable manner is a minimum condition of justice. Assume that the characteristics of these requirements and the laws that address them are also in accord. Let's assume that the requirements are kindly identified. Humans have the chance to live comfortably in addition to just existing.

DISCUSSION

The pursuit of equality beyond addressing necessities would be laughably unrealistic if one were talking about a political goal that might be suggested as a personal effort. Even in the most benevolent of free democracies, following the more modest goal would require a lifetime of labor. But does justice call for a higher standard of equality? If those who are most disadvantaged are not seen to be in need, should we be worried or ethically unconcerned? It is obvious that inequality has the potential to be a useful evil. "The social state is useful to mankind only when all have something and none too much," argued Rousseau.⁴⁵ How much is too much? We must assume that it is symbolized by a level of inequality that will allow the wealthy to undermine the principle of shared political authority by buying the support of others. These negative inequities are still present in today's property system, which allows powerful people to openly promote their political agendas by purchasing newspapers and television stations. Deeper and more pernicious is the way that income disparities are turned into social differences and cemented by social stratification processes whenever the rules of property allow disparities to be passed down from one generation to the next. Earning power is the only human trait that is passed down from one generation to the next with greater consistency. The transfer of wealth to next generations is more effectively accomplished by the rules of inheritance than by the laws of evolution.

We may see a world without inherited riches. Members are allowed to gain as much as they can by hard work and the application of their skills. Yet, all assets are gathered into a communal fund

and dispersed equally to all society members upon death. I predict that such an amount of forced potlatch will dismantle the strict class structures that mar even the most established social democracies. This is not intended to be a suggestion for action or even an advice about the fundamentals of justice. Instead, if this exercise in utopian guessing is credible, it ought to prompt us to gauge the extent to which wealth ownership disparities entrap other disparities. Their low expectations prevent widespread social mobility. Instead of reducing class differences, educational systems serve to reinforce them. The moral space that should be occupied by respect and reciprocal recognition is occupied by arrogance, social blindness, submission, or strategic impertinence. We know from experience that societies with wealth and income disparities suffer significant psychological harm. This is the lesson that Rousseau, Hegel, and Marx all teach in turn: social stratifications of wealthy and poor, masters and slaves, capitalists and workers, always distort people's conceptions of themselves.

I suppose little damage is done if variations in wealth and income were just a question of people having access to a smaller or broader basket of goods, such that I purchase a print, you buy a poster, and John Paul Getty buys a Botticelli. Truisms may be expressed in clichés, such as the idea that happiness cannot be purchased with money. We'd all want to be better off, but people sitting in the first rows of the opera probably aren't having as much fun as the scruffs in the third circle. Inequalities in fundamental commodities only have a clear ethical significance when they are turned into disparities of something else, such as political power, social prestige, or possibilities for progress, given an acceptable social baseline. Regrettably, civilizations have been able to structure themselves in a manner that causes disparities in access to basic necessities to be translated into much more harmful disparities. This is what Rousseau's *Discourse on the Origins of Inequality* teaches us most[6], [7].

There isn't anything more that comes to mind that would support this conclusion but a reference to historical and sociological facts, neither of which I can provide in this context in my own peculiar way. Is equality of basic goods in any way a necessity of justice, assuming no one is in need and that no social processes exist that may change existing discrepancies in the holdings of fundamental assets into even more pervasive or unjustifiable inequalities? While I have indicated that inequality may do minimal damage, this does not mean that injustice cannot still occur. We could snicker at the obscene display of riches in well-known magazines dedicated to the worship of celebrities and perhaps feel grateful that the cameras are not lining up outside our doors. Nonetheless, the stark financial disparities that are constantly shown to us may still demonstrate some unfairness. I'll examine this claim by concentrating on John Rawls' writings.

The justice theory of John Rawls

First, a side note on Rawls's work and how it relates to this investigation. *A Theory of Justice* by Rawls was released about thirty years ago. It has been the focus of much research, inspiring several full-length critical studies and publications. I recall the exhilaration of purchasing the thick, black-covered hardback volume in 1972 and the feeling of monumental intellectual success that went along with its publication. And I recall how enjoyable it was to read it from beginning to end. It presents a unique argument, but like all great philosophical books, it is also a treasure trove. I doubt there is any problem to be discussed in this introduction that could not have been addressed by means of a study of Rawls. Moreover, the riches have been increased by a string of following works and the publication of *Political Liberalism* in 1993. Given Rawls' prominence, it may seem strange that he has only appeared in a small role in this book thus far. I'll do my best to make apologies, but it's best to be aware up front that I'll only be able to talk

about a tiny percentage of his body of work. Because of Rawls' unusually methodical way of reasoning, even this endeavor is challenging. Filling out arguments while ignoring the theory's broader structure is impossible. It is recommended that the reader read everything.

Justice as equity

Rawls' theory of justice has an almost Platonic scope. Justice, according to Rawls, is not just distributive justice, which is the specific issue of who is entitled to what in terms of property. States are natural relationships. It is the virtue of a well-ordered state and includes all facets of its ethical well-being. Most people only join one as members, and they discover that their chances of leading respectable lives are greatly impacted by the way the state is governed. A society's fundamental structure establishes the rights and responsibilities of its members as well as how the benefits of social cooperation should be distributed.

There must be a philosophy of justice for well-known human causes. People are intended to live in a world of moderate scarcity, where there are competing claims on the same limited supply of resources. Justice would not be essential if there were enough, and social cooperation would fail if there was a severe lack. The contending claims will be governed by the principles of the philosophy of justice. The method of reasoning used to develop Rawls' theory of justice is what makes it unique. This argument relates to a hypothetical contract.

Hobbes, Locke, Rousseau, and Kant used the traditional social contract arguments for a variety of reasons, including to defend the state's claims to authority, to establish the limits of those claims and to uphold rebellion when those limits are crossed, and to identify the guiding principles that the state's institutions must adhere to in order for its constitution and the laws it passes to be valid. In the next chapter, we will be looking at these issues. First, actual contracts, covenants, or universal agreement were presented or hypothesized as the foundation for actual duties. This was the first version of the social contract argument. Their justifications are obviously only as strong as their premises. No duties follow if no genuine schemes can be identified or if contemporary persons cannot be assumed to have participated in them.

The hypothetical contract argument is a different species altogether. A hypothetical contract argument fails because there is no contract to which one may refer, contrary to the famous observation made by Dworkin that "a hypothetical contract is not simply a pale form of an actual contract; it is not a contract at all"⁴⁸. An actual contract argument bases an obligation on a specific event or activity, such as "You signed on the dotted line, so you are required to pay me the money." An argument is used to present the situation as if the people who must accept its conclusion were parties to a contract or agreement. Whether or whether the classical writers I previously cited use real or hypothetical contract arguments, or both, while mixing them together in a promiscuous and confused manner, is a topic of considerable debate^{[8], [9]}.

A hypothetical contract argument works as follows in its traditional form: Everyone seeks certain goods, most notably self-preservation. These goods are endangered in a state of nature, or in situations where there is no government. These items will only be protected by the state. Those who appreciate and strive for these things have excellent cause to submit to the rule of the state. This conclusion might be seen as a contract or an agreement. It seems as if everyone has consented to submit to a sovereign power. Of course, in actuality, they haven't. As a result, contract theory is a theory of delivery. It urges individuals to examine what life would be like without it - in a state of nature - and how this situation may be fixed in order to determine the characteristics of exactly such an institution as is essential to promote the good.

It is obvious that this is an arguing tactic and a strategy of practical reason, but what purpose does it serve and what does it mean? According to the classical theorists, the argument form helps to act as a reminder that we are simulating everyone's considerations in search of a conclusion that we can depict as being accepted by everyone. Because everyone has the same objectives and can understand how to get there, we model "agreement" in the most basic meaning of congruence of thinking. We refer to this congruence as "agreement" in the sense of everyone behaving in unison and taking on the same responsibilities. The contract approach is appropriate in another way. The issues that we see in the natural world are issues that humans create for one another. We threaten or attack everyone other in an effort to defend our life, each of us seeing the others as rivals or enemies. We must typically give up the right to self-government or the ability to punish those who violate our rights in order to obtain the security that our behavior tends to undermine. We barter up our freedom for security; we sacrifice to obtain. This might be seen as a deal with the government or as a deal between them. The contract device draws attention to this tried-and-true tactic for achieving mutual benefit. According to the terms of our agreement, you are to get the money as soon as I deliver the coal. Of course, it would be better for me to pay the money without receiving the coal, and it would be better for you to get the coal without receiving the money, but because these options are not accessible, we enter into a contract with each other, exchanging goods and services in exchange for money.

While he does have something to say about these issues, Rawls' social contract theory differs from that of his illustrious forebears in that it focuses primarily on outlining the rights and responsibilities of citizens as well as the equitable distribution of the advantages and disadvantages of citizenship rather than outlining the circumstances under which a government should be judged to be legitimate. Yet Rawls may be asked the same question we posed to the classical thinkers. Without a sure, we would be required to abide by the terms of our agreement if we had entered into a contract with one another or the government to accept a certain set of rights and obligations and to distribute products and services in line with particular standards. Nevertheless, we haven't; if we are required to do so, it isn't because we agreed to the terms of the agreement and entered into a contract. What use does it serve to present the argument as a hypothetical contract then?

The explanation is that Rawls views justice as fairness, to put it simply. All individuals who are subject to the rules of justice should accept them as reasonable impositions. But what does justice require? It seems that justice has been replaced with the difficult and divisive concept "fairness." In any case, philosophically speaking, we were unaware of the requirements of justice. The statement that justice is fairness won't make us feel enlightened. We must carefully examine how fairness is defined. The next job is that. Yet by now, we should be able to see why the social contract argument is a good tool for illuminating the thinking of individuals who consider issues of justice. A sample agreement is equitable to all parties. Each person regards the other as an autonomous equal who has the option to accept or reject the conditions based on whether or not they support his or her interests and ideals.

In developing principles that compel universal acceptance when considering justice, and maybe when considering morality in general, we give ourselves the burden of considering the possible justifications that anybody would have for either adopting or rejecting the principles. Several people have believed that this criterion follows logically from the idea that a moral principle is a judgment. Others have hypothesized that the technique of proving the validity of moral principles involves universalizability. If we want other people to embrace the ideas we put out,

we must first put ourselves in their position and determine whether or not they are likely to do so given the interests we might assume they have. Rawls is certain that the rules of justice apply to everyone. One method to express this need is to frame the guiding principles as the result of a contract, or an agreement reached by all parties.

This final justification for using a contractarian argument is really weak, yet as we will see, it is crucial to comprehending one aspect of Rawls' argument. A more significant understanding of the function of fairness in the discussion is based on a unique perspective on how we should approach the issue of justice. The sharing of benefits and liabilities resulting from the framework in which people cooperate is to be determined by the principles of fairness. Anyone will be able to identify the benefits of their cooperation and stake a claim on them if the system is organized according to principles that everyone can understand as achieving their benefit. Adopting a deliberative position that is unbiased toward the demands of everyone who participate to the cooperative scheme is the tactical approach to derive principles that give effect to universal gain. From the perspective of any individual looking for guidelines to govern a cooperative scheme to address the injustices, egoistic reasoning might suggest that such a person chooses the plan that promotes his best advantage, but a little reflection would persuade him that the promotion of his best advantage is hardly likely to recommend the plan to those others whose cooperation is required.

People would seek a system that is fair in the additional sense that it was created by unbiased or impartial thinking; "it should be hard to fit principles to one's own condition." We need a method of reasoning that embraces this objectivity. In addition, we should acknowledge that fairness between the claims of all parties to the essential cooperative system necessitates that everyone be seen as presenting claims of equal weight about the outcome of social cooperation. The goal of these requirements, according to Rawls, is to represent equality between people as moral beings as creatures with an understanding of what is right and wrong. No one can say their rights have been disregarded or undervalued if the principles of justice support a plan of absolute equality in the distribution of benefits and obligations.

Even if we don't yet know the specifics of the social contract account's processes, it is clearly clear why Rawls used the phrase "reflective equilibrium" to describe his technique. We acknowledge the need for certain basic principles of justice, but before we can elaborate on them, we acknowledge that they must be consistent with our deepest instincts. The key intuitions in this situation revolve on the concept of justice. Since each party's interests have been given equal weight in a deliberation process that is rigorously impartial between their divergent claims, we are able to develop principles that are obligatory on all parties. The unique contribution of Rawls is to provide a fictitious social contract argument that is faithful to these intuitions. He thinks the only defense that would hold up is the social contract theory. Since humans lack the ability to choose which principle should take precedence in a conflict, intuitionism in which interdependent principles are accepted as independently compelling cannot accomplish the desired result.

Moreover, without a theory that unifies them, such a collection of rules would be powerless to decide circumstances that strike us as unique or improper for the application of the principles we are currently acquainted with. Since it is seen to violate the equality of moral individuals as the exclusive focus of moral claims, utilitarian reasoning is regarded to be ineffective. It may fail in situations when the best cooperative system, when seen from the perspective of utility, calls for some people to sacrifice their well-being in order to maximize benefit for everyone. The social

contract technique has the unique ability to provide a projectible and ordered collection of principles that are fair in their acknowledgement of the rights of all parties subject to them. But before we can assess the cogency of Rawls's project, this general description has to be more fully developed. We must first define the impartialist position before we can more clearly understand why the fictitious social contract is a useful tool for in-depth practical deliberation on the issue of justice.

The Initial Situation

The hypothetical social compact proposed by Rawls has two distinguishing characteristics. While discussing justice, we adopt what Rawls refers to as the Original Position. The first characteristic of this fictitious position is that we believe ourselves to be hidden behind a curtain of ignorance that is composed of a certain mix of knowledge and ignorance. We should be aware of:

The flimsy idea of goodness: These are the universal methods for obtaining a sane long-term plan of life, or what Rawls refers to as essential social goods. Whatever one's course of action in life, the idea is that they will require rights and freedoms, chances and abilities, money and riches, and the social foundations of self-respect in order to succeed. Only those products are included here whose distribution may be controlled by the fundamental institutions of society. The fundamental framework will specify the rights and authority of subjects and decide how income and riches are distributed. In the case of things that one would be inclined to add to Rawls' list, we may find that they are specifications of commodities that already exist there. Hobbes' list of natural and instrumental powers is an excellent example of such a list. One may assume that knowledge is such a valuable thing, but Rawls contends that opportunities or powers also include the skills and capabilities that come from schooling. Vital human qualities like charm and attractiveness are not the government's or its agencies' to give away. Thus, these organic basic commodities will not be included in the list. Health is a moot example because, while the advent of sickness may be considered a brutish fate, public health measures and resource reallocations may raise the chances against contracting disease. The list of social primary goods, or further definition of it, is open-ended. Whatever it is defined, we may assume that individuals prefer more of these commodities than less.

The social sciences' laws: Moreover, we must assume that the Original Position subjects are familiar enough with social reality to understand how their chosen principles will affect public policy. They are aware of the foundations of social structure and the rules governing human psychology. They comprehend political events and the tenets of economic theory. But, as we will see, this information is fairly universal. It's as if they had access to the materials from a top-notch social science library, but with all proper names crossed off. Contrarily, we must assume that we are uninformed of the following things behind the curtain of ignorance:

Our position in society, our standing in terms of class or social rank, our present or expected money and wealth, the natural resources at our disposal our strength, intellect, or unique psychology as well as the generation we belong to all play a role in who we are. Ignorance about one's race, ethnicity, and sexual orientation might also be included. Moreover, we are not allowed to have detailed knowledge about our society's economic or political position or the degree of civilization and culture it has developed. The last and most contentious point is that we do not understand our expansive vision of the good. According to Rawls, and as we have shown in 3, this is almost certainly the liberal stance, people will vary greatly in their views of what

constitutes the happy life and the specifics of the life plan we might assume they have selected. Some people may follow an aesthete lifestyle, while others will lead lives of jovial vulgarity, hunting, shooting, and fishing. Some people will be hedonists who score their pleasures, while others will be ascetics who value simplicity or their victories against temptation. Some people will be committed to their family and friends, while others although not exactly misanthropes may choose a life with few other people. Some people will be agnostics or atheists who want to live their lives in line with whatever meaning they discover or create from their physical surroundings. Some people may lead a life of religious piety, and the many forms of religious expression foster a particularly harmful propensity for division and conflict. We may assume that there are as many generally held ideas of the happy life as there are monthly magazines on the shelves of the typical newspaper store, multiplied by the possibilities of permutation by conjunction. This is similar to what I said before. We meet austere atheists with exacting tastes in current jazz, as well as parsons who like hunting and drinking claret.

Behind the curtain of ignorance, all of these ideals of the happy life are hidden. For the sake of discussing justice, we are to assume that we are uninformed of the details of our own life plan. Yet, we know enough about our colleagues to appreciate the magnificent range of thick conceptions of the good that will be revealed when the curtain is divided. The eradication of prejudice and bias is the driving force behind this fictitious mix of knowledge and ignorance. Since I don't know what it will be, how can I be accused of upholding my own unique notion of the good life? If I am not aware of the life strategy you have chosen, how can I be accused of undervaluing the style of life you believe to be the best? The tactic of fictitious ignorance clearly resonates with the way we see justice.

One method of evaluating the impact of a proposal or the justice of a policy is to put oneself in the position of another party who will be impacted by it and then consider whether the distribution of benefits and burdens that results would be acceptable if you were unaware of which position you would be in. Imagine the argument was about who would do what chores around the home. Harry doesn't want to help with any of the culinary chores. They both start their workdays at 9.00 a.m., Sally notes. to 5.00p.m. She already takes care of the cleaning and washing. If Harry's suggestion that he do nothing but work and collect his pay were adopted, there would be two parties, one of whom would take care of all the household duties and the other none. It's a wonderful method to make Harry realize that neither party should be expected to carry all the obligations when you ask him to speculate about which bundle of duties he may be given. The opposing party's best course of action is equally obvious if his is the most favorable. He should reconsider the work allocation if he would detest having to do all the duties. He can understand Sally's dissatisfaction [10].

CONCLUSION

Instead of believing that capitalism's failings would lead to a working-class uprising, Schumpeter thought its achievements would ultimately lead to the system's internal destruction—a forecast that, in many respects, seems to be coming true at a faster pace than ever. Private property, private ownership of the means of production, capital accumulation, and competition are some of the most crucial elements of a capitalist society. Simply said, market forces govern capitalism systems, where firms and private people possess capital commodities.

REFERENCES:

- [1] L. R. R. Souza, A. C. da Rocha Neto, C. R. da Silva, L. P. Franchi, and T. A. J. de Souza, "Green Synthesis Approaches of Nanoagroparticles," in *Nanotechnology in the Life Sciences*, 2019, pp. 353–380. doi: 10.1007/978-3-030-17061-5_15.
- [2] V. J. da Silva Neto, "Platform capitalism," *Rev. Bras. Inovação*, 2019, doi: 10.20396/rbi.v18i2.8654960.
- [3] M. Ralph and M. Singhal, "Racial capitalism," *Theory Soc.*, 2019, doi: 10.1007/s11186-019-09367-z.
- [4] B. Jessop, "On academic capitalism," *Crit. Policy Stud.*, 2018, doi: 10.1080/19460171.2017.1403342.
- [5] I. Alami and A. D. Dixon, "State capitalism(s) redux? Theories, tensions, controversies," *Compet. Chang.*, 2020, doi: 10.1177/1024529419881949.
- [6] W. N. Laster Pirtle, "Racial Capitalism: A Fundamental Cause of Novel Coronavirus (COVID-19) Pandemic Inequities in the United States," *Heal. Educ. Behav.*, 2020, doi: 10.1177/1090198120922942.
- [7] S. Zuboff, "Big other: Surveillance capitalism and the prospects of an information civilization," *J. Inf. Technol.*, 2015, doi: 10.1057/jit.2015.5.
- [8] S. Zuboff, "The age of surveillance capitalism: The fight for a human future at the new frontier of power," *Yale Law J.*, 2020, doi: 10.26522/brocked.v29i2.849.
- [9] A. Nölke, "In search of institutional complementarities: Comparative Capitalism and economic policy reform," *Journal of Economic Policy Reform*. 2021. doi: 10.1080/17487870.2019.1637582.
- [10] M. Wright, G. Wood, A. Musacchio, I. Okhmatovskiy, A. Grosman, and J. P. Doh, "State capitalism in international context: Varieties and variations," *Journal of World Business*. 2021. doi: 10.1016/j.jwb.2020.101160.

CHAPTER 18

RAWLS'S THEORY OF THE VEIL

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ABSTRACT:

While it is presumed that the decision-makers are acting only in their own best interests, their judgment is limited because they lack the knowledge necessary to choose ethical standards that are in line with their unique set of circumstances. This epistemically constrained situation was described by Rawls as being hidden behind a "veil of ignorance" (VOI). In this chapter author is discusses the principles of justice. Some have argued that Rawls' theory of the veil of ignorance in its original position expresses a strong view of the role of the state as neutral between divergent ideologies of what constitutes the good life. They contend that this is a clear implication of the doctrine of the priority of the right over the good, which Rawls explicitly claims to be a key component of his conception of justice.

KEYWORDS:

Deliberation, Justice, Political, Philosophy, Rawls.

INTRODUCTION

The fundamental structures of society should not be neutral in regard to their recognition of the value of the primary goods and their responsibility for promoting them. The list alone does not give an anodyne prescription for the actions of the state, despite Rawls' belief that describing the items on the list of fundamental goods amounts to a weak premise in the larger argument. The list is debatable both in terms of who should be on it and who shouldn't be. The notion of the main goods as an all-purpose means to whatever elaborate picture of the good parties may have created as logical for themselves to seek binds the list together. The idea that the principles of justice must be the result of a process of debate with a degree of impartiality that is available to all parties controls exclusions from the list. It's unclear if Rawls manages to attain fairness while thinking about justice. There is no question that he wants these discussions to be limited by fairness [1]–[3].

The original viewpoint outlines the fictitious situations we must put ourselves in to solve the issue of fairness. After this thought experiment has been brought up, how do we deliberate? We now encounter the second distinguishing aspect of Rawls' social contract theory. According to Rawls, we should use the technical tools of rational choice theory to develop the rules of justice, reasoning as egoists wanting to maximize our safeguards and enhance our holdings of fundamental goods. After using the word "egoist" before, allow me to emphasize that Rawls is clearly not advocating that we embrace any kind of egoism. The form of egoism that operates behind the veil of ignorance is a theory about the motivations of the persons that reside in that hypothetical situation: the principles of justice are the best ways to further their goals, and the primary goods are the objectives that they value for themselves.

Thomas Hobbes did, in fact, take this type of egoistic perspective on people's motivations in general. According to his theory, human beings are primarily motivated by a conception of what is in their own best interests. He asserted that anyone who considered how to achieve their long-term goal of commodious living could derive the rule of justice, narrowly construed as the principle "that men performe their covenants made," i.e. keep their promises. Hobbes was referring to us when he said that given his theory of human nature, individuals like us should carefully consider their behavior. Rawls does not describe how we or others act in a similar manner. We don't have egos. We are not egoists in particular because we value fairness and want to do business with one another in line with moral standards we consider to be upstanding. Behind the curtain of ignorance, self-interest in the initial position is not the same as self-interest beyond it. Since the persons in the initial position have forsworn any information that would have allowed them to promote the goals unique to themselves, self-interest behind the veil of ignorance is not even a self-interest strategy. Subjects do not initially know who they are or what they desire until such things are specified by the criteria of the veil of ignorance. A technique of objective discussion on the issue of everyone's best interest is what Rawls has sought to capture with his social contract device, ignorance veil, and postulate of rational choice. Let's wait and see how this discussion turns out.

The principles of justice

Let's first explain the principles and then sketch the case for them in order to demonstrate how the argument works. Let's start by outlining the broad definition of justice: All of the fundamental social goods liberty and opportunity, wealth and income, and the foundations of self-respect must be given equitably, unless doing so would benefit those who are least favored. The well-known "two rules of justice" are seen to represent an exception to this rule: Initial Rule. Every individual is entitled to the broadest overall system of fundamental rights that is consistent with a comparable system of liberty for others. The second tenet. Social and economic disparities should be set up in a way that benefits the least advantaged the most, is compatible with the just savings principle, and is connected to positions that are available to everyone under fair equality of opportunity. We should make a few clarifications before moving on. Lexical precedence in the particular notion belongs to the First Principle, the equal liberty principle. This prohibits trade-offs that give up equal freedom for a benefit in relation to the other fundamental goods. Equal opportunity is the second component of the Second Principle, and it is also given lexical precedence over the Difference Principle, which is its first component.

After a certain degree of wealth has been attained, the unique understanding of justice with its split into two principles and related priority norms enters the picture. In Political Liberalism, this standard is hazily defined in terms of citizens' needs being met needs expressing requirements which have to be met if citizens are to maintain their role and status, or achieve their essential aims.' Sacrifices of liberty to promote wealth are only justified when the wealth creation is necessary to raise a society to an economic level where liberty can be enjoyed. We will focus on the unique vision because we are sure that liberty is a need for the generation of enough riches to satisfy residents' most fundamental needs, not a foreign and corrupting Western implantation that a disciplined emerging society can ill afford. Moreover, we will focus on the Second Principle in the sentences that follow, hardly acknowledging the Liberty Principle and its precedence [4].

Let's look at the case for the general conception and, a fortiori, the difference principle first, in order to understand a key aspect of Rawls's logic. This suggests an equal distribution of the basic commodities unless an uneven distribution benefits the least fortunate. Why would somebody

who was initially in the position of ignorance select inequality first when equality would be a better option? Keep in mind that contractors are ignorant about their place in society and other things. According to Rawls, in these conditions, contractors would prioritize safety. They would examine a variety of alternative distributions and choose the rules that ensure the best or worse result. They would use a maximin approach.

DISCUSSION

Assume there are only two classes of persons, A and B, and that the candidate distributions are as follows, with the numbers representing primary good units: According to Rawls, his contractors would choose the result. A deviation from equality indicates the potential of profits or losses both above and below the threshold of 50 units. The maximin approach calls for a decision between 50 units being preferable to 30 units if the worst possibilities are prioritized from best to worst. But contrast that with a third option. As more main commodities are preferable to fewer, Rawls thinks that contractors who want to increase the value of their holdings would choose either or since it has already been deemed inferior to, a fortiori. Strictly speaking, the result is "weakly Pareto superior." As everyone benefits, the change is for the best. They will show progress over the distribution whether they end up in the better-off class or the worst-off class. The difference principle, which reflects maximin thinking, is superior to and superior to.

It is debatable whether practical reasoning principle should be used when ranking options when there is ambiguity. Several examples indicate that maximin, or choosing the best-worst option, is paradoxical. Do we go up the mountain, or should we remain at home and go to the movies later? One of us could fall while we're climbing the mountain and be murdered. There is a danger that we may be murdered while strolling to the movie theater. As long as we use maximin-style reasoning, climbing is not particularly perilous, but it is risky enough for us to constantly choose a different method of using our leisure time. If we were maximins, we wouldn't even consider going onto a hill. We can always do something that is safer.

It is time to bring the supporting evidence out of hiding. It is at its highest average usefulness, as suggested. If there were an equal number of persons in classes A and B, one would assume that some people, particularly those who like gambling, would calculate the average anticipated utility at 90 units and then take the risk. They could be in the class that receives 30 units and do worse than they would under maximin, but they might also do better than they would under the equality or difference principles. If we add everything together, we discover that the average utility under will be 90 units. Using the same method of calculation, the average utility of is 50; the average utility of the major items is 60 units. Why not choose because the utility of is higher than the utility of either or? The argument against Rawls can be stated more forcefully as follows: What justifications exist for not adopting the average utility approach, taking a chance on becoming one of the better off, earning 150 units, and taking a chance on losing - receiving 30 instead of 50 under the equality principle or 55 under the difference principle? We only have one life to live, and the fundamental makeup of the society in which we reside is essential to both our welfare and, more significantly, the welfare of our offspring.

As a result, Rawls responds that we wouldn't dare. When we can assure obtaining 50 units or more, it would be foolish to take a chance on receiving only 30 units. As usual, the utilitarian has a persuasive response. If it is shown as a result that a supporter of maximum average utilitarianism would support in the comparison of and, then either like is not being compared with like or the circumstance is underdescribed. As the utilitarian would be anxious to imagine outcomes largely

in terms of the distribution of utilities, rather than core commodities, it seems that like is not being compared with like. We showed in that the utilitarian has reason to think that the allocations that maximize utility would move toward equality. When there are deviations from equality, the average utility is reduced since the gainers get less than the losers do in terms of gains. If so, the utilitarian has a right to inquire more about the specifics of how the uneven distribution of basic commodities is expected to enhance value. The utilitarian may concur, but say that, in reality, things don't turn out this way. Rawls's contractors, who are well-versed in the rules of the social world, will be aware that they don't, if it is asserted that the facts of the issue are contingent and that things could turn out this way.

In order to focus on the subject of whether we should choose an inequity where everyone benefits or a condition of equality, let's set this matter aside. The resolution seems simple. Being the dog in the manger and refusing to shift to a better position on the basis that others are doing even better is not sensible, in any way. According to Rawls, it couldn't. Envy is illogical. This may be the case, but given the nature of human nature, shouldn't there be a motivation to move away from inequality if it is understood that it is a widespread source of envy? As we have previously said, social hierarchy and a stratified society have negative impacts. Yet, Rawls has a strong response to this. He insists on fair equality of opportunity, so that everyone has the chance to advance into positions that give the potential of the maximum income and wealth, as the second component of the second principle highlights. We ought to take note of a corollary. Self-respect or self-esteem is the most enigmatic and crucial of the fundamental commodities because without it, "all desire and action becomes meaningless and worthless, and we fall into indifference and cynicism." As these social circumstances threaten self-respect, the persons in the initial position would want to avoid them at all costs [5]–[7].

It is difficult to fit this basic good into the framework of the two principles; Rawls seems to believe that the liberty principle serves it since it is incorporated into constitutional provisions that provide equal political position. We could also add that it should forbid income and wealth disparities of the kind and magnitude that damage the perception of those who are least fortunate, leading them to believe that, even though their holdings are less than they would be under equality, they are morally or socially inferior to others. Hegel observed that being jobless might be an entirely degrading situation. We now know that even while the jobless are receiving a basic social income, this lack of regard for oneself may still exist. If this lower standing results from a particular cause of inequality, it should be taken into account when calculating the index of primary goods that determines how the worst off are doing. People may conclude that despite having larger wealth and income holdings, their overall situation is worse than it would be if wealth and income were distributed equally. Everything obviously relies on how these changes will affect society as a whole.

We may now go back to the original query. Should we accept the disparities that are permitted by the difference principle if fundamental requirements are supplied and if, as we just stated, inequalities of wealth and income do not amplify into the kinds of social differences that obstruct equality of opportunity and erode self-respect? I believe we ought to.

There are a few things that need to be resolved before we move on from the debate of Rawls and the subject of social justice. A perspective of how we should approach the distribution issue lies at the core of Rawls' vision of a fair society. We start with a Humean view of society as a cooperative enterprise for mutual benefit, created in response to the demands of justice, which need the resolution of conflicts of interest. I assume that this prompts us to support, as a first

step, a set of property laws that regulate entitlements and allow us to determine who is the rightful owner of what. After debating Nozick's account, we realized that some kind of framework for deciding property claims is required. I presume that a conservative concept, which holds that the existing laws may be maintained on the basis of their need, applies in any stable community.

Only against such a backdrop of well-established laws and effective use can we see society as an enterprise based on cooperation and mutual benefit. Other ways? Hume did not have to think about this new issue since he believed the justice issue was resolved. Given that the current institutions and their governing laws ensure mutual benefit or universal usefulness, are they just? This issue only makes sense if we acknowledge that there is a perspective on justice that differs from the criterion of utility. According to Rawls, there has to be. Is there an equitable distribution of benefits and burdens? The system's fairness is to be determined by criteria other than utility, therefore even if it is, it is only a coincidence or a question of circumstance, he says in response.

In order to be fair, we must consider the advantages of social cooperation from the viewpoints of all those who are impacted by the current system. Can the rules controlling the distribution of benefits and obligations be rationally rejected by any of those subject to the distributive system that is ostensibly required by principles of fairness, as Thomas Scanlon, one of Rawls's most constructive detractors, has insisted? ⁶⁷ The conditions of such a system would not adhere to the norms of universalizability put out by Kant and accepted by Rawls if anybody could justifiably reject it. We don't have a definitive solution to this issue, despite the fact that Rawls generally supported Scanlon's form of contractual liberalism in *Political Liberalism* and promoted his position as a kind of Kantian constructivism. Since these argumentation ploys represent the intuitions about impartiality that fairness demands, Rawls' canonical approach employs the original position and its veil of ignorance.

In order to evaluate the institutions of any stable society from the perspective of someone who demands that the principles be fair, as well as, or in spite of, the regulations in place promoting universal utility, we must follow the reasoning framework of *A Theory of Justice*. The Rawlsian prospectus is completely abstract in the form I've just given it. It's time to give these bones some flesh. Let's assume that we agree that a free market economy based on private property has shown its mettle in terms of overall usefulness. The liberal democratic welfare state is what Rawls envisions as a system of political and economic organization that satisfies his principles of justice.⁷⁰ Democracy and liberty are guaranteed by the liberty principle, while welfarism is guaranteed by the modified equality guaranteed by the difference principle. Setting liberty aside while assessing distributive justice, it is clear that a system of transfers must be imposed on the existing entitlement system in order to achieve justice as needed by the difference principle. The difference principle is used to each situation when examining holdings, and transfers to or from Smith and Jones may be impacted by taxes on income, sales, inheritance, or wealth.

An apparent objection arises at this moment. We have a historically established property system that is always being altered by the difference principle. In systems where differences in income and wealth are deemed to improve the position of the least fortunate, we have institutions that guarantee equality of opportunity in regard to access to those offices and positions that yield the greater income and wealth, with the specifics presumably fixed by the operation of a labor market.

Desert

There are several situations in which varied distributions of income and wealth might be justified on the basis of unequal desert. Smith puts in more effort than Jones, or puts in an equal amount of effort over a longer period of time, or puts in an equal amount of effort but uses more skill, or puts in an equal amount of effort, over a longer period of time, and uses equal amounts of skill, but at a dirtier job. In each of these scenarios, Smith produces more commodities, and untrained intuitions or public opinion may have it that Smith deserves the premium his efforts or expertise draws since he obtains a higher reward. He deserves his uneven earnings, regardless of whether his enhanced production has helped the least fortunate, say as a result of the economic success's trickle-down consequences. As it will be claimed that the reward of desert is an established principle of justice, there is no contradiction between claims of justice and claims of desert in this instance. So much the worse for a justice theory that disregards such demands.

Those arguments have philosophical weight, but Rawls mistrusts them, and he is quite justified in doing so. He acknowledges that everyone is born with a unique set of innate abilities. It's possible that people are not only born with diverse abilities and talents, but also that some people are more fortunate than others in being able to make use of them. While two mountaineers may be equally strong and nimble, one of them may lack the courage to attempt the more challenging routes, the intellect to approach them with the proper level of safety, or the perseverance to continue despite challenges. Who is to tell which of these characteristics is not the result of a random natural event? If the very gifted jazz musician has a tendency to harm himself, it makes just as little sense to applaud him for the first as it does to hold him accountable for the second. This argument does not make the assumption that all traits are the result of natural heredity or that all traits are determined by genetics. Instead, it more subtly notes our incapacity to gauge the different contributions of innate skill and voluntarily chosen effort to any given achievement. Smith so puts in more effort or labor than Jones, yet it's possible that he was born with more strength. If we add consider that favorable personal circumstances, such as a loving family, a good education, and well-placed friends, may magnify the impacts of the natural lottery, it becomes even more difficult to isolate a uniquely human contribution as the legitimate topic of merit or desert. Conceptions of desert are the most perplexing of all the moral precepts essential to the notion of justice.

Desert has no place in the context of the starting point. We will accept the difference principle, which is "an agreement to treat the distribution of natural skills as a shared asset and to participate in the benefits of this distribution whatever it turns out to be," when we discuss with the objectivity that symbolizes fairness. On the other hand, when we look at the institutions required to put the principles of justice into practice, we can anticipate that some aspects of the economic system will resemble the remnants of the desert that persist in the idea that success is the result of hard work or skill, as these are the kinds of personal characteristics that are valued in the labor market under fair equality of opportunity. Efficiency that benefits everyone will often ensure that expertise and effort are recognized.

One cannot expect such arguments to satisfy those who maintain that desert is a principle unaffected by incentive effects and market dynamics. During Rawls' feast, everyone eats well, but it will be argued that certain people have no business being there. Particularly, the wastrel, idler, shirker, or benefits scrounger who often ruins welfare system drafts should not be allowed to sit at the table. An ignoble persona specifically refuses to participate in the plan for mutual gain and is unworthy of receiving any of its benefits. He is not among the least fortunate and is

not entitled to any relief that unfair benefits to others may provide. This argument would be very persuasive if everyone was born with the potential to acquire at least some marketable skills, if they were raised to expect employment and trained to use those skills in the workforce, if the market could provide jobs to satisfy their demand for employment, and if, in short, we could distinguish between the idle and the unemployable and other contingently unemployed. It is a diversion until these distinctions can be established confidently.

I'll let readers look up the extensive technical criticism that has been leveled at Rawls's specific justifications for the two principles of justice. I believe I have outlined its strongest point, which is its emphasis that developing just principles necessitates taking a deliberate posture that guarantees fairness in the specific sense of impartiality when we weigh conflicting demands on the few available resources. It is crucial that these principles do not favor or sacrifice the interests of any particular group of people if the exercise is to produce principles that everyone could accept as fairly governing the conditions under which they cooperate with one another. If they did, they would not be supported by everyone whose behavior they are intended to regulate. It is difficult to see how any concept other than the modified equality of the difference principle could find acceptance if one concedes the requirement of such a deliberative position.

The difficulties of communalism

Before we move on from the subject of distributive justice, we need look at a number of arguments that have been made in response to Rawls' work that the deliberative position of fairness that I have described is just not feasible for beings like us. Some scholars who have been classified as communitarians have posed this challenge. Among modern philosophers, Alasdair MacIntyre, Charles Taylor, Michael Sandel, and Michael Walzer are the most well-known communitarians. As their differences often outweigh their similarities, it is important to exercise caution when considering these philosophers to be part of a single school or group. I will just touch on a small section of their body of work while focusing on their critique of Rawls' theory of justice.

I have argued that Rawls' effort to identify a suitable posture from which to consider the justice issue is the uniquely significant contribution of his theory of justice. Assuming the Original Position, we endeavor to strengthen our possessions of basic things while hiding behind the curtain of ignorance. By doing this, we mentally separate ourselves from the society we live in and the actual interactions we have with other people. We consider ourselves to be ignorant of the virtues that give our life the specific meanings we give them, the complex theories of the virtue to which we adhere. Communitarians argue that we are unable to engage in this intellectual exercise of abstraction, or that even if we could, such abstraction could not produce moral principles to which we would be loyal once we have left the Original Position and settled into our respective, historically shaped communities.

Readers may now have had a variety of reservations about Rawls's line of reasoning. I've made an effort to explain Rawls' abstraction exercise and his retreat into the original stance in terms of a pretheoretical commitment to fairness, but detractors may object that this manoeuvre is pointless or ineffective. Some can question why those who don't hide behind a veil of ignorance should consider themselves dedicated to the values they would follow if they were, in an ideal world, in that situation. In order to deepen our understanding of justice, Rawls, working within the social contract tradition, has proposed for something like to a thought experiment. The

startling assertion that we cannot really do the thought experiment, not that it is otiose or pointless, is the first part of the communitarian challenge.

In order to construct the Rawlsian hypothetical contract, we must consider ourselves to be distinct persons who are capable of separating from the moral connections that link us to other members of our communities. If we want to assess whether these relationships are fair, we must be able to do this. I believe it is fair for me to lower my hat as a lowly man when the wealthy guy approaches the entrance of his castle. Someone could make me reevaluate my previously unconsidered position in the established hierarchy by challenging my usual respect. For a Rawlsian, these detachment exercises are necessary for the kind of reasoning that is unique to thinking about justice. I should attempt to mentally detach myself from the reality of my loyalty in order to perform my research once I accept the need that familiar responsibilities and allegiances be subject to reasonable evaluation. I can't think critically about justice if I can't develop the independence of mind required to achieve such detachment, or if I'm too enmeshed in my community's customs to challenge them. My reflections will be undertaken in a neutral manner since Rawls' Original Position is an ethical position that is distinct from the duties under examination.

Such alienation and detachment are not conceivable for communitarians. I am made up of a complex web of goals and objectives that are provided arbitrarily by the established social institutions of the society in which I was nurtured. My identity as a person is made up of the interpersonal commitments that these aims and purposes include. I wouldn't be the one hiding behind the curtain of ignorance, but some enigmatic imitation. How could it be me if I am compelled to lose fundamental values from my thinking life that are fundamental to my identity and that Rawls has relegated to the theoretically inactive domain of the "thick conception of the good"? Consider Holy Willie, the protagonist of Burns' poem of the same name, "Holy Willie's Prayer." The reader would assume that Willie is unable to fully distance himself from his Calvinist beliefs, particularly his conviction that he is one of the Chosen, without changing into someone else. We should consider him to be crippled by self-deception rather than simple dishonesty since he talks to himself. You could agree with Burns and the majority of his readers in thinking that Holy Willie has something amiss someplace. He is obviously incapable of considering if the exacting criteria by which he evaluates the behavior of others also apply to himself. The condition is well known. If this really describes Willie's mental condition, I believe he lacks the constitutional capacity to think critically about moral issues.

The variety and intricacy of communitarian arguments against liberalism are too great for me to address here. In any case, Rawls' philosophical technique is the main subject of their attention rather than his particular contribution to the debates over distributive justice. Nonetheless, we are familiar enough with the communitarian viewpoint to see that its central tenet concerns our reasoning abilities' boundaries and the extent to which we can mentally separate ourselves from the principles that shape our specific social identities. There are certain questions we are unable to ask or, even if we are able to take seriously because we lack the objectivity required to regard the questions as open. In actuality, we are limited in terms of the ethical issues we are able to address. The incapacity of a decent parent to properly consider whether she has a duty to advance a child's wellbeing is a popular illustration of this kind of limitation at work. Love will make her unable to weigh the benefits and drawbacks.

This might be true or not. If it is accurate, it will be true since that is how people often see these situations. I don't see how discussing distributive justice issues may end up being practically

pointless in a comparable way. As people learn to challenge the usual distribution of benefits and burdens, a Pandora's box is unlocked. The objectivity needed by Rawls' use of the Original Position may be difficult to achieve. After the thought experiment is over, it could be even more difficult to maintain the ideals of fairness provided by this ethical position. I don't understand how any philosophical arguments could be anticipated to show that the endeavor to reflect on principles of justice is overambitious. Some people may not be able to maintain the necessary objectivity, and other people may fail to implement the principles produced by their intellectual efforts [8], [9].

CONCLUSION

The philosopher John Rawls advises us to think of ourselves as being hidden behind a curtain of ignorance that prevents us from understanding who we are and empathizing with our unique situations. We may think about how society should function more objectively if we are unaware of our conditions. By preventing decision-makers from accessing potentially biased information regarding who would profit the most or least from the various alternatives, the "veil of ignorance" is a moral reasoning tool intended to encourage unbiased decision-making. a system where the individuals who would be ruled by the system's laws and justice principles actively work to create such laws and principles.

REFERENCES:

- [1] K. Klaser, L. Sacconi, and M. Faillo, "John Rawls and compliance to climate change agreements: insights from a laboratory experiment," *Int. Environ. Agreements Polit. Law Econ.*, 2021, doi: 10.1007/s10784-021-09533-8.
- [2] E. J. Eder, "John Rawls's Concept of Justice as Fairness," *PINISI Discret. Rev.*, 2020, doi: 10.26858/pdr.v4i1.16387.
- [3] J. W. Child and A. M. Marcoux, "Freeman and Evan: Stakeholder Theory in the Original Position," *Bus. Ethics Q.*, 1999, doi: 10.2307/3857472.
- [4] C. Roberts, "Public Relations and Rawls: An Ill-Fitting Veil to Wear," *J. Mass Media Ethics Explor. Quest. Media Moral.*, 2012, doi: 10.1080/08900523.2012.700207.
- [5] M. Jackson and P. Hill, "A fair share," *J. Theor. Polit.*, 1995, doi: 10.1177/0951692895007002004.
- [6] M. Faillo, S. Ottone, and L. Sacconi, "The social contract in the laboratory. An experimental analysis of self-enforcing impartial agreements," *Public Choice*, 2015, doi: 10.1007/s11127-015-0246-y.
- [7] E. Urteaga, "Comprender la pobreza: Debate entre John Rawls y Amartya Sen," *Contrastes*. 2012. doi: 10.24310/contrastescrastes.v17i0.1223.
- [8] Y. Kodani, Y. Saito, H. R. Kim, A. Ogawa, and T. Kameda, "Distributive justice and risky decisions: A study with utility models and pupillary responses," *Res. Soc. Psychol.*, 2021, doi: 10.14966/jssp.1914.
- [9] C. Y. C. Chu and W. F. Liu, "A dynamic characterization of Rawls's maximin principle: Theory and implications," *Const. Polit. Econ.*, 2001, doi: 10.1023/A:1011612028663.

CHAPTER 19

A BRIEF DISCUSSION ON POLITICAL OBLIGATION

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ABSTRACT:

Political responsibility is essentially the moral duty a person has to uphold a nation's laws. It encompasses the responsibilities that citizens have, like as voting, paying taxes, and serving in the military. The citizens of the state are subject to its laws and orders. In this chapter author is discusses the informal and pragmatic. All philosophy, according to Alfred Russell Whitehead, is a collection of footnotes to Plato and Aristotle. If there was no significant element of truth in the statement, it wouldn't be as memorable and excellent. That is untrue because Pre-Socratic thinkers should be acknowledged in the Western philosophical heritage. It is also apparent that there are more philosophical issues than Plato and Aristotle could have imagined when they wrote their philosophies, and that the repertoire of pro and con arguments, as well as the spectrum of solutions to these issues, has grown much beyond the realm of footnotes. Yet when it comes to proclaimed philosophical advancements, it is simple to confuse show with substance.

KEYWORDS:

Citizen, Political Obligation, Philosophy, Rules, Sanction.

INTRODUCTION

Plato and Aristotle "established the agenda," which would be more accurate and fashionable, but still wrong, is another approach to illustrate Whitehead's claim. One philosophical issue, however, has not progressed far beyond the refinement of Plato's objections and the extension of his arguments: the issue of political responsibility. In the *Crito*, Socrates is encouraged to cooperate with Crito's intentions and those of his friends and admirers who understand his situation in order to avoid prison and the impending imposition of the death sentence. He is confident that in Thessaly, he would be quite secure. Socrates will obviously be neglecting to fulfill his obligations as an Athens citizen if he accepts Crito's plan. Should he accept Crito's invitation, or not? Should he comply with the city's demands? Or should he make an effort to flee? Socrates is portrayed by Plato as speaking in the voice of the Athenian laws and constitution, and this voice persuades him to accept the sentenced penalty. The main themes of Socrates are that he has freely agreed to obey the laws, so to flee would be to violate the covenants and undertakings he made; second, that he has received clear benefits from the city, that he should be grateful for these benefits, and that this would be a bad return for the benefits received since by fleeing the city he would be harming it. Since then, despite the fact that they have evolved into many other forms, as we will show, these two arguments—the consent argument and the argument from received benefits—have predominated the literature [1], [2].

But first, we need make an effort to clarify the specific nature of the political duty dilemma. It is appropriate to see our political commitments as debts due to the state by us as citizens. It is tempting to describe an obligation's broad characteristics first and then discuss how precisely political responsibilities ought to be interpreted. Such a path would require us to differentiate between obligations and responsibilities, and maybe between duties and reasons for action that are clearly moral in nature. The task would be challenging and maybe even intriguing, but I am hesitant to take on the challenge for two reasons: first, I have my doubts about whether the exercise could be properly completed without a lot of semantic regulation. Indeed, such differences may be imposed. Careful specification that relies on differences established in our everyday speech might simplify the language. I have no objectives in this area, therefore all I can do is express my skepticism because the conclusion of the exercise would determine if it was worthwhile or worthless. Second, the specific context of political responsibility may not be applicable to any differences that may be drawn between, say, obligations and responsibilities considered generally. This is because our main concern is in the particular problem of political obligation. Indeed, I believe this to be the case. It doesn't matter whether we discuss the political obligations that fall on people, their responsibilities, or in my opinion the moral principles that should guide how they behave toward the political institutions of the state. I'll attempt to avoid the last of these locutions since it's a mouthful. The first has all the benefits and drawbacks that come with familiarity [3].

Informal and pragmatic

Political and legal obligations are intertwined ideas, and because of this connection, I want to avoid having a restricted emphasis. When we want to pinpoint the demands made on people inside a certain legal system, we use the term "legal duty." Here, a coercive legislation that forbids behavior under pain of penalties for non-compliance serves as the paradigm. In terms of substance, our legal responsibilities include those to uphold the law. One major legal duty, to observe the law, may exist, or there may be as many duties as there are prescriptive or proscriptive laws. As legislation is a political procedure that is carried out or approved by the sovereign, we are prone to believe that political duties follow suit with legal requirements. So, we tend to believe that having a political commitment is equivalent to having a legal obligation. If so, then we are mistaken.

I believe we have a political duty whenever sound moral considerations impose conditions on how we should interact with the state's political institutions. If there are legitimate moral justifications for us to uphold the state's laws, then we have a duty to do so on a political level. If the state issues a call to arms, we have a political duty to respond if there are sound moral justifications for doing so. We have a political duty to take part in procedures that elect representatives or pass laws via plebiscites if there are sound moral justifications for doing so. I believe it is most appropriate in terms of style to refer to the duties of the citizen because I am aware that this list of standard political obligations is longer than is permitted by the traditional association of political and legal obligations and because I don't want to beg the conceptual questions raised above. The idea that people could be obligated to do voluntary work for the government or cast ballots in elections even when such behavior is not demanded of them under pain of punishment is not unusual [4].

Hence, according to my reasoning, the issue of political responsibility is not simply whether or whether people have a duty to uphold the law. It is quite possible to tackle this issue as part of a larger agenda that also addresses other responsibilities that may be attributed to the citizen. As

the obligation to observe the law is often one that is imposed on the citizen, one could anticipate that the best arguments in support of it would be made in front of the audience. But it is not the only obligation that is in doubt, and as we will see, the issue of whether we have such a duty may be addressed most clearly in a setting that also considers other responsibilities that individuals may perceive. Having said that, in order to clarify other introductory issues, we will continue to maintain the customary emphasis on the responsibility to respect the law for the time being.

DISCUSSION

The first of them concerns the goals of the justifications offered to support this obligation. How broad is the argument's potential application? Are these justifications intended to demonstrate that if one citizen recognizes this obligation, then other citizens should as well? 2 Instead, may the arguments be individually tailored to the wants of the citizens? The classical liberal dialectic may be thought of as the state asserting a number of claims against individuals who independently assess the validity of these claims. The state makes arguments that are intended for all people in order to support its claims. Nonetheless, every contemporary citizen expects the right to independently review these arguments. Since no contemporary state can expect its claims to be upheld purely on the basis of its pre-existing power, we envision the state practicing its arguments.

The state believes that its justifications will persuade everyone and have universal applicability. Naturally, however, it may not work. Its arguments may be ineffective, persuading no one, or they may be only partly effective, persuading some but not all of the people they are intended to persuade. I'll make the assumption that this is the case and portray the state as making a succession of arguments that gradually extend the audience it is trying to persuade of the legitimacy of its power. The following results are possible: no argument persuades any citizens; at least one argument persuades some people; at least one argument persuades all citizens; yet the argument is different for each citizen; All people are persuaded by at least one reason that they must uphold the law. The state will benefit most from the outcome, but it's possible that the state didn't need to be so ambitious. The state will have succeeded in staking a valid claim to the obedience of all citizens if it becomes clear as the dialectic develops that no citizen is able to reject each and every argument put out by the state. The majority of the populace accepting some of the state's justifications would rank third best from the state's perspective.

The second aspect of the state's goals is the substance of its requirements, which is the topic of the next inquiry. We have assumed that the state would demand the submission of all of its inhabitants for a variety of reasons. But is compliance with all of the state's laws a condition of the people's claim to obedience? I disagree. This is too ambitious once again. We should first acknowledge that the current laws are probably a patchwork of laws. They probably include a lot of dead timber. Laws that control, for example, the rules of the road by giving preference to horses over people or vice versa will be readily apparent to astute students of the law of contemporary states. These laws are remnants of long-gone ways of existence. It is often seen to be unfair to use such laws, as was done in the case of *Shaw v. Director of Public Prosecutions*, when the Star Chamber offense of "conspiracy to corrupt public morality" was revived to condemn impoverished Shaw. Second, if lawbreaking stays within permissible bounds, certain laws seem to be made to be violated. I apologise for breaking the licensing regulations when I was a minor and consumed alcohol without obtaining parental permission, when I was an adult and served beverages after hours, and when I was a parent and purchased alcohol for my minor

children. We all regularly breach the law when driving our cars. Thus, we shouldn't be too polite while discussing the nature of the legal obligation to observe the law.

Laws must be exact in situations that defy calculation and encourage disobedience if they are to be effective at all. The majority of citizens, although strangely picky, are aware of this and choose to pay taxes like parking fines over the moral guilt they would typically associate with disobeying the law. If the law establishes specific limitations, they invoke factors, such as good fortune or good judgment. Are these so-called "criminals" deluding themselves or do they make clear but accurate distinctions about the meaning of the criminal law? Philosophers are unfamiliar with the territory of argumentation, yet certain apparent truths need to be stated. One will struggle to justify the wrongness of well-considered, uncontested, and innocuous law-breaking unless they believe that all criminal behavior is ethically wrong a position that is too often put to the test. The most sensible conclusion to make, in the face of the philosopher who says that we should imitate the rare but valuable driver who never, or barely ever, surpasses 70m.p.h. on a highway, the state demands a propensity to uphold the law rather than a literal adherence to its declared laws.

The obvious overlap between legal duties and moral obligations complicates the whole situation. The potential for openly disobeying the law will be severely restricted if the commands of law repeat and therefore embrace the needs of morality. If behavior is customarily controlled, there must be some restriction on automobile speed and some limit on the legal drinking age. What should such limits be? - One might anticipate social acceptance and self-indulgence. The most prudent state would ask of its inhabitants in regards to their private opinions, if not public declarations, is that they be inclined to uphold its rules and regulations within reasonable bounds of laxity. This is not exactly how a local police officer described Sicilians' perception of traffic regulations as potentially helpful counsel.

Lastly, one should understand that conscious disobedience is much different from governmental laxity and low standards on the side of the populace. This topic is too intricate to discuss in full at this time. But, we must accept that typically obedient people may discover that they cannot, in good conscience, follow the law due to peculiar but not erroneous moral ideas as a final qualification to the thesis that the obligations of the citizen oblige her to obey all laws. They could decide that under these circumstances, the citizen's correct course of action is to break the law. In these situations, the state must allow that well-intentioned individuals could make mistakes or get things right, without undermining the state's overall authority. Indeed, if they invite prosecution as the inevitable, but publicity-generating, cost of disobedience, such citizens may endorsing this authority in a peculiarly self-denying but recognizable manner. They may view their disobedience as the most appropriate, because most effective, way of carrying out their citizenly duty to participate in the enactment of just laws. One of the responsibilities of the decent citizen may very well include civil disobedience under the right conditions.

The last formal issue I'll bring up has to do with how strict citizen obligations are. First and foremost, we should think about whether the obligations are mandatory or optional. In the sense that their effective ascription did not need the performance of any responsibilities on the part of the sovereign, Hobbes thought that the obligations of the citizen were unconditional. He supported this claim with both formal and convincing justifications. Technically, the contract between the people themselves, or "a Covenant of every man with every man," serves as the normative foundation for their obligations as citizens. The sovereign is not a party to the contract: "That he who is made Sovereaign maketh no Covenant with his subjects beforehand, is

manifest." Since according to Hobbes, duties can only be created by the freely given up of a liberty, and since the sovereign does not give up anything, the sovereign has no obligations to the citizens that could serve as a precondition for the citizens' fulfillment of their own obligations.

This argument is useless since there are no facts to back it up, even if Hobbes' analytical framework can be applied to the situation. The argument's credibility as a simulation of what rational actors would do in the hypothetical absence of government depends on this assertion. Hobbes hypothesizes that rational agents would not support a restricted sovereign in light of such a thought experiment because, if the sovereign's competence were limited, his performance would be susceptible to judgment. If the potential for such adjudication were institutionalized, this would need a superior institution to the institution would be the genuine sovereign, with the authority to determine whether the sovereign had complied with his obligations. On the other hand, if determining whether or not the sovereign had satisfied the requirements that limit his use of sovereign power were not institutionalized, each citizen would continue to have access to the private judgment that initially causes the issues with the state of nature, issues that the institution of the sovereign is intended to address. According to Hobbes, there are three possible outcomes: either an absolute, unconditional sovereign with its corollary, a citizen body with unwavering obligations, or a return to anarchy, or the state of nature. Even the worst, most self-serving sovereign could hardly be worse than life in the wild.

John Locke, whose arguments, once again, I brusquely simplify, challenges Hobbes's exacting and intimidating conclusion. Famously, Hobbesian man is driven largely by self-interest. He wants to live comfortably and prolong his life. Lockean man is driven by these same goals, but he also upholds the principles of natural law: "Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions."⁸ These obligations are part of a set of natural rights, or, in Nozick's helpful phrase, "side-constraints." Reasonable people understand that these rights must be upheld by punishment, but they also understand that for punishment to be effective, there must be a state. Hence, they would support a state that was specifically designed to protect the rights that everyone asserts. Hence, individuals would not be required to submit to a state whose demands and authority go beyond what is required to carry out this particular mission, and they would have the right to revolt against a state that actively attacked the rights it was established to defend. This line of reasoning leads to the conclusion that the state's performance of its mandated responsibilities determines whether or not the citizen's obligations are fulfilled.

Do we consider the state's power to be unrestricted or constrained, and the citizen's obligations to be unconditional or dependent on the effective execution of the powers entrusted to the state? Should we ascribe to Locke or Hobbes? Hobbes' viewpoint has technical flaws since rational people cannot be expected to give up their right to self-preservation and must still be able to assess how much the state threatens rather than improves their chances for a good existence. In addition to this, Hobbes' argument for absolutism rests on the empirical premise that even the worst of governments are preferable to the natural order. This assumes, first, that Hobbes is true in characterizing existence in the natural world as so miserable "solitary, poore, nasty, brutish, and short." But even if you allow him this, it doesn't always follow that any ruler is superior. He was quite wrong to suppose that the self-interest of sovereigns would invariably counsel them to promote the well-being of their people, 'in whose vigor consisteth their own strength and glory'. To be fair to Hobbes, the sovereign he envisaged was more like a jolly Restoration monarch than a Pol Pot or Hitler, his main concern being to let his subjects get back to dancing round the

maypole whilst he sorted out the fractious clerics who disturbed the peace. Yet in the twentieth or twenty-first century, this is unacceptable. No state is so impoverished consider Haiti that a Papa or Baby Doc cannot profit themselves at the cost of their oppressed people and squirrel away the money in a safe Swiss bank before making a fast exit and retiring comfortably. Tyranny may even make its perpetrators less sane, as rulers become more irrational than the majority of their subjects and lash out at them with a lethal lack of restraint. History more than Hobbes' cod psychology governs the issue of the rationality of absolute monarchs.

This ruling presupposed that the absolute ruler would be a single person, a king or her contemporary counterpart, the dictator with a gang of goons, which was Hobbes' view of what was most effective. The situation may alter whether the absolute sovereign is the people, as in a direct democracy, or if representative institutions are intricate, elaborated, and subject to the rule of law. In these situations, it is important to pay more attention to the definitions of "absolute" and "limited" sovereignty since it may turn out that the expressions "absolute authority" and "unconditional responsibility" are not equivalent. For the time being, we should come to the more modest conclusion that citizens' obligations depend on the correct use of sovereign authority, regardless of how that power is defined.

Communitarianism and Anarchism

Two voices that disagree with the enterprise as I have described it should be noted before we go on to assess the cogency of the state's arguments. The anarchist is the first of these voices to assert that we are trying the impossible. Because the state is bad, every attempt to defend it is pointless rhetoric used to elevate a solecism. The futility of the practice is likewise emphasized by the second speaker, but for quite different reasons. A key assumption of the exercise, that we have the philosophical tools or mental ability to carry out the inquiry, is contested by the communitarian. We are presuming that the citizen is able to remove herself from the pressure of social obligations that bind her and examine, as it were, the state's claims from the outside. In this regard, we lend ourselves to a very liberal premise: that citizen scrutiny of the claims of the state is possible. This presumption was beautifully described by Kant in the first introduction to *The Critique of Pure Reason*, which we have already noted: Everything must yield to the actual era of critique that we are now living in. Religion and law often attempt to free themselves from it by their holiness and grandeur. Nevertheless, by doing this, they arouse justifiable suspicion against themselves and are unable to claim the genuine respect that reason accords only to that which has managed to endure its open and transparent scrutiny.

The communitarian opposes this distinctly liberal notion that the power of the state may be reduced to the standards of rational legitimation, as I differentiate that viewpoint from communitarianism. Both of these viewpoints communitarian and anarchist deserve in-depth analysis. We'll have to handle them quickly. Then anarchism comes first. On the little canvas provided here, it is hard to capture the breadth and complexity of anarchist writings, but we may outline its main arguments. I'll provide a composite characterisation, using elements derived from a variety of ancient and contemporary thinkers. In part because anarchism is undoubtedly the most alluring of the major political "-isms" due to the generosity of its many interpretations of human nature and its optimism towards the possibilities of human goodness, I hope it will assist to attract readers to the great anarchist literature. It is important to emphasize this idea at the outset of any discussion about anarchism since the name "anarchy" and its cognates have such negative connotations. When you mention anarchists, memories of the Victorian era, Conrad's *Secret Agent*, tales of Peter the Painter and the Siege of Sidney Street, and visions of

foreigners in top hats and dark coats poised to throw flaming bombs in the direction of some royal vehicle come to mind[4], [5].

All forms of anarchism have a common belief: the state is an evil that is too large to be tolerated. John Stuart Mill believed that "all compulsion is wicked," although on his view it may clearly be the lesser of two evils, particularly when it is threatened or imposed by the state to stop some people from injuring others. The anarchist might object, thinking that either the sickness is worse than the remedy, or, more extreme, that the ailment may be caused by the advertised cure. We won't attempt to define the state here because it's difficult to do so for anything with a past, but Max Weber's definition will do: the state is any institution that is able to establish "a monopoly of the legitimate use of physical force within a given territory." Anarchists will seize on this part of the definition that refers to physical force and argue that the institutional use of physical force against people is always wrong because physical force is used to harm others.

You may find this assertion to be unbelievable. There are likely many robbers and killers present if you look around. This may legitimately be described as the Hobbesian view of the present. Despite the fact that we may rightly believe that we are susceptible to these criminals or even if we exaggerate our vulnerability, we may nevertheless seek a level of protection that we are unable to give for ourselves. Isn't it acceptable to suppose that our neighbor may be a knave instead of calling him one since doing so may lead to a defamation lawsuit against us? In light of this possibility, however distant, shouldn't we take precautions to protect ourselves? Isn't the support of a government with strong coercive powers the finest kind of insurance? The anarchist firmly disagrees.

The threat and enforcement mechanisms will erode citizens' moral awareness once the state is in operation, ordering individuals to do this and punishing them for doing that. Without active participation, people's abilities to choose what morality asks of them would shrivel and petrify. What does the law demand, inquire the public? What sanctions may a violation result in? What are the chances of getting them? How much is the game worth? Real moral actors, in contrast, put effort into using the reflective skills that may provide them with an answer and focus exclusively on whether suggested paths of activity are morally proper, wrong, or permitted. The laws that the state enacts are spoken by its citizens, who lack any moral validity beyond that of a ventriloquist's doll. Therefore, it is not surprising that the moral dwarfs, who are the end result of the state's intense coercive activities, activities that extend into the home, educational practices, and possibly even religious practices, will act immorally if they see an opportunity to further their own interests by inflicting harm on others with impunity. It is fair to think your neighbor is a knave while a coercive state is in power, but this assumption only holds when the state-induced moral illiteracy is present.

In speaking about the savage, Hobbes and other theorists of the state of nature defined a social man, according to Rousseau. Nevertheless, Rousseau is erroneous in his understanding of Hobbes, since Hobbes only ever intended to explain the psychology of social man, himself and his contemporaries. The state of nature was a made-up concept, a representation of how man as we know him would act in the absence of a sovereign authority. As Rousseau tries to achieve, it was never meant to represent prepolitical social interactions. However, Rousseau is correct in his main point that descriptions of human nature should not claim to be universal if there is any chance that people might think and act differently if they did not have to live in the shadow cast by the state's use of physical force. This comes from data about mankind's psychology and

behavior in conditions governed by the state. The anarchist takes use of this opportunity, which results in a large body of writing.

Has the state's coercive machinery become so ingrained in our decision-making that we either unquestioningly obey its orders or covertly disobey them for our own interests? We naturally want to refute the accusation since it is being made against us and there are no honorable alternatives. The anarchist claims that we, the submissive, uncritical citizens of any state, are the morally inept people he depicts. The anarchist anticipates fierce opposition to her core assertion. Who will acknowledge that their thinking and judgment are flawed? If no empirical evidence was available to resolve the question, it would come to a standoff, with the anarchist position perhaps being undermined by the stench of knowing inexpugnability. Fortunately, there is, albeit it is not enjoyable to read.

Stanley Milgram carried out many studies in the early 1970s that revealed people's propensity to submit to authority. His test participants agreed to participate in trials that asked them to inflict harm on fictitious persons who provided incorrect answers. The experiment's setting, which included the fact that the instructors were in white coats and the studies were done at a university, was intended to highlight the experiment's authors. The teachings were beneficial, and Milgram's work ought to be Lesson One in any program intended to teach kids how to be decent citizens. Far too many subjects willingly though sometimes reluctantly and frequently against their better judgment performed what they were instructed and caused the actors what they thought to be severe suffering. Who knows what you or I would have done if we had been chosen as test subjects? That lesson is humble. We really believe that we would have been among the very tiny number of those who refused to follow the instructions conveyed by the authoritative scenario. We cannot, however, contest the assertion that we would probably be complicit with demands made of us in the name of scientific progress.

How feasible is the idea that we would be heroically independent when the state asks us to obey the laws if we are inclined to act in this way because we feel that the quest of knowledge necessitates our cooperation and obedience? Couldn't our upbringing in state-sanctioned and -supervised rituals of submission result in the habits of respectful acquiescence Milgram observed in his test subjects? Whatever its source, our deep-seated propensity to follow orders hinders our capacity to examine our behavior in light of the possibility that it was inappropriate. We may never realize that what we are doing is incorrect, and even if we do, we may no longer be able to independently think out the proper course of action. This potential is endangered by power and requires liberty to flourish, as Mill teaches us in *On Liberty*¹⁷. As the anarchist argues, anarchy is the extreme of liberty [6]–[8].

CONCLUSION

Modern civilizations are characterized by a widespread presence of political duty. Also, we often disregard or take for granted aspects of our morality that are especially prevalent. Political responsibility is the moral responsibility of people to uphold their country's laws. Political responsibility only provides the citizen with an extra justification for behaving in accordance with the law when the action or forbearance that is mandated by it is morally needed for other reasons. When philosophers refer to the "problem of political responsibility," they indicate that although there is more or less universal agreement that there is a moral need to respect the law simply because it is the law and not because it is just or fair from an ethical or social perspective.

REFERENCES:

- [1] I. Taylor, "Political Obligations and Public Goods," *Res Publica*, 2021, doi: 10.1007/s11158-020-09496-8.
- [2] Z. G. Szűcs, "Political Obligations in Illiberal Regimes," *Res Publica*, 2020, doi: 10.1007/s11158-020-09477-x.
- [3] D.-N. Zheng, "Superconducting quantum interference devices," *Acta Phys. Sin.*, vol. 70, no. 1, p. 018502, 2021, doi: 10.7498/aps.70.20202131.
- [4] W. E. Scheuerman, "Judith N Shklar as theorist of political obligation," *European Journal of Political Theory*. 2021. doi: 10.1177/1474885119858156.
- [5] M. Brown, "Sexual citizenship, political obligation and disease ecology in gay Seattle," *Polit. Geogr.*, 2006, doi: 10.1016/j.polgeo.2006.05.004.
- [6] T. Fossen, "The grammar of political obligation," *Polit. Philos. Econ.*, 2014, doi: 10.1177/1470594X13496072.
- [7] G. Klosko, "Multiple principles of political obligation," *Political Theory*. 2004. doi: 10.1177/0090591704265933.
- [8] G. Klosko, "Are political obligations content independent?," *Polit. Theory*, 2011, doi: 10.1177/0090591711408247.

CHAPTER 20

DEVELOPMENT OF STRUCTURES OF INEQUALITY

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ABSTRACT:

A circumstance known as structural inequality is one in which one group of individuals is given an uneven position in comparison to other groups of people. A convergence of unequal relationships in responsibilities, functions, choices, rights, and opportunities sustains and reinforces this connection. In this chapter author is discusses the consent and contract in inequality. The majority of talks on anarchy center on the potential for conflict resolution and reaping the benefits of cooperation without the governmental machinery of laws and punishments. Yet as one would anticipate, the conversations are fruitless since, at their core, the problems are empirical, the information is debatable, and decisive studies are not conceivable.

KEYWORDS:

Autonomy, Inequality, Institution, Political, Philosophy.

INTRODUCTION

There are instances of effective but anarchical practice that are obtainable, and the majority of readers should be acquainted with them. My personal favorite example is the uncontrolled Boyd Orr car park at the University of Glasgow, which regularly accommodates a higher vehicle density than any planner using a white-line machine would dare to recommend and seldom has exits blocked. The skeptic, however, strongly questions whether such examples along with the anarchists' favorite case studies of ungoverned communities operating better than their strictly controlled neighbors can be extended without suffering significant welfare costs. If residents in one nation were to lean toward anarchy, what would be the anarchist equivalent of the National Health Service or, for that matter, the armed forces? To be concerned about one's vulnerability is not a Hobbesian quality. Conscientious people may make mistakes, good people can have bad intentions, and incorruptible people can stubbornly execute their fellow countrymen [1]–[3].

It is simple to reassemble unwinnable arguments, and this is one of them, I believe. I believe that the anarchist's existence proves the reach of human compassion and generosity into the emotionally sterile realms of political theory, which is a wonderful and heartening lesson. Yet, I don't think many of my readers will join the anarchist cause, and I'll admit, with a little bit of guilt, that I don't either. Without being self-deceitful, I don't trust you enough to ignore the forces of law and order, and I have a suspicion that most of you wouldn't either. Sadly, I am unable to guarantee that your mistrust would not be founded. Anarchism's fatal flaw is that little amount of self-doubt that leads to mistrust, caution, and then demands for the type of protection that only the state can supply.

Before we move on from the subject of anarchism, it is important to recognize a distinctive contemporary form called philosophical anarchism. This comes in two shapes. The first is essentially a skepticism-based stance brought on by the perception that all justifications for the

legitimacy of the state's power and the people's ensuing obligations to uphold it have failed. We should hold off on making a judgment on this conclusion since we will be looking at a number of common arguments in the paragraphs that follow. The second kind of philosophical anarchism contends that accepting the authority of the state is incompatible with the ultimate obligation owed to humanity the need to act independently as neatly put out in recent times by Robert Paul Wolff. Accepting the legitimacy of the state compels us to acknowledge the moral weight of the demands it imposes on our behavior, regardless of whether we believe these demands are just or unjust. Yet, "there is no such thing, technically speaking, as a command, for the autonomous man"²⁰. Autonomy calls for each moral actor to decide for themselves what to do. Those who are subject to power are required to renounce their own moral judgment on the area under their control. This proposal is seen unreasonable by those who appreciate autonomy. This is a compelling concept, but having quickly presented it, I'm happy to leave it on the table since more debate would lead us astray. The following are necessary for further analysis of this issue: careful elaboration of the concept of authority; investigation of the standing and claims of specifically political authority; further articulation of the concept of autonomy; a clear understanding of the strength of the duty to act autonomously; and, finally, an explicit determination of the extent to which the agent's autonomy is compromised by his submission to the authority of the state or his acceptance of political obligation. These are all contentious issues with significant implications for moral philosophy [4].

Let's reluctantly set anarchism aside and examine the opposing argument that there is no philosophical issue with political responsibility. The communitarian makes the point that the state is immune to the need for logical justification, not that nothing can justify an entity as terrible as the state. I agree with Kant's assessment that we discussed earlier when I say that this conclusion should seem absurd to a contemporary listener. So let's attempt to make it seem convincing when we say, "This is the true era of critique." Let's make the most logical argument first. We may start by using an analogy. Take family life, for example, or family life that is doing well, or, best of all, family life that is going as well as its most ardent proponents claim it can go: less *The Simpsons*, more *House on the Prairie*; less *King Lear*, more *The Sweet Buds of May*. Father and mother are in love with one another, care for their kids, and take care of their aging parents. When it comes to family problems, they approach issues as a pair, an organic union speaking in the first person as "We," rather than as individuals pursuing their own distinct agendas. They cheerfully fulfill their obvious obligations to be faithful to one another, to take good care of their children, and to respect their parents. There are no obvious ethical issues with these responsibilities. They are perplexed when you ask them why they behave in this manner. They respond, "Because we are a family." What other explanation is there? The kids might be asked a similar question. Why do you think it is important to follow your parents? And we anticipate that these polite kids will be perplexed too.

Suddenly they realize that philosophical issues are being posed, such as, "Why do you accept these responsibilities? Why do you believe it would be bad to disregard them or not fulfill them? The asker should be aware that it is doubtful she would get replies that disclose foundations in the sense of underlying principles from which the relevant tasks may be deduced. The family members' sense of identity is being examined. Recognizing their positions as parents or children entails understanding the responsibilities these responsibilities entail. Others claim that these obligations define the identity of individuals who carry them out, in which case we shouldn't be startled by the muteness of the interrogated or by their bewildered repeating of apparent truths like "But I'm their father," "But I'm their kid."

Hegel's description of "Ethical Life" in *The Philosophy of Right* provides the most comprehensive and eloquent philosophical explanation of this idea of obligations as constitutive of social positions that people typically find themselves filling but have not chosen to inhabit. In a rational society, people will be related to other family members in a particular domestic structure, coexist in an economy that organizes their interactions with other producers and consumers, be subject to the rule of law and the regulations of regulatory bodies, and live in a political environment with a constitution that supports their freedom and serves as the focal point of their patriotic feelings. These interconnected ties make up an ethical house with a comprehensive moral address. As John Smith, the son of Arthur and Margaret, the husband of Annie and the father of Katy and Helen, the colleague of Jones and a client of Microsoft, the member of the Association of University Lecturers, regularly observed by the Quality in Teaching Agency, a supporter of the Freedom for Old Labour Democracy Party, and a citizen of the UK, the model citizen will only discover that he has an abundance of obligations. These kinds of obligations arise from every citizen's life narrative, some of which John chose, some of which he was born with, and others of which he has just recently acquired. We have before us the example of the obligations of family life a soft-hearted version of Hegel's description. On the basis of the model already stated, I believe it makes sense to recognize that a person who sees themselves as family members may not be able to object to the obligations placed on him, albeit he may choose to disobey or carry out a wrongdoing.

DISCUSSION

The reader's acceptance of the social structures that are being portrayed gives these arguments their credibility. It is significant because Hegel thinks he is articulating the only logical family structure, the one that best enables people to express unique aspects of their nature. The principles of an ethical existence don't act as restrictions; rather, they free people who would otherwise be unable to grow their capacity for long-term commitment to others, as in a family. As a result, marriage is not a chain but rather a chance for people to break free from the confines of atomized self-concern.²³ If the social arrangements that are described are thought to be restricting, as they are for women under Hegel's description of their proper social role, then those who experience these restrictions could very well challenge the definition of their responsibilities. They may not really do this. They could be misleading themselves or, more likely, they're victims of false awareness after adopting an ideology that inhibits rather than fosters personal development.

Hegel thinks he has clarified the logic behind the institutions that make up the contemporary state. He has studied their history and can describe how they fulfill the desires that mankind has learnt to express by overcoming the institutions that have held them back. In a way that he described as dialectical but that we can see as coherent, the various facets of social life domestic, economic, legal, and political fit together so that one can be all of these types of people at once and carry out the responsibilities of one's various stations without causing interpersonal strife or social unrest. However opinions on how seriously Hegel considered this stipulation varied greatly among interpreters, it was equally crucial to him that citizens to understand the rationale of their situation. While endorsement is required, there is no room for dispute in the reflections that give rise to it. Yet, why would anybody wish to question institutions that, at least in their broadest sense, cannot be improved? What is logical is real at the end of history, and actual is rational.

As a result, neither an issue with terraced housing nor a problem with political duty can exist. Once we recognize the state's contribution to our freedom and comprehend the nature of the modern state, understanding its distinctive institutions as serving essential purposes given the desires and values humanity has developed throughout history, we discover that in describing it, we recognize its legitimacy. The moral universe we live in has rational legitimation practically built-in.

There is another approach to make these claims that borrows some ideas from Wittgenstein but is less methodologically clear and more narrowly focused on philosophy. Others contend that the language we choose to discuss important aspects of our political life reflects our comprehension and support of such parts. Such language is permeated with normativity and an understanding of the demands placed on us by the institutions it describes. If we can play this specific set of linguistic games and understand what it means to speak about the state, power, government, and the law, we can see that asking, "Why can't I disobey the law?" , which is equivalent to asking "Why can't I move a rook down a diagonal? while engaging in chess. Hence, T. MacPherson says, "Why should I follow the government? ' is a ridiculous inquiry. If we assume that our political commitment is something that we may not have had and that, as a result, has to be justified, then we have not comprehended what it means to be a member of political society.

Hannah Pitkin makes the following claim in a similar vein: "The same line of thinking may be taken to the issue of why does even a legal government, a valid law, or a real authority ever oblige me to obey?" As with promises, we may claim that this is what "legitimate government," "valid legislation," and "real authority" entail. This is also what our new philosophy about political responsibility says. The idea of "authority" includes the idea that people who are subject to it must submit to its commands and that it has the right to do so. The idea, or definition, of "law" includes the requirement that people to whom it applies follow it. Authority, government, and the law all have a prima facie responsibility that you are often required to uphold, just as promises do.

To be impolite, we can tell the tone of the argument is Wittgensteinian by the sound of the italics. Conceptual connections that are sufficiently obvious give rise to these arguments. Once the nouns are modified with the adjectives "legitimate," "valid," and "genuine," or even "prima facie," there is very little space for maneuver. If, as is conceivable, we believe that a legitimate government typically has the authority to enforce duties, then obligation loses its validity. But take note of how the adjectives stray from the argument, particularly in the Pitkin passage. We can see how these arguments rely on the premise that is clear in Hegel, namely, that we may properly talk of bad governments as well as legitimate ones, of unjust laws as well as lawful ones, and of fictitious authority as well as real ones. that the institutions to which these phrases are employed have already shown their legitimacy via reason. If we do not proceed with the presumption that individuals to whom the law applies are required to follow it, we will discover that we do not judge that "it is part of the idea, the meaning of "law," that they are to be obeyed.

The meaning of Kant's quote is that we are never so bound or burdened by an organization that we are unable to distance ourselves from it, check its credentials, and consider if this is the greatest way to live. I think the issue of whether we can do so empirically. Some people may be able to accomplish this with regard to a certain institution, while others may not. Some people, when in a philosophical frame of mind, may try to rationalize things, like the demand that they take care of their children, but they discover that there is no defense they can provide that is as certain as the belief that doing this is just the right thing to do. Yet even while looking for a solid

foundation or a forgiving reflective balance could prove futile, it's crucial that we recognize the value of trying. No obligation is so obvious and unmistakable that we don't come across or hear tales of those who fail to recognize it. Even if we may be certain that we are right and that others are wrong, dialectically, we will likely discover that we need some kind of argument to back up our claims in order to change their moral viewpoint. We often think that what is prohibited in terms of decency is also improper in terms of argument. But to pose the hypothetical question, "Do I have to be able to show why having sex with a baby is wrong?" 'is to give up on the mission of teaching people who, in reality, do not perceive their wrongdoing about moral senses. It also means giving up on the struggle of defending one's convictions against willful opponents, and perhaps least importantly, it means failing to consider the possibility of one's own conscientious mistake [5]–[7].

In this way, the ethical viewpoint of individuals I've called "communitarians"²⁷ is limited. This perspective is strange for two reasons. First, conservatives have used it to criticize the impertinent, intrinsically critical attitude of contemporary liberal individualism. But, as Kant acknowledged, this skepticism of claims of authority is unique to the modern mindset.²⁸ Nowadays, post-modernist philosophers reject the project of rational legitimation as a failed and discredited component of the "Enlightenment Project." Together with the concomitant embrace of science and faith in human development, the work should be abolished. But, the conservative finds it difficult to support this line of reasoning since our intellectual heritage includes the tenacious questioning mentality that Kant praised.

At this point, it ought to be revered as a firmly ingrained and irrevocable component of our long-held views. Intellectual forelock pulling in the face of a ruler, priest, or professor is its corresponding sin, and it is just as dishonorable as pre-Copernican cosmology. To put concerns bluntly, the conservative cannot yell at individuals who challenge the legitimacy of institutions that they cannot be intelligently posed. "Who are you to oppose the family or the state?" bears no rhetorical weight since it is likely to elicit an intelligent affirmative response, such as "I am one who has been brought up in a culture with a philosophical and political heritage of posing such issues and striving to find a solution," which is not rhetorical.

The second peculiarity of this approach is that, when it comes to the issue of political responsibility, its proponents write as if the anarchist never existed, never wrote anything, and could not possibly be a figment of a vigorous intellectual imagination. Consider reading the writings I just mentioned to Godwin, Proudhon, Bakunin, or Kropotkin. They would laugh out loud before raging even louder in their leaflets. They would create new terms to criticize the grammar of the political institutions they disliked and urge their opponents to do the same. I reluctantly gave up on doing a thorough analysis of the anarchists' assertions by repeating the kind of "common-sense" advice about the logic of believing in ourselves and others that any anarchist worth their salt would laugh at. My fault. I contend, however, that the anarchist stance cannot be disproved by giving him a few lessons on how cunning fellowtravelers like myself truly talk in an attempt at a half-hearted apology. I believe there are some legitimate questions to be answered in between the two extreme views of dismissing the state and all of its operations on the one hand and wondering what all the intellectual commotion is about on the other.

Agreement and Consent

Rousseau poses the question, "What could have been the birth of the state, how could such a social situation have originated?" in the *Discourse on the Origin of Inequality*. An appropriate

question, in light of the state's powerful coercive capabilities. Nonetheless, one would think that the question is absurd given the context in which Rousseau presents it—a conjectural history of the human race that offers no "facts" and is instead filled with wild conjecture. Who can say when politics were first created, what state was the first to use it, and why, if they did, people embraced it? Who gives a damn? The thirty-page history of the world by Rousseau is not meant to be a cradle for those with a weak grasp of history. It was produced with a strong ethical objective in mind: to provide a benchmark account of human nature that would allow us to judge how degraded humans have become, as shown, in particular, by the growth of inequitable systems.

At the moment when Rousseau believes political institutions must have evolved, he makes two startling assertions. Secondly, he contends that for the institution of the constituted sovereign to be acknowledged as legitimate, all those who are under its control must have given their assent. He concludes that legitimate authority could not have come from the use of force because no rational person would accept the idea that "might makes right" and that the use of arbitrary power has its own justifications, an argument that he will later repeat in the opening chapters of "The Social Contract." Compliance may be required out of caution, but reluctant, compelled compliance does not constitute acknowledgment of authorship. Moreover, no inherent characteristic of people who hold sovereign authority should be taken into account for determining its legitimacy. Rousseau sums up a whole tradition opposing the application of this model to political life when he writes that "instead of saying that civil society is derived from paternal authority, we ought to say rather that the latter derives its principal force from the former."²⁹ A process of argument from elimination leads him to support the "common opinion" that regards "the establishment of civil society" as "the establishment of paternal authority."

Arguments for contracts rely on the more basic idea of consent. If we enter into a contract, you and I are willing participants in a binding arrangement that we have created. You want the business, and I want the coal. You will deliver it, and I will pay the amount, as agreed. We both agree to the trade, and we are both obligated by it. This image reflects the early stages of complex, finely specified moral and, most significantly, legal frameworks, in which a plethora of requirements and conditions are written out and arranged on library shelves. Such institutions are based on the idea that unpleasant situations, like your loss of the coal or my loss of the money received in exchange, may be changed into ones that are, overall, superior to the one before to the transaction. Consent is the magic element that turns what would otherwise be a performance in violation of someone's rights into a legal one. Consent begins the ethical discussion in these areas about what constitutes a proper, legitimizing agreement and serves as a critical dividing line between acceptable sexual activity and rape, acceptable use of your car for my purposes and theft, and acceptable employment of slaves versus hired labor.

There are laws, police, courts, and prisons in the state. It clearly has a repulsive appearance and urgently needs legitimization. Consent is the magic element once again in this case. If people can approve of it, then the process of legitimization has been successful. I don't see how this claim could be contested. There are a lot of obstacles I can perceive in its use. In the same way that Rousseau, following Locke and arguing against Grotius, claimed that voluntary slavery is inherently illogical, the anarchist may claim that the act of submitting to a political sovereign is so detrimental as to be irrational. Let's assume the anarchist is correct. The conclusion we are urged to reach is that, regardless of what people say or do, if submission is illogical, then their acts do not amount to rational, fully informed agreement. This conclusion criticizes a key

premise in the formulation of a contract argument. Such defenses do not challenge the conditional judgment: people have a duty to comply if they provide their assent. They criticize the claim that a minor premise that citizens consent is true. In a similar vein, the radical feminist who asserts that marital relations are rape challenges the notion that marriage vows or any subsequent authorization may be interpreted as expressing reasonable consent. Consent arguments are unchallengeable insofar as the argument's form is concerned: if x consents to y , x must accept y . X agrees to do so. As a result, x must accept y . Arguments in favor of consent are persuasive, which is why they are often used. Contract arguments are an extension of them in political theory, leading to the conclusion that all parties agree with the current distribution of power. After asserting that consent arguments are strong arguments and elaborating on their general force, allure, and status as "common opinion" in Rousseau's terms, I want to insist that all the important questions center on their usefulness because it is unclear whether or not they can be successfully applied. The dialectic should be seen to operate in the following way: We all acknowledge that consent includes obligation. The state then makes an effort to assume that the people's permission was given, knowing that responsibility would follow. Citizens next check the imputation to see whether they are indeed subject to the duty that the state claims they are. The state is creative. It makes a variety of arguments to back up its imputation of consent. Let's examine them in order.

Original Agreements

In the *Discourse on the Origin of Inequality*, Rousseau makes the case that the founding of government was a historical agreement between the people and the leaders. There are several models available. Locke agrees with Hobbes' description in *Leviathan* of the people making an agreement to submit to whomever wins a future election with the majority of the vote. Unanimously, free men agree to establish a civil society, community, government, or body politic³², which then transfers authority to whatever kind of government they see appropriate. Does such a contract establish a responsibility to follow the legitimate sovereign? Assume that each of these writers is reporting the facts as they see or believe them to have been. Indeed, it would. Is this defense effective? Everything hinges on whether or not such a contract has ever existed.

Whenever Locke wrote. Many individuals, at least in the version where the sovereign contracts with the people, obviously thought that such a contract was in place. King James VII of Scotland and King James II of England fled, and Parliament ruled that since he had attempted to undermine the Kingdom's constitution by violating the initial agreement between the King and the people, he had in reality abdicated. Students of the "Ancient Constitution" made a cottage business out of finding the original contract and describing its contents. The endeavor proved futile. Yet, it is a common feature of contemporary political practice that new constitutions or significant constitutional modifications be presented to the people in a referendum in order for the resulting settlement to be accepted as legal. De Gaulle's Fifth Republic was established in a referendum in 1958 and revised in 1962 after another referendum. Eastern European countries staged referendums proposing draft constitutions after the collapse of the Communist governments. A referendum in Britain approved the EEC in 1975, and another one in Scotland approved the creation of a devolved government in 1998.

These contemporary constitutional agreements are more precise than the hazy descriptions found in the classics. The first stage's requirement of unanimity is not satisfied. Nonetheless, there are enough similarities between them and historical accounts for comparable conclusions to be

made. If the state can cite anything close to a first contractual settlement when it addresses its people in the call for obedience, it has made a decent start. There will, of course, be numerous restrictions, some of which will become clear when we discuss the extent to which a citizen's engagement in democratic politics may be interpreted as permission. For the time being, however, we may acknowledge that people who take part in the institution of government have a duty to recognize the legitimacy of organizations they have authorized as contractors. In these situations, the consent argument is appropriately applicable to anyone who may be classified as contractors.

Notwithstanding this, it should be equally clear that many regimes do not apply these factors. There may or may not have been a constitutional solution placed to the people for approval, although many current residents were not involved. Those who were not parties to the contract cannot be said to be obligated to accept the conclusion inasmuch as the contract is asserted as the occasion of consent. If the state wants to prove that non-contractors are subject to responsibilities, it must provide further justifications [8], [9].

CONCLUSION

There is less social mobility in a culture with high levels of inequality based on caste, sex, religion, etc. This implies that they are denied the same possibilities throughout their lives. Hence, socioeconomic disparity has a significant impact on how their life turns out. When laws prevent some groups of people from getting the resources, they need to improve their lives, inequality is systemic. They are unable to work toward their definition of happiness. This perspective is clouded by structural inequality, which also restricts overall societal economic progress. Social justice theories place a strong emphasis on the idea of not having equal status, rights, and opportunities. Nonetheless, since it often means various things to different individuals, it is prone to misunderstanding in public discourse.

REFERENCES:

- [1] A. D'Onofrio, R. Minetti, and P. Murro, "Banking development, socioeconomic structure and income inequality," *J. Econ. Behav. Organ.*, 2019, doi: 10.1016/j.jebo.2017.08.006.
- [2] G. Liu, Y. Liu, and C. Zhang, "Financial Development, Financial Structure and Income Inequality in China," *World Econ.*, 2017, doi: 10.1111/twec.12430.
- [3] D. Hartmann, M. Bezerra, B. Lodolo, and F. L. Pinheiro, "International trade, development traps, and the core-periphery structure of income inequality," *Economia*, 2020, doi: 10.1016/j.econ.2019.09.001.
- [4] S. Moisio and H. Sirviö, "Spatial structure, relational inequality, and the regional development in Finland," *Terra*, 2021, doi: 10.30677/terra.100115.
- [5] X. Ye, L. Ma, K. Ye, J. Chen, and Q. Xie, "Analysis of regional inequality from sectoral structure, spatial policy and economic development: A case study of Chongqing, China," *Sustain.*, 2017, doi: 10.3390/su9040633.
- [6] A. G. Maia, A. Sakamoto, and S. X. Wang, "How employment shapes income inequality: A comparison between Brazil and the U.S.," *Rev. Econ. Contemp.*, 2019, doi: 10.1590/198055272331.

- [7] D. Hartmann, M. Bezerra, B. Lodolo, and F. L. Pinheiro, “International Trade, Development Traps, and the Core-Periphery Structure of Income Inequality,” *SSRN Electron. J.*, 2019, doi: 10.2139/ssrn.3312097.
- [8] G. Dancy and E. Wiebelhaus-Brahm, “Bridge to human development or vehicle of inequality? Transitional justice and economic structures,” *Int. J. Transit. Justice*, 2015, doi: 10.1093/ijtj/iju024.
- [9] L. Badstue *et al.*, “Making room for manoeuvre: addressing gender norms to strengthen the enabling environment for agricultural innovation,” *Development in Practice*. 2020. doi: 10.1080/09614524.2020.1757624.

CHAPTER 21

A BRIEF DISCUSSION ON NON-CONTRACTORS OBLIGATION

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ABSTRACT:

It refers to any written contract, including amendments thereto, in which the recipient agrees to spend money or actually does spend money in exchange for labor, services (including professional legal, financial, technical, and other services), travel, supplies, equipment, materials, or any combination of the foregoing, to be carried out for, provided to, or rendered to the contracting agency. In this chapter author is discusses the quasi-consent.

KEYWORDS:

Consent, Quasi-Consent, Obligation, Political, Philosophy.

INTRODUCTION

To express consent is to sign on the dotted line or to publicly say that one accepts a situation as it is. Married spouses often provide their permission twice, once when saying their vows and once while signing a register. Those who swear express pledges of loyalty may be state office holders, whose dedication to the particular responsibilities of their office is presumed within an avowal of broad scope. Yet some nations engage in this practice more often than others, chanting "I swear allegiance" and similar phrases at the drop of a hat. Naturalization rituals are a public affirmation; in the UK, prospective citizens only sign the necessary form in observance of traditions of humility and reticence [1]–[3]. There is no question that people who actively affirm citizenship in this way have accepted a responsibility and fulfilled their civic obligations. It is important to keep in mind that the specific tasks they have performed may not matter.

The one time a student asked me whether he could complete the last step of the citizenship process signing the papers in good conscience, I was asked for guidance on the legitimacy of my vocation as a philosopher. The statement he was asked to make required him to acknowledge the legitimacy of "Her Majesty Queen Elizabeth II and all the descendants begat therein," which was his problem. He was upset because he was unable to accept monarchy as a concept, not even the ineffective, symbolic form seen in soap operas. I assured him that there was no need to be concerned since I felt that my lack of ingenuity was justified by the slight odor of a philosophical issue nearby. Because embracing a monarchical principle is not a requirement of citizenship, he might join in good faith. Decent Britons may and do run campaigns to abolish the monarchy.

The moral of this story, which also applies to original contract arguments, is that even when it can be fairly said that these are the results of express consent, it is not always clear what those who express consent actually consents to. This is because even those who express consent may not be aware of what they are actually consenting to. It is important to note this because the state is hungry when determining its people's duties and is inclined to believe that if a person may be

considered to have accepted any responsibility, she must also have accepted the whole list, which is generously and naively specified. Even people who accept the responsibilities implied by their stated agreement should regard comprehensive specifications with caution, if not outright skepticism. The state crafts the contract's provisions and is an expert at the fine print, not to mention the conventional understandings and unstated connotations.

All things considered, it is clear that this argument has certain restrictions on its application. Neither I nor a lot of my neighbors have given this kind of approval. We shouldn't be expected to like the open request for such permission either. A common tactic of difficult regimes that encourage martyrdom or self-imposed exile as the best method to deal with disruptive but conscientious dissenters, oaths of loyalty are questionable unless they are the protocols of states which seek the enthusiasm of the new recruit. The government has cast a wider net and attracted more compliant people. Yet it's clear that the net has to be extended much farther. It seems to imply permission.

Tacit Approval

We first need a concrete illustration of tacit assent. The behavior that we're searching for may be considered to convey permission even if it doesn't always result from a contract or an explicit act of assent. It must be non-controversial and presume an obligation. Imagine I run across a bunch of my classmates in a pub and accept their offer to join them. I'm fortunate because one of them says it's her round and buys us all drinks as soon as I sit down. As the rounds go on, I accept the drink whenever it is given. When it's my time, I thank you very much for your generosity. I've liked having you around. I must go; I must be going. Have I made a mistake? Obviously, I have. I transgressed the law. Which laws?

If somebody made the request to specify the regulations under these conditions, it would be impolite. My actions are unacceptable. I cannot claim that there are no rules or that they are not obvious. The guidelines that direct our behavior in the situations I've just described are not clear in the sense that they are included in the definitive field guide to social conformity. I'm not aware of any particular guidelines that should direct one's reaction. It's only that I am aware of my responsibility to repay my students' generosity or, to extend the bounds of credulity demanded by innocence should be aware of it. The custom of the firm buying a round of drinks in turn has my tacit approval. John Locke, a philosopher, is credited for bringing tacit agreement to the fore in the contemporary literature on political responsibility. Locke raises an excellent point. Given that submitting to any government results in an obligation to obey, and given a priori that tacit consent is consent, the challenge is determining what constitutes tacit consent and how far it binds, i.e., to what extent anyone shall be regarded as having consented and thereby submitted to any government, where he has made no expression of it at all.

Two streams in Locke's response to this issue have been identified by scholars. Secondly, the use or ownership of land that is governed by the government is evidence of implicit permission. The assumption that all property located inside a territory is subject to the law of the land is present since only then may residents enjoy their property in safety. In light of this, the norm supporting the attribution of consent is that property owners submit to the government when it controls property to their advantage. This custom, which we must adhere to, is as widely accepted as the custom of drinking establishment etiquette that calls for rounds of drinks to be ordered in succession. If Locke is correct, the government may demand compliance from people who own

property, even those who are "barely traveling freely on the Highway," and present them with the bill as their rightful obligation as citizens.

The second argument is drawn from the first as a qualification. In light of the fact that "The Responsibility that anybody is under, by Virtue of such Enjoyment, to submit to the Government, starts and stops with the Enjoyment,"³⁵ one who sells everything and departs may renounce the duty. Given the possibility for express protest, one may infer that those who choose not to do so are giving their permission. As a result, the state may increase its scope by assigning consent and the obligations that go along with it to those who remain and, presumably, continue to benefit from safe possession. Are these justifications convincing? Before addressing the first, we should be aware that everything relies on the norm that Locke outlines being in place. It is obvious that individuals to whom the convention applies have the corresponding duty if the convention is in existence, everyone knows it, and everyone accepts it. If the common room has a regulation or custom requiring that anybody who drinks coffee contribute 50p to the pot, then everybody who uses the service is required to chip in. In a similar vein, we must look at whether such a law applies to people who take government benefits. Locke's conclusion is accurate if there is such a convention; but, if it does not exist or if its existence is seriously disputed, the state is not authorized to require compliance.

This remark may seem obvious and it is but it is important to make because it draws our attention to an ambiguity in the state's arguing approach. As portrayed by Locke, it seems that the state is making two claims at once: first, that if there is such a convention, then responsibilities follow; second, if there is such a convention, and as a result, people should accept their legitimate obligations. Of fact, the state is perfectly free to support both of these statements. I believe that the first thesis should be easily accepted since it is conceptual. Contrarily, the second thesis makes a controversial factual claim about the existence of a norm or moral law. There are anarchists in the field, despite what they may claim, as we have seen. As we examine the implications of people receiving benefits for political commitment, we'll come back to this subject. It's possible to make an argument for a different conclusion: people who accept the benefits of the state should also embrace the responsibilities of citizenship, even if they don't in reality. Even if there isn't yet a convention to tie them, they should nevertheless acknowledge such a convention.

The second peculiarity of this argument, which was made prominent by Hume, is worth noting.³⁶ If there is a regulation in a given community that people who get benefits from the state are also required to do citizen obligations. Such a regulation may be enforceable for a variety of reasons. There are many more arguments to come. Some may argue that each person finds such a law to be in their best interest, others may argue in a utilitarian way that adhering to such a rule increases the well-being of people, and so on. But why should one go farther and assert that the receipt of benefits shows agreement, even if it is only tacit, once such a regulation is acknowledged as having an impact on citizens' obligations? Doesn't the fact that the regulation is in existence and a citizen accepts the benefits establish the fact of the citizens' responsibilities on its own without the need to prove the additional or implied fact of their tacit consent?

If we go back to the boozier's etiquette example, we can see that a key aspect of it was that the individual who incurred the obligation willingly took the beverages in full awareness of the reciprocity norm that applies in pubs. He might have declined the drinks or he could have taken one after explaining that he wouldn't be able to return the favor. These precautions would have released him from any financial responsibility to purchase a round. It is legitimate to talk about

tacit consent since he has these options available to him and they are recognized to be so. It is not immediately apparent that such circumstances apply in the case of the state, which ordinarily does not give us the choice to refuse the products and continue to be a free agent. The unwary receiver receives many of the benefits claimed, such as exceptional prenatal care, cod liver oil and orange juice, and free educational opportunities. Before the youngster turns and is expected to make payment as an adult, many of the rounds of beverages will have been purchased.

Nonetheless, there is some validity to this claim. Someone may legitimately perceive oneself to have given their agreement to the regime if they believe they have taken advantages from the state in the belief that doing so entails a duty to follow. Some people who believe this reasoning would go to great lengths to physically distance themselves from the benefits and the state that delivers them. They may seclude themselves in the untamed areas of Montana or Idaho, subsisting off of occasional treks to the nearby gun shop. The enemy of all notions of political responsibility is Militia Man. Whatever justifications may be offered in support of his consent, he will truly deny them. But, this does not mean that all other reasons for his possessing the responsibilities of a citizen must be refuted.

In order to fully understand the second sign of tacit consent, i.e. the absence of overt disagreement. One might imagine situations when the absence of verbal opposition can legitimately be interpreted as witnessing acceptance, much like in the bar example. If the meeting's organizer asks us whether we have any objections to register to her plan and we keep mute, we should consider it to be an express declaration of our approval to all that is included in it. This is a helpful norm that speeds up committee work, but it invites a lot of hypocrisy and self-deception when a follow-up explanation of one's behavior is required. We can tell that something is wrong when politicians ominously note in their diaries, "I stayed mute." The space made available for deceptive tactics serves as a reminder that there is an unspoken norm at work. Can a citizen's obligations be confirmed by such a convention?

Once again, it may be. A person may believe that she has been entangled in the policies to which she consented because she refused to object when the chance to do so presented itself. This is a responsibility of citizens that sometimes goes unrecognized, but both passive citizenship and active participation may call for the need to shoulder some blame for the acts of the government. As with the acceptance of benefits, the citizen's failure to voice disapproval might testify agreement and establish related duties. Nevertheless, keep in mind that while these arguments are convincing when made by people, they may also be made in the voice of the government, in which case they might not be as persuasive. When disagreement is expensive to the citizen and exposes them to danger, they will not be prosecuted.

The absence of disagreement cannot be used as evidence for the legitimacy of a state that effectively persecutes dissidents. The state may concur with this judgment, claiming that our continued presence signifies our implicit approval. Locke had in mind the citizen's option to "by Donation, Sale or otherwise, Leave the said Possession" and leave the country, maybe joining other dissidents in doing so. Hume's scornful answer to such a claim is appropriate: When a poor farmer or craftsman has no knowledge of a foreign language or etiquette and depends daily on his little salary, can we really conclude that they have a free choice to leave their country? While he was hauled on board while dozing off and will have to jump into the water and drown the instant he exits the vessel, we might just as well claim that a man willingly consents to the master's control by staying in the vessel. Hume's rules are fair, yet the dialectic has a stipulation that he did not include. There have been many instances where citizens have had the means to

emigrate and have found a state that would welcome them and that they would also welcome as being infinitely better than the state they wish to leave, but they have been denied the right to do so, or else the emigration process has been made risky, expensive, or humiliating. One may consider the situation of Jews in the former Soviet Union. This incident demonstrates that nations that resist their people's aspirations to emigrate cannot infer from their continued residency that these individuals have given their implicit approval. In the event of citizens who choose to remain, it is also ineligible to make this claim. The fact that these results follow logically from the absence of verbal opposition demonstrates that the case for tacit consent need not be as flimsy as Locke claims, nor nearly as weak as Hume's counterexample implies. These well-known arguments from implicit consent do apply to certain situations. The state has once again extended its net and added some more people to it. Nonetheless, there will still be a large number of persons who can sincerely deny its accusation. The state then looks for further justifications.

DISCUSSION

Quasi-consent

Peter Singer addresses the specific issue of whether people of a democratic society have special motives to embrace their civic responsibilities as established by majority rule in his book *Democracy and Disobedience*. We have only discussed the state thus far, omitting to include the constitution. We may have been talking about any old state. The sole issue at hand was whether the public genuinely gave their agreement through the original contract's explicit or implicit methods. In order to explain the unique kind of not-quite-consent that is inherent in voter behavior, Singer advances the concept of quasi-consent. He thinks that their actions imitate consent. The same normative implications may be derived from their behavior as can be reached in the case of genuine consent since they behave as if they are giving their permission. Nothing amounts to explicit permission if we define voting as obtaining a ballot, presenting it to the poll worker, crossing the box in a private booth, getting a ballot, and depositing the ballot in a box for counting. It would be simple to mandate that legitimate documents include a signature confirming the voter's agreement to abide by the results of the vote. Such a declaration has never, to my knowledge, been made a requirement for participation. Voting, thus, is not explicit permission even if it attests consent [4]–[6].

Singer attempts to distinguish between tacit consent and quasi-consent, contending that the attribution of tacit consent, as explained by Locke, assumes that citizens actually give it — if not expressly, then "as saying in their heart" that they consent, as acknowledging at the moment that they act in a way from which consent can be inferred that they do so voluntarily.⁴⁰ The phenomenon of quasi-consent, by contrast, attests the implications of voting behavior, specifically the implications of voting I fail to see a distinction. If one had traveled from Mars and had been hosted by a bunch of kind students, and if one had been really unaware of the prevailing customs of going to the bar, a tacit consent may be justifiably rejected. The only issues are whether there is a rule guiding everyone's behavior, whether the Martian or the visitor knew the rule, and if not, should they have informed themselves of it. Should the Martian and the fortunate instructor have completed their assignments before going to the bar? In general, ignorance, as shown by a "No" response to, will excuse, albeit the justification wanes if "Yes" is determined to be the correct response. If we come to the conclusion that the beneficiary knew or should have understood the ethical ramifications of his actions, we will find that he is subject to the same obligations as someone who gives their explicit assent.

Yet doing so would be making assumptions about the situation. I support Singer's use of the word "quasi-consent" not because it differs normatively from that of "tacit consent" which it does not but rather because it denotes a unique argument that is applicable to the particular context of voter behavior. On the basis of a convention that is specific to the setting of democratic choices, the voter's quasi-consent is traceable. The philosopher's insistence that taking part in democratic decision-making processes is a third indicator of tacit agreement is something I would not argue with. Yet, it is important to stress how unique this symbol is. It is not a matter of giving up protest or accepting benefits. The justification for the conclusion that the voter has agreed to follow the majority's choice further clarifies our understanding of the voting procedure. That expresses what the voters think they're doing. Consider any situation where voting is required: for or against a strike by the workers who are up for election, for a representative to serve on a local or national council, or for or against a proposal for public policy that is up for a vote. It is always assumed that the decision reached by the majority would be followed by everyone who participated. This presumption is open to question. For instance, I have spoken to several people who participated in a strike ballot but did not agree that they had to accept the results. They believed that if going on strike would violate their personal duty to the university administration, they should do all in their ability to stop others from going on strike, even by voting against one while refusing to accept the result should the majority decision go against them. These are the difficulties encountered on a picket line at a university.

I'll talk more about democracy in the next chapter. For the time being, all I can say about a voter who rejects the choice of the majority is that they do not understand the purpose of the exercise in which they participated. No one needs to vote in favor of or against a specific policy in a respectable democracy. Each voter has the option to spoil their ballot or abstain where voting papers must be filled out. This may be an innocent interpretation of the reality of voting in all contemporary countries. It's possible that people who desire a plague on both of their homes may be exposed and punished. Given the many ways that decisions might go wrong and the numerous tools at their disposal, the only thing that can be done is to ensure that whatever the justifications for using democratic methods to settle disputes should be made clear to participants. When these factors are taken into account, individuals who participate in democratic processes should follow the verdict.

Maybe this is not evident. As we have seen, there is undoubtedly no law that sets forth the convention, and individuals who are eligible to vote are not required to pass a test proving that they are aware of the moral ramifications of voting. There is no other way to support the claim that voters agree to abide by the outcome of the vote except to flimsily declare that "voting and agreeing have conceptual connections". The conceptual connections may be articulated by outlining the purpose of the voting process. It is not a technique for gathering opinion or a survey intended to determine which candidate or policy is most favored, which data may be used when a choice is made. It is a method of decision-making in and of itself. The choice is determined when the votes are tallied. Between the act of voting and the pronouncement of a verdict, there is no logical room for additional deliberation of the kind that may provide for a chance for demurrer.

We'll see in the next chapter that there are several benefits to making choices democratically. One of the most significant of these is the fact that democratic choices obligate people who take part in the decision-making process to accept the outcome. Voters have taken on citizenship obligations in the state-defined sense when the outcome is the establishment of a government. While I can't think of any counterarguments to this one the state has once again produced a

strong one it shouldn't be assumed that it gives any one regime the right to assert universal loyalty. The argument establishes that those who participate as voters take on the responsibilities of citizenship, so it follows that one obvious way to repudiate the obligations is to not participate. However, the real world is a messy place, and there are many qualifications that need to be registered. Most obviously, this implies that there is only one way to do so. Don't vote if you don't want to be held accountable for a strike decision.

This restricts the state's ability to appeal since we know that some people again, militia men will refuse to enter the polling place, enter it, smear their ballot, or even strip off in protest as Jerry Rubin instructed voters to do in the 1968 US Presidential Election. Yet, the situation just gets worse. In the case of elections to a representative assembly, the legitimacy of its judgments may be hampered by structural flaws in the body. It could stand for a powerful majority that enforces laws that violate the rights of minorities. It may go against a clear mandate by either failing to implement policies outlined in the winning party's platform or implementing unstated objectives at the time of the election. Due to factors like these, it is clear that voting does not equal to giving someone a blank check. In actuality, the consent will be conditional on additional knowledge of what the citizen is logically justified in accepting. Some requirements, such as the need to preserve minority rights, might result in the loss of all influence over governmental choices. Others may prompt individuals to question the legality of certain laws due to the specifics of the mandate. As a result, some people in the UK who were persuaded to oppose the Tories' 1988 Poll Tax Act by refusing to pay the locally created fee were happy to continue paying income tax.

The state will discover that it has gained more support for its claim to allegiance after advancing the argument introducing voter quasi-consent. More citizens will recognize that their obligations as citizens are incumbent upon them or that there are additional reasons for them to acknowledge obligations that they already accept. If the state is fortunate, it will discover that all of its people have in reality agreed to the obligations it imposes. If it is sincere, it will take all reasonable steps to make sure that the populace is willing to do so. It shouldn't expect this kind of success because, for one, anarchists have compelling reasons to reject its allures, and as the survival of bloodthirsty Militia Man demonstrates, some people will stop at nothing to thwart the imposition of consent. People's permission cannot be used to justify their obligations if they haven't given it in writing, whether in an initial contract or constitutional provision, explicitly, implicitly, or in the way of voting. The ambitious state will not be satisfied with this outcome. It will look for further justifications to impose obligations on its rebellious inhabitants and other justifications to strengthen the loyalty of those who do agree. It could try to prove that people who don't assent should do so and then assert their hypothetical consent or partnership in a fictitious contract as a result. Next, we'll look at these defenses.

Imaginary agreement and fictitious agreement

In a well-known quote, Dworkin states, "A hypothetical contract is not only a pale imitation of a real contract; it is no contract at all." This statement suggests that more has to be done to prove the validity of arguments that depend on hypothetical consent or contract. They are unable to depend on the normative ramifications of consent or contract behaviors. Their power must come from somewhere else.

Hypothetical consent works as follows: hospital patients are often requested to agree before having surgery performed on them. Otherwise, it would constitute an assault to invade their bodies. Some patients, particularly those who are unconscious, however, are unable to grant

permission. In these situations, the surgeon should ponder the following hypothetical: If the patient were conscious, sensible, and fully aware of the nature and likelihood of success of the planned surgery, would he consent? It is crucial to recognize that the answer to the fictitious question can be "No" since surgeons' temperaments predispose them to act in order to save lives, heal illnesses, or progress medical knowledge. The best method to respond to the hypothetical question is to collect the kind of information that friends and family can provide so that the surgeon has the best understanding of the patient's decision-making process possible.

This may be simple since the patient may have strong religious convictions that forbid the kind of surgery that is being considered. Another possibility is that the patient has informed his family that he does not want any more painful, costly treatments with little chances of success. Or maybe he has admitted to others that he would cling to any scrap of hope for a longer life, even one of mediocre quality. By using this kind of information, the surgeon decides what she thinks the patient would have done and replaces his judgment with her own. Speaking about hypothetical consent in this context is helpful because it conveys that the decision is being made from the perspective of the patient, gathering the kinds of facts that would have been important to his choice, had he been in a position to make one. The surgeon may have made a different choice after weighing factors like the development of medical knowledge or procedures, which may not have much significance to the patient.

According to this interpretation, hypothetical consent seems to have little significance in determining whether people have obligations to the state. If there are mechanisms for determining whether or not folks truly consent, why should one want to create it? What type of preference data, if any, might be used to replace that obtained by questioning citizens? The study of hypothetical permission can only be motivated by widespread irrationality, which is the only presumption that makes sense. Like with the sick, one must presume that people are unable to determine logically whether or not they are subject to the responsibilities imposed by the state. We should consider this presumption to be incorrect. Who would voluntarily admit that applies to them? We should be very hesitant to use this tactic in an effort to determine the obligations of citizens only because we are so aware of the circumstances that demand for the examination and imputation of hypothetical consent.

A near relative of hypothetical consent is hypothetical contract. The lack of a straightforward example or model that demonstrates the realm of its potential applicability outside of the framework of philosophical discussion hurts it as an argument form. Maybe arguments that assume a contract are necessary for certain types of historical judgment. Asking whether we would have proposed or accepted the provisions of the Treaty of Versailles may help determine if it was a good idea or whether those who imposed it should be held accountable for the severity of the demands they made on Germany in 1919. However, there is a significant fit problem with hypothetical consent. We are trying to recreate the patient's logic in this situation. Regarding the Treaty, we are attempting to make decisions based on our own judgment under the same conditions as the original parties. By attempting to use a hypothetical contract in the current situation, we can determine its applicability most effectively. Once again, we should embrace an ambitious state's viewpoint. In the situation of the resistant citizen, when its attribution counts most, we are assuming that it has failed to establish consent. Can we convince him that he should consent even though we haven't established that he does? Can we persuade him to acknowledge that, despite the fact that he hasn't really done so, he should have consented to the state imposing

the obligations of citizenship? Can we assert that he must accept the conclusion he rejects because of other things he considers to be true?

We might assume that it costs money to embrace civic responsibilities. The state enforces its demands. It warns its residents that failure to comply will result in fines. These abilities are repellent to everybody within their grasp, as we saw when talking about the challenge of the anarchist. A sensible person should accept these capabilities as justified as the cost of obtaining commodities that he values more, according to the hypothetical contract argument. The turning point occurs when the citizen realizes his situation is societal in nature rather than personal, and when he understands that a workable solution encompasses more people than just himself. To bowdlerize Hobbes, the inventor of this line of reasoning, is the easiest way to describe this paradigm of thinking.

Consider for a moment that we are living in the state of nature, outside of the state. We prioritize maintaining our lives while working to further our personal interests. Yet we consistently run against obstacles. Every one of us discovers that the actions of others who are also interested in power thwart our attempts to utilize it to both sate our wants and defend ourselves from those who would abuse it. Nothing restricts this quest for dominance in the natural world. As nobody is currently obtaining what they want, it is necessary to alter the conditions around human contact. The rules of the game need to be changed since the unrestricted pursuit of our own interests undermines its own accomplishment.

There are four options. The first is the miserable status quo, in which we all compete for dominance. The second scenario is that I am the only one with authority, but nobody else would acknowledge it. The third possibility is that all the power belongs to someone else, but that won't work for me. The last scenario is that no one has any influence on anybody else. By forgoing our own aspirations for power and delegating our authority to a third party who will create the circumstances for peace, we may all work toward this goal. We get to the conclusion that accepting a sovereign power's dominion over them is logical for agents who want to maintain their existence under comfortable living circumstances. The outcome of our many discussions is that everyone of us believes that if we do not already have a sovereign, we should create one; if we have, we should maintain it while respecting its power.

You'll have a lot of doubts about this tale. But consider the result. We have depicted the conflict as being resolved by an application of practical reason by each participant involved. Not everyone has consented to shake hands or sign a treaty as a gesture of mutual respect. The agreement that has been modeled is agreement in the bare-bones meaning of agreement with the line of thought followed and the conclusion reached. As we all reason in the same way from the same premises, we arrive at the same conclusion. Things continue as though we had signed a contract. One may argue that this is a bad kind of contract. After all, if you ask us to all write down the following sum's response, we will all do so.

This criticism overlooks a crucial aspect of the narrative. As opposed to the mathematical situation, each individual was compelled to take into account the reactions of others and reorganize their priorities in accordance with their assessments of what conclusion others might credibly be expected to accept. Each individual performed the moral calculations on their own, but they all discovered that they needed to consider how others would react. Each person's initial preference that they have all the power could not withstand the clear realization that others would not find this acceptable. Each "contractor" thus reduced their goals, looking merely for

arrangements that would satisfy both parties. A hypothetical contract serves as a tool for simulating the practical motivation of individual agents looking for a solution to a problem in which acceptance of a solution is a need since consensus is the only path forward.

While I won't justify these attributions in this essay, I find this style of thinking to be explicit in Hobbes, implicit in Locke, and both explicit and implicit in Rousseau. It remains to be seen whether or not it amounts to a convincing defense of sovereign power and the need of the people to submit to it. It is important to make an explicit inference from the usage of this argument form. As I alluded to previously, using the hypothetical consent argument to determine political responsibility raises some troubling ethical issues. It seems to assume that people are considered as illogical when reasons are ascribed to them that they would probably reject and that they are unable to determine for themselves if they had duties as citizens.

This is not implied by the hypothetical contract justification. On the other hand, it must take into account the annoying possibility that people may be unaware of the preferences and values of others or that they may discount them in their reasoning, making it possible that they will be unable to find solutions to the issues they create for themselves insofar as they do not take these factors into account. The hypothetical contract model describes the best possible line of thinking. Application of the model is required in situations when we cannot expect people to whom it applies to follow either its premises or its conclusions due to moral ignorance, shortsightedness, or outright irrationality.

It specifically portrays a democratic sovereign as a fair mediator between competing claims to power. By examining how such an argument pertains to Militia Man, we may examine this hypothesis. Be aware that despite his retreat into the wilds of Montana or another location, he has not been able to protect himself from the virus of other members of his community. He continues to make accusations against them, most importantly that they stay off of his property, and backs them up by threatening to fire his automatic rifle. Even in this narrow field, he makes a claim, thus it's critical to consider how that claim could be decided when it conflicts with other claims. He won't use physical force or weapons if he is sensible. As Hobbes predicted, a coalition of conflicting claims would eventually succeed in capturing him.

He cannot keep saying he poses no danger. His neighbors will be concerned that he would shoot at youngsters or livestock that are wandering the streets. Regardless of his prior beliefs on large government and the like, he should understand that he must make a compromise, which entails recognizing a process for the arbitration of conflicting claims. Everything he values is at danger if he doesn't take this action. The state presents itself as the arbitrator of conflicts and the enforcement of legitimate claims to refractory individuals like Militia Man. As long as a third party can resolve conflicts successfully, Hobbes would tolerate it. In the unlikely event that Militia Man has mistrust for the government, it may nonetheless provide him with a role in the formulation of laws and the adjudication of disputes via democratic processes. He should accept the offer, but if he doesn't, its conditions may legitimately be forced upon him nonetheless.

I haven't done much more than build on an argument structure and provide a shaky illustration of its application in order to demonstrate the idea of hypothetical consent. Despite its lengthy history, the logical justification for political duty is the weakest in terms of the level of specificity it calls for. It seems to be weak at two distinct points: the first has to do with its Hobbesian roots. It presupposes an ambitious universalist psychological account of human nature. While Hobbes' own version, which emphasizes self-interest, is undesirable, it is fair to

say that these are weak, rather than strong, underlying assumptions. Even if we may have interests other than self-interest, when our lives are in danger, one interest is unquestionably jeopardized and must be sacrificed in order to protect the other interests. The Militia Man may have said, "Give me liberty or give me death," but this is more appropriately interpreted as a protest against colonial rule than as the current bureaucratic state's habit of distributing income tax forms. It seems strange that someone who readily pays purchase tax to acquire a rifle would truly believe martyrdom is a sensible substitute for paying other taxes. Stronger versions of the grounding premiss provide more hostages to chance, yet they may be successful in avoiding criticism. According to Locke, the three things that we need the state to safeguard are life, liberty, and property. Under the assumption that we would not be vulnerable in respect of these goods, Rousseau would have us acknowledge as legitimate a state that protects our lives and property under circumstances of maximum liberty and equality.

These premises are obviously weak since they amount to empirical statements, at least in the sense that they witness to common human needs and values. Nonetheless, it might be challenging to find spokespersons for opposing views. Religious perspectives that claim these things don't truly important may be imagined. In the grand scheme of things, they are little in comparison to the promise of redemption and the sanctity of the soul. Such viewpoints often begin with a defense of theocracy rather than a justification for the spread of anarchy on the basis of religion. But, I suppose that is a unique situation. Cult members have been seen on television perish rather than consent to governmental control of their weapons. This should serve as a warning about the second weak point in the hypothetical consent argument. It involves a rejection of the anarchist notion that the state as we have experienced it or as any political utopia is likely to grow would eventually harm the things we most value. It needs us to acknowledge that the goods that we cherish cannot be safeguarded or promoted without the state. As this is essentially an empirical claim as well, I'll let the reader decide how to judge it [7], [8].

CONCLUSION

When one side has an advantage over another, the quasi-contract is intended to provide a fair result. The plaintiff, the person who was harmed, is entitled to compensation equal to the worth of the object from the defendant, the party who gained it. When an offer specifies a timeframe for acceptance, the offer is deemed accepted by the sender if the acceptance is received by them within the time frame specified in the offer. Where there was no original agreement among the parties and there was a disagreement between them, the court issued a quasi-contract to prevent one party from unfairly benefiting from the circumstance at the cost of the other parties.

REFERENCES:

- [1] F. Ardalan, N. A. Almasi, And M. Atasheneh, "Effects Of Contractor And Employer's Obligations In Buy Back Contracts: Case Study Of Oil Exporting Country," *Entrep. Sustain. Issues*, 2017, Doi: 10.9770/Jesi.2017.5.2(13).
- [2] H. Aladağ, G. Demirdöğen, And Z. Işık, "Investigation Of Dispute Factors And Effects On Construction Projects Arising From Covid-19 Pandemic As A Force Majeure Event," *J. Fac. Eng. Archit. Gazi Univ.*, 2021, Doi: 10.17341/Gazimmfd.784968.

- [3] R. Nemati-Lafmejani, H. Davari-Ardakani, And H. Najafzad, “Multi-Mode Resource Constrained Project Scheduling And Contractor Selection: Mathematical Formulation And Metaheuristic Algorithms,” *Appl. Soft Comput. J.*, 2019, Doi: 10.1016/J.Asoc.2019.105533.
- [4] G. Nong Pio, I. N. Sutarja, And I. W. Yansen, “Analisis Faktor – Faktor Pemilihan Pemenang Lelang Jasa Konstruksi Pada Proyek Pemerintah Di Kabupaten Sikka,” *J. Spektran*, 2015, Doi: 10.24843/Spektran.2015.V03.I02.P08.
- [5] C. Osakwe And U. E. Umoh, “Private Military Contractors, War Crimes And International Humanitarian Law,” *Sci. Mil. - South African J. Mil. Stud.*, 2014, Doi: 10.5787/42-1-1081.
- [6] C. K. Lee, “Understanding Decisions To Suspend Works: When Employers Do Not Pay,” In *E3s Web Of Conferences*, 2018. Doi: 10.1051/E3sconf/20186503001.
- [7] *Et Al.*, “Revision Of The Terms Of Public Procurement Agreement Due To A Significant Change Of Circumstances: Economic And Legal Aspect,” *Econ. Law*, 2021, Doi: 10.15407/Econlaw.2021.01.010.
- [8] N. Mashwama, C. Aigbavboa, And W. Thwala, “Occupational Health And Safety Challenges Among Small And Medium Sized Enterprise Contractors In South Africa,” In *Advances In Intelligent Systems And Computing*, 2019. Doi: 10.1007/978-3-319-94000-7_7.

CHAPTER 22

A BRIEF DISCUSSION ON GOOD GOVERNANCE

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ABSTRACT:

Good governance is the process of evaluating how public institutions manage public resources, conduct public affairs, and ensure that human rights are realized in a way that is mostly free of abuse and corruption and with proper consideration for the rule of law. In this chapter author is discusses the principle of fairness. The arguments from consent or contract that we have been looking at have all said that we either do, have contracted, or have agreed to the obligations of citizenship, or, in the event of a hypothetical contract, that we ought to accept the obligations of citizenship. It is essentially immaterial why we consent in the event of true consent. We are bound to our spouses because we declare our marital vows.

KEYWORDS:

Contract, Duties, Governance, Liberalism, Obligation.

INTRODUCTION

The reason we act in a certain way is irrelevant to the reality of our commitments; the same holds true for our civic obligations. But we can anticipate that a state seeking our assent would provide us justifications for doing so. The obvious method for a state to achieve this is to benefit us. As we've shown, there may be situations when our voluntary reception of benefits is an indicator of tacit agreement, even while the availability of benefits isn't always a justification for imputing it. Arguments that depend on hypothetical consent also demand that the state provide the goods. The method behind the argument explores the idea that a rational person would pay the costs of obedience in order to benefit from other people's compliance. We get to the conclusion that we should assume the responsibilities of citizenship via attesting consent after considering the advantages we stand to gain from each of these arguments in reasonable variants. That makes sense that way. Without expecting to get anything in return, why would anybody accept to the imposition of duties? Why would someone agree to a contract that would restrict their freedom unless doing so would serve their interests or uphold their moral principles?

But, it is important to pause here and reevaluate the significance of Hume's query. When the advantages of government are clear, why ask for or assume consent? Isn't the fact that everyone benefits from it a good enough justification for us to embrace our citizenship obligations without going through the superfluous motions of attesting consent? That could, as we will see, but if permission is really obtained or contracts are entered into, it is a crucial point that the state should highlight. The hypothetical contract has no contract that has to be attested. Consent arguments are entirely legitimate, as I've said previously. We can anticipate those who have agreed to acknowledge their power. Yet some people won't agree. They won't give their explicit approval or sign anything that may be considered a contract. They will respond differently or

expressly deny the imputation as soon as they perceive that tacit consent may be assumed. They won't cast ballots or take part in any other democratic processes. They will also contest the validity of the assumptions used in order to arrive at fictitious contracts [1], [2].

Does the state have any other justifications to offer? That does, really. The two further justifications that we'll look at start off with the premise that the state provides for its people in a way that Hume considered reasonable. In what follows, I'm going to presume that Hume was accurate in his factual assertions. The arguments that follow have no merit if he wasn't. But the state that seeks our loyalty and the citizen who seeks to evaluate its claims place more than just intellectual value on this qualification. It is necessary for the state to show how its interests are benefited by pressing us to fulfill our commitments to it. It imposes a burden of evidence on the state that is consistent with liberalism's natural impulses.

The principle of fairness

According to this viewpoint, justice demands that people who get benefits from the state repay those advantages by bearing their fair share of hardships and performing their civic obligations. It was first doodled in contemporary times by H.L.A. Hart: The right to a comparable submission from others who have benefited from one person's submission exists when many people operate any cooperative venture in accordance with regulations and therefore limit each other's freedom. In his 1964 work, "Legal Obligation and the Responsibility of Fair Play," Rawls expanded on the thesis. Nozick mutilated it in *Anarchy, State, and Utopia*. In *Moral Principles and Political Obligations*, it was reported, expanded, defended, and ultimately rejected by Simmons. In *The Principle of Fairness and Political Obligation*, Klosko revived, developed, and supported it.⁴⁷ Hart makes it clear that this account of the origins of political obligation should be sharply distinguished from those that derive obligation from consent or promises. If the argument is successful, it has the same ability to impute duties to individuals who openly disavow consent as the argument from hypothetical consent. Nonetheless, it may be quite difficult to discern between situations where the argument holds true and those where tacit agreement is clearly present. Take into account Robert Nozick's well-known objection to see this:

Imagine that some residents of your neighborhood discover a public address system and want to implement a system of open entertainment. Your name is on a list of names that is posted every day. A person is responsible for operating the public address system on his designated day. He may play records, provide news updates, share hilarious anecdotes, and more. Your day comes after 138 days, during which everyone has contributed in their own way. Do you have to wait your turn? By periodically opening the window to listen, taking in some music, or giggling at someone's hilarious tale, you have benefited from it. The other individuals have exposed themselves. When it is your time to respond, though, are you required to do so? Definitely not as it stands. Even while you gain from the arrangement, you may have known all along that giving up one day would not be worth the 364 days of amusement provided by others. It is difficult to disagree with Nozick's conclusion regarding this specific example, not least because we are naturally wary of others forcing gifts on us and then expecting us to reciprocate in some way. You would prefer not to have any of it and not give up a day than to have all of it and spend one of your days doing it.

DISCUSSION

The most straightforward approaches would be to mention the hesitant payer consenting to establish such a scheme, voting for its establishment in a neighborhood election, or neglecting to

object when given the opportunity to do so. But, the discussion would then confirm some kind of agreement. Maybe the narrative might be expanded such that the listener enjoys hearing, looks forward to her trans-journey, and then tries to avoid serving her stint in the same manner as fare dodgers board buses and get off without paying. She now presents herself as being tight-fisted with her time in the same manner as those who leave a bar without paying for their round. I don't believe we can accuse her of being unjust to the point of failing a responsibility, unlike the non-payer at the pub, unless we can identify some norm that she knows and breaks. We may develop the tale to show that she is a poor neighbor who is ungenerous and miserly [3]–[5]. Those who uphold the fairness principle will undoubtedly assert that the concept is the driving force behind convention. But this is inexcusable. Nozick's counterexample shows why much more specificity is required. My gut feeling is that it will be increasingly obvious that we are tracking understandings that are familiar to individuals participating in cooperative endeavors the more specificity is offered to make the particular example understandable. And the more clear-cut it becomes that we are seeing good ol' fashioned tacit agreement, the more explicit such understandings become.

It is a suspicion that would need to be confirmed when discussing specific instances. But, we can save ourselves time and effort by simply examining how this justification was used to prove that people had obligations. Hart's argument has an intriguing twist in that if citizens have such obligations, then they are due to other citizens rather than the sovereign. So, we may think about how effectively Hart's principle works. I find it strange to conceive of a state's administration as a collaborative venture amongst its residents. We just find ourselves here, much like Nozick's unhappy listener or Hume's shipbound traveler. Nonetheless, we could discover that residing here offers advantages. The state is an excellent service provider. It enlists armies to defend us from foreign aggression, police, and other law enforcement agencies to keep us safe from criminals, healthcare providers to keep us healthy, and educational institutions to help us earn a livelihood. The state may serve the people as it purports to do. Some of these services are offered randomly. The police force perceives our opinions of some of these as being half-heartedly supported, while others may be aggressively pursued. We could wait in line for social services or hurry to the hospital for care. We may ask the government to provide additional highways or better garbage collection facilities. Some of these services may be loathed by us since we feel that they jeopardize both our safety and our morals. This is how many people feel about the "nuclear umbrella." If it rains, God help us!

Let's say we take use of what the government has to give, identify certain benefits and demand them, or ask for protection or help from the government. If we refuse to embrace the responsibilities that come with being a citizen, are we being unjust to our fellow citizens? We may be, I believe. Indeed, there are cases that give the impression of injustice, such as when those who benefit greatly refuse to shoulder a modest burden. A extremely affluent family, who owned large estates in the Scottish Highlands and a chain of butcher shops, as well as polo players and friends of royalty, was well-known in Britain in the 1970s for not paying taxes on their company's profits for the majority of the previous century. Those folks are living above their means. Who knows what tunes their intelligent accountants' prepared income tax forms will be singing to them when they sign them? Governments support and promote criticism, but unhappily, this usually happens when the bad guys aren't really gaining anything, such being "welfare scroungers" or the like. Cases like these, where the concept of fairness is used to identify cheaters those who aren't following the rules of the game, yet if they are wealthy enough, they will be give Hart's insight the greatest degree of believability.

Hart's concept is very abstract, maybe even too abstract for general application without considering the specifics of the situations in which it is used. When it is articulated in circumstances wherein it finds plausible employment, it amounts to the claim that it is unfair if, for example, people aren't paying for goods they enjoy, if their enjoyment is secured by the payments of others on whose willingness, or mute acceptance, or inability to escape payment, they freeload or free-ride. As a justification of one's legal responsibility not to steal, for example, the argument is useless. Stealing, like many other crimes, breaches moral rights which the state affirms and reinforces. The thief is first and foremost a thief. We don't need to find him guilty of free-riding in our anxiety to establish a moral wrong as a justification of legal punishment.

Nozick's clever counterexample serves a beneficial function. In forcing us to evaluate the conditions in which benefits are extended and enjoyed, it compels us to assess what we want of the state, and how it is to be paid for. Hart's case is, at bottom, sound. We shouldn't simultaneously insist on the availability of benefits and then make every attempt to avoid paying for them when this unavoidably puts the responsibility of payment on others. The idea of fairness dictates that we shouldn't cheat, that we shouldn't dump the expenses of services we accept on others. I think we all understand this. I think no one believes that the services of government are costless, manna from a bureaucratic heaven. In which case, we need to explore the understandings, to find the conventions concealed within our acceptance or pursuit of the goods government provides. If we are honest, we should understand the responsibilities our acceptances bring. But if we are clear-sighted, we shall deny that these burdens come in a package that cannot be dismembered, as though if we buy one, we buy all. This is what governments are prone to tell us. We don't need to believe them. They say: if we want the protection of the local constabulary, we have to pay for the nuclear weapons. And we know that they have ways of making you pay. What they cannot do, wherever benefits are touted but rejected, is insist that fairness grounds the demand for payment.

Hart's principle of fairness is silly if it purports to justify those restraints on my liberty which would prevent me harming others, as though it would be quite wrong for me to assault them or steal from them only in so far as I require the state to protect me against the predations of others. Such behaviour would be wrong even if one made no such claims and announced that one regarded himself as in a Hobbesian state of nature with everyone else. Think again of Militia Man. This is the sort of independence he is likely to assert. It would be a futile exercise to try to track down the state services he accepts. We are likely to find ourselves trying to pin him down to accepting the Department of Defence and the nuclear umbrella. He is likely to take us seriously and buy more ammunition. Those who think this argument has strength, as I do, should draw in their horns. If folks solicit benefits, they should recognize that these have a cost and they should accept that the cost is civility, a willingness to otherwise pay their way.

I say this is a good argument. This doesn't mean that it applies to everyone or that anyone to whom it does apply should accept all the burdens the state is eager to impose. It suggests a caution: don't seek out the goodies that the state dangles before you without exploring the small print. In a sense this advice is otiose: there is no small print governing our transactions with the state. Unless the understandings are written up explicitly and published in print large enough for even, or to be literal, especially, the blind to read, we are not committed to them, and should not find ourselves presumed to accept them. The state should welcome Hart's argument; it captures a wider segment of the population than heretofore could be enlisted as dutiful citizens. But obviously there will be some who announce that they will take all that is offered so long as this

does not entail any obligations on their own part. They are oblivious to considerations of fairness since they pronounce themselves willing to do without the touted benefits. Perhaps, being Militia Men, they are well armed.

Gratitude and Good Government

I can think of one last argument the state may advance and perhaps the last should have been first, since this argument was outlined by Socrates in Plato's *Crito*. This argument claims that citizens ought to be grateful for what they have received from the state, and, further, the gratitude should be signaled by the citizens' acceptance of their duties. Again, the first step in the argument is a claim that the citizen has received benefits, so to proceed we must assume that this is true. Clearly, if the citizens do not receive benefits from the state, there is nothing for them to be grateful for. The next step in the argument is the claim that citizens ought to feel grateful to the state. The final step is the claim that acceptance of the duties of citizenship is the appropriate expression of gratitude. We can see the distinctness of steps two and three in the details of a recent immigration case, reported in the newspapers, which captures this structure nicely.

An army officer's life was saved by one of his Gurkha soldiers. Properly, he felt grateful and expressed his gratitude by promising to educate the soldier's son in Britain. As these things go, the son was refused the necessary immigration credentials, so the former officer said he would leave the country, too. I think that the story had a happy ending. In the first place, the officer was right to feel grateful. In the second place he chose to express his gratitude by taking on an obligation to the father, and to the boy, to see to his education. Having taken on board this obligation, the officer judged correctly that he was morally required to fulfil it. One can think of other ways in which the officer could have expressed his gratitude, ways which did not place him under an obligation – indeed, this is a nice example of how acts of gratitude can be as generous as the services that give rise to them.

It is important that steps two and three in the argument are distinguished. They can easily become conflated when we speak of 'debts of gratitude' as though the government pursues payment of these debts when it holds us to our obligations. Rousseau stated that 'gratitude is a duty to be paid, but not a right to be exacted': not exacted, that is by parents against children or by the state against its citizens.⁴⁸ Since many of the duties of the citizen are enforceable, Rousseau thought they could not be derived from gratitude. As we shall see, this is a mistake. For the moment, though, we should register the philosophical oddity of speaking of debts of gratitude, of announcing feelings of gratitude in the language of 'I owe you one'. The payment of debts can be insisted on as an obligation of the debtor, whereas however appropriate or felicitous gratitude might be, it can't be the proper object of a demand or claim, the issue of a special right.

It is perfectly clear, on the other hand, that we can insist that persons ought to be grateful, taking gratitude to be a distinctive feeling or attitude appropriate in one who has received a benefit. We teach our children that gifts cannot be claimed as rights and that they ought to feel appropriately grateful. We train them to feel grateful by making them act out the rituals of gratitude, minimally saying, 'Thank you', and undertaking the chore of writing conventional 'Thank you' letters following birthdays and Christmas. We trust that in these ways we teach them what to feel as well as how to behave. We teach good habits as a way of inculcating good dispositions of character.

These commonplaces are worth bringing to mind because they effectively refute one line of argument against the claim that political obligations may derive from gratitude. The bad

argument goes as follows: If political obligation is an obligation of gratitude, and if an obligation of gratitude is an obligation to feel certain things, there can be no political obligations since we cannot make sense of obligations or duties to feel certain things in a certain way. Feelings cannot be the objects of obligations. In any case, political obligations are obligations to act, not to feel, to act obediently, for example, rather than to feel obedient.

This argument runs together the different steps in the argument that I have been at pains to distinguish, but at the heart of it is a claim that should be disputed to the effect that we cannot be required to have specific feelings since feelings aren't the sort of things we can be expected to control by way of trying to have or inhibit. This is a blunder of a crudely Kantian sort. Feelings can be taught and learned, modified, sharpened or quietened by effort on the part of the sufferer and her educators – and this includes feelings of gratitude. Indeed, if feelings were not, in some measure, in the control of those who exhibit them, it would be odd to criticize folk for the lack of them. In the case of ingratitude this is particularly obvious. I accept that it is odd to speak of obligations to feel gratitude but that is not the claim that I am trying to establish. Rather I seek to show that one can claim that people ought to feel gratitude without committing a philosophical blunder [6], [7].

The next claim that needs to be defended is that it is philosophically acceptable to say of citizens that they ought to feel grateful for the goods and services they receive from government. I don't want to claim that any such judgement is true – who knows which government is being discussed? – just that the proposition makes sense. This claim needs defence because there are objections in the field. The first objection begins with the plausible thought that feelings of gratitude are only appropriate as a response to benefits which have been conferred with a suitable motive. If you give me a fast motorbike in the hope that I will soon come a cropper, I will feel no gratitude as soon as I learn of your devious plan. To generalize, the identification of goodwill in the provision of the benefit is required before gratitude is appropriate.

In the case of gratitude for the services of the state, we must therefore be able to impute motives to the state. But 'the attribution of motives to a government may be impossible or incoherent'. The only possible reply is that we do it all the time. And we are equally cavalier in our imputation of motives to other institutions. This firm cares for its staff, this university takes seriously its task of teaching students, this hospital is helpful to patients' visitors. One could reply that this talk is metaphorical, but this would not be a statement of the obvious. Rather, I suspect, it would indicate a strong and controversial philosophical position, most likely some variety of methodological individualism. We can shelve these discussions and move on, supposing that when, for example, it is claimed that 'This government really cares for old age pensioners' the claim may be true or false but is not incoherent.

Let us accept that motives can be fairly attributed to the state. A further difficulty is encountered. In attributing, minimally, motives of goodwill to the state, we are thinking of the state as Lady Bountiful, viewing its disposing of goods and services in the manner of gifts. On the contrary, the state is our servant; it has nothing but duties to fulfil. And we should not be grateful when it complies with its duties to its citizens. We should not be grateful to the policeman who rescues us from the football fans who are just about to beat us up; he is doing his job.

This, too, is an error, but it is understandable. We should resent the posture of the statesman who speaks as though he is spending his own money. Nonetheless, the ancient analogy with the family can be usefully employed here. Parents have duties to their children willy-nilly, as

children nowadays are prone to remind them. 'I didn't ask to be born!' you might have heard. This does not disqualify the thought that children should be grateful for what they have received of right. The duties of the parent can be fulfilled with love and grace, but even a grudging concession to a legitimate demand can merit gratitude. After all, as we know too well, some parents can't manage even this.

Isn't the same true of governments? Don't we recognize the difference between an ethos of genuine service and a time-serving reluctance to respect claimants? And shouldn't we be grateful even to heartless bureaucrats who are efficient and conscientious in the delivery of goods they are appointed to distribute? I can imagine indeed have heard arguments pro and con, but I don't believe that the logical space for such disputes is the product of fallacious reasoning. I don't see, in principle, why one who does their duty should not merit our gratitude.

The final objection to the idea that one may be grateful to the state for the goods and services it provides draws attention to the constitution of the state. It asks, in the first place: to whom or to what should one be grateful? Some, abhorring the possibility that an exotic metaphysic may be imputed to them, insist that the citizen who has grounds for gratitude should be grateful to her fellow citizens. This strikes me as an evasion. One should not be grateful to all of one's fellow citizens severally. Some, as we have seen, have resolutely avoided paying their share towards the provision of services of which they have been massive beneficiaries. Others, perforce, have been recipients only, being too poor to make any payment towards social provision. Shame on the first, damn shame for the second but in either case, feelings of gratitude would be misplaced. So, if we should be grateful to our fellow citizens, we have to think of them collectively, which on my reading amounts to our being grateful to the state.

Thoughts of thankfulness for the contemporary state are unsettling, but part of this may be because people are reluctant to consider the state as "other." Were we not all Democrats in the past? In the last chapter, we'll talk more about democracy, but for now, let's just acknowledge that democratic thought includes the idea that everyone has an equal voice in politics. The thought that the state is different from us and somewhat foreign to us tends to imply a hierarchical connection between the state and the citizen, which is inconsistent with the democratic ideal. The inclination that underlies the hunch that organizations to which one might express appreciation are undemocratic represents a difficult-to-weigh fact.

The only kind of government where it would appear improper to express thankfulness would be a direct democracy where all decisions are made by plebiscite, a straightforward Rousseauian model where everyone is treated equally as citizens and subjects. According to this concept, people should be seen as self-sufficient producers of commodities and services. They should not be grateful for their achievement in self-provision; rather, they should feel proud of it, like members of a successful football team. Yet even in these situations, showing thankfulness may not be wholly inappropriate. People may see their democracy as a single entity that works for all of its constituents. Players on winning teams may be proud of their contribution to the victory as well as thankful to the team and their teammates for giving them the chance to succeed. In any case, this is not how contemporary representational forms of democracy operate. When bureaucracies and decision-making organizations effectively carry out their given duties, it may be permissible to express thankfulness since these institutions are sufficiently foreign to people.

I come to the conclusion that expressing thankfulness for the provision of state services does not constitute a philosophical mistake, even if in certain situations it may be inappropriate. It may

even be a sign that a citizen has been captured by a powerful ideology. If this is accurate, the last question may be addressed: What does thankfulness demand of the person who feels it rightfully? There are two options for us to consider here. The first makes an indirect argument that one who does not uphold their civic obligations causes damage to the state. The horror of ingratitude is more in the spotlight than the need of gratitude. The fourth rule of nature is that "a man who receives benefit from another of greater grace, endeavor that he who gives it, have no fair cause to repent him of his good intent." This is because, as Hobbes observed, being unthankful is often unwise.

Yet as many have taught us, harming a donor is not only irresponsible, it is also a grave sin. Do we act in this manner when we fall short of our political obligations? We may very well be. If we fail to pay taxes, engage in treason, or incite others to transgress the law, we directly undermine the state. Yet, not all criminal activity is this way. The state is undoubtedly hurt when residents drive too fast or without a license, even though these violations are sometimes unintentional. There is no evidence that might lead us to the conclusion that violating the law is always an act of ungratefulness because it causes damage to the state or one's fellow citizens.

We'll go just as far with a straightforward argument strategy. To show thanks to the government, all people need to do is follow its rules. It is utterly false to imply that we may voluntarily accept the benefits the state offers, write a "Thank you" letter, and then ignore its demands by declining to see compliance as a duty. On the other hand, as I've already said, we shouldn't be too polite about these obligations and characterize them as an all-or-nothing demand that people always respect the law. The excellent society and rational state can afford to let their guard down when it comes to the prevalence and seriousness of breaching the law. People shouldn't be concerned that an incident of after-hours drinking or opportunistic speeding on a deserted highway would cast doubt on their reputation as upstanding citizens. Generally speaking, the obligations of citizenship under excellent governance shouldn't seem burdensome or restrictive, but they sometimes do, such when someone is required to serve in the military.

Lastly, it may be argued that it is strange to see compliance as an act of gratitude given that the state demands compliance and that the majority of individuals' obligations are enforceable and requested under fear of punishment. Demanding, however, does not guarantee fulfillment. The liberal maintains that no matter how vehement the demands of the state, they are not legitimate until they obtain the consent of the people. The citizen should consider the fact if it is a fact that he has benefited in a way for which he should be thankful when he examines the demands of the state.

There is one qualification that has to be made before we go on from this issue. The right reaction to excellent government, not only to government that gives us the goods and services we love, is gratitude. Imagine that there are two kinds of residents in a state: those who are eligible for benefits and those who are not. Should individuals who are fortunate be appreciative and support the political duties that are therefore required of them? My instinct is to come to the conclusion that they shouldn't. Using the family as an example, should the Ugly Sisters be thankful to their parents for the benefits they have received if they are aware that Cinderella had to pay for their good fortune? Poor Cinders hasn't received anything, and the only reason the Ugly Sisters have time to primp and paint their hair is because Cinders is too busy with duties to have any time.

The obligations of parents may be partially defined as obligations owed to them because of a role, duty or position of moral responsibility in which they stand toward all of their children

equally, despite the fact that these obligations are rooted on love and other petty impulses. There is a problem in the family when there is a wildly unfair distribution of tasks and favors. The children should all realize that something is really wrong if they are always the ones who have to sweep the hearth, even if parents cannot be forced to love all of their children equally or in the same manner. The thanks should be conditional on the Ugly Sisters feeling embarrassed of themselves. They ought to feel undeserving of the favors they get.

As we all "Boo" at the same spots during pantomimes, I'll assume that this example is well received. Regarding our views toward the state, I contend that a comparable system ought to be in place. They should see the benefits as a poisoned chalice, ethically contaminated by the unfairness of their distribution, if some obtain benefits that others do not receive or receive benefits in a visibly and relatively large quantity. They should see themselves as morally depraved and ashamed in a way that the Ugly Sisters should understand. Excluding the idea that showing thankfulness for benefits that have an unfair or unethical origin is inappropriate, I can't think of any justifications to support this notion.

We have carefully considered a number of arguments that claim to provide justification for people fulfilling their civic responsibilities. All of these arguments are dependent on the citizen doing something, such as swearing allegiance, being a party to a constitutional agreement, or acting in a way that makes it reasonable to conclude that he accepts a convention that entails obligations, particularly conventions that underpin the practice of voting in democracies or conventions or moral rules associated with those democracies. The hypothetical contract argument, however, needs careful expansion and defense. All of these are valid points, but only if they are not made with the assumption that everyone must agree with them and only if their application is not assumed to be universal. According to the state that supports them, this seems to be a vulnerability. It aims to catch every citizen in its net, but if people don't act in a way that their duties can be inferred from, then they can't be caught. There seems to be a chance that there will always be people who can politely reject the obligations the state ascribes to them.

We can be inclined to reach the so-called "philosophical anarchism" conclusion, which blatantly admits the weaknesses of the aforementioned arguments. As opposed to the actual variety, "philosophical" anarchists are prepared to point out the conceptual flaws in the claims made by the ambitious state. They are a gentlemanly group that aren't too troubled by the idea that, for the most part, prudence dictates cooperation with the state's demands—something that the actual anarchist would loathe. They will be more likely to remark, "Excuse me, your arguments aren't nearly as excellent as you imagine them to be," rather than protest or hoist the black flag in rebellion. This conclusion may not be accurate. There is a chance that a hypothetical contract may succeed. The intellectual anarchist and even Militia Man will be seen as challenges by a sensible state. Instead of trampling people underfoot, it will try to lure them by offering benefits they can't refuse and making it plain how much their reception calls into question moral or ethical norms that demand the adoption of duties as a result. After reviewing the arguments in favor of political duty, I have labeled the state's position as adversarial, as trying to "capture" the citizen's devotion, as being able to say, "Aha! The citizen, who would naturally be a hesitant recruit, would be told, "That's you dealt with." Hume's illustration of the shipbound traveler might be expanded upon to refer to the Press Gang as the state.

This would be erroneous. We would be better served to see the state as a seducer and the astute citizen as one who raises the stakes, demands ever-increasing blandishments, and demands that the goods be given. The customer or client attitude is being introduced into the revered realm of

fealty, and the conservative will despise this rhetoric for it. Yet the conservative is constantly out of date, defending the theories from the prior era against advancements that are already established. The state that is most anxious to assert that its inhabitants owe it duties succeeds best when it figures out how to treat them properly. It could discover that Militia Man is running from his own good and that there is no philosophical deficit. More deceive him.

As we examine the duties of the citizen, the specifics of the constitution important because it is crucial that we understand clearly the moral position adopted by the state toward its people. In the instance of Singer's mentioned quasi-consent, we have seen how a democratic constitution might give birth to its own unique grounds for introducing such requirements. The fact that such a defense of democracy is possible is a strong case in its favor. Yet there are also additional reasons why we should applaud this group of decision-making techniques. Now let's look at these arguments in more detail [8], [9].

CONCLUSION

The political and institutional actions and results required to accomplish development objectives are referred to as good governance. The degree to which it upholds the promise of human rights civil, cultural, economic, political, and social rights is the fundamental measure of "good" government. When institutions and processes work well together, they yield outcomes that satisfy societal demands while maximizing the use of available resources. The sustainable use of natural resources and environmental conservation are included in the idea of efficiency in the framework of good governance.

REFERENCES:

- [1] E. F. Pomeranz and R. C. Stedman, "Measuring good governance: piloting an instrument for evaluating good governance principles," *J. Environ. Policy Plan.*, 2020, doi: 10.1080/1523908X.2020.1753181.
- [2] N. Ishak, R. R. Hasibuan, and T. S. Arbani, "Bureaucratic and Political Collaboration Towards a Good Governance System," *Bestuur*, 2020, doi: 10.20961/bestuur.v8i1.42922.
- [3] Y. Keping, "Governance and Good Governance: A New Framework for Political Analysis," *Fudan J. Humanit. Soc. Sci.*, 2018, doi: 10.1007/s40647-017-0197-4.
- [4] H. Susiatiningsih, B. Setiyono, S. Puspapertiwi, J. Saputra, and T. Afrizal, "A study of good governance innovation of javanese leadership in Indonesia," *WSEAS Trans. Environ. Dev.*, 2021, doi: 10.37394/232015.2021.17.34.
- [5] A. M. Abdou, "Good governance and COVID-19: The digital bureaucracy to response the pandemic (Singapore as a model)," *J. Public Aff.*, 2021, doi: 10.1002/pa.2656.
- [6] T. D. Beshi and R. Kaur, "Public Trust in Local Government: Explaining the Role of Good Governance Practices," *Public Organ. Rev.*, 2020, doi: 10.1007/s11115-019-00444-6.
- [7] R. Fauzan, N. Nashar, and A. Nurhasanah, "Quo Vadis History Textbook (Internalization of Multicultural Values and Nationalism in High School History Subject)," in *IOP Conference Series: Earth and Environmental Science*, 2021. doi: 10.1088/1755-1315/747/1/012042.

- [8] R. V. Aguilera and A. Cuervo-Cazurra, "Codes of good governance," *Corp. Gov. An Int. Rev.*, 2009, doi: 10.1111/j.1467-8683.2009.00737.x.
- [9] R. Jefri, "Teori stewardship dan good governance," *J. Ris. Ed. XXVI*, 2018.

CHAPTER 23

A BRIEF DISCUSSION ON DEMOCRACY

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ABSTRACT:

The president of India is the head of state and the country's first citizen, while the prime minister of India is in charge of the government. India is a parliamentary secular democratic republic. Despite the fact that the term "federal" is not included in the Constitution itself, it is built on the federal system of government. In this chapter author is discusses the direct and representative democracy. The state and the citizen have been assumed to be the two main protagonists in a large portion of this discussion. The issue of the proper structure of the state has come up in a number of contexts: political liberty necessitates that citizens be able to participate in governmental decision-making; participation is a fundamental human right; and, in Rawls's theory of justice, participation is a crucial component of the liberty principle. If people engage in democratic processes, this may show some level of consent to the result, which may well make a difference to the question of whether they have strong moral grounds to follow the state.

KEYWORDS:

Democracy, Decision, Liberty, Obligation, Political.

INTRODUCTION

It is accurate to state that a commitment to democratic ideals has been cited as a basis to many of the arguments we have made. These concepts demand a more thorough and clear analysis since they directly affect the processes of making political choices. We will discuss democracy by bringing together some of the major ideas from earlier chapters [1]. It could appear like democracy is the only option when it comes to the rhetoric around decision-making. Similar to human rights, there aren't many dictators who are so illiterate as to reject the notion of democratic institutions. It's possible that the society they rule isn't democratically capable or mature enough yet. The democratic centralism of the former Soviet Union, which positioned democracy inside the mechanics of one-party authority, suggests that democracy may exist in a distinctively appropriate local form. Few people, however, would agree with Plato and criticize democracy as an ineffective and dishonest system for making political choices. The philosopher awakens and begins to pose the concerns that the term's preponderantly positive implications invite in the face of a value that is so pervasive, not to mention politically acceptable. We must start again and consider the issues brought up by everyone's adherence to this method of constitutional decision-making.

As is commonly known, Thomas Hobbes displeased everyone. Republicans agreed with his conclusion that a sovereign's obedience was justified by the people's perception that doing so served their best interests. The people's decision to acknowledge a sovereign and their subsequent choice or support of that person as their representation provide the basis for the sovereign's

power. Republicans, on the other hand, disagreed with his well-considered assessment that they would be better off choosing just one person—a monarch—to carry out the duties of sovereignty. The idea that the monarch's sovereign power stems from the desire of the people, on the other hand, is despised by monarchists, who, in contrast, embrace his view of monarchy as the most effective form of sovereignty[2], [3].

According to Hobbes, there are three conceivable forms of government: monarchy, which is the rule by a single person; democracy, which is the rule by an assembly of all subjects; and, finally, aristocracy, which is the rule by an assembly of a designated portion of the commonwealth. His inclination for monarchy was motivated by his negative perception of the ability of assemblies, whether they were made up of many or few, to provide for the needs of the populace. Yet, Hobbes' theory of the effectiveness of monarchs may be refuted, and other forms of assembly can be created so that people can better acquire the commodities of sovereignty—personal safety and a comfortable lifestyle—through better procurement. As James Mill observed, it is just a small step to support any sort of democracy if one accepts Hobbes' methodology and premises. He slyly observes that Hobbes' assertion that the shepherd will not feed off his flock is false, finding that his own interests are best served by the "riches, strength, and reputation of his Subjects," and rejects Hobbes' claim that the typical English gentleman acts as a tyrant when he immigrates to the West Indies and acquires slaves. What is needed is a representative democracy—an assembly that the subjects strictly govern [4], [5].

By pointing out that there is still a risk that they will believe they have a different interest from the rest of their community and will therefore be prone to increase their own wealth and power by taking what they deem appropriate from the people, John Locke disagreed with Hobbes' cheerful acceptance of monarchy. In agreeing that men who are born free and equal would desire a sovereign authority that will dependably carry out their own wishes via legislation and the use of executive and federative powers, Locke is a proto-democrat. Even if the specifics of representation are not spelled out, a representative assembly is necessary.

Writing seventy years after Locke, Rousseau had created from scratch the constitutional implications of the notion that men are born free and equal—a notion that was not nearly mainstream at the time. According to Rousseau, a direct democracy was the only form of government that could be considered legitimate, with each citizen both contributing to and being governed by the rules of the sovereign. We'll introduce Rousseau's contribution to democratic theory to kick off our discussion of democracy. This contribution is so important that it is reasonable to say that Rousseau is referenced often in modern democratic philosophy. "Much," but not "all," since, as we've seen, utilitarian philosophy has significantly influenced how we think about democracy.

Rousseau: freedom, equality, and the general will Rousseau acknowledges that we are born with a natural desire to take care of ourselves and a natural sense of sympathy for the plight of others. Throughout the course of the terrible evolution of our species, we have also grown to develop a concern for private property. Yet we also place a special priority on our own freedom. Or, to put it another way, we would appreciate independence if the social structures we have established had not perverted us. Since this innate independence still manifests in Rousseau's obstinate, blatantly antisocial attitude, he is able to characterize it. We may be able to see it if, as in the thought experiment he performs with Emile, we shield a youngster from all societal influences and teach him in a way that enhances rather than stifles his inherent abilities. If we were to consider the beginnings of our species as solitary, healthy, and happy hunter-gatherers, as he

hypothesizes in the *Discourse on the Origins of Inequality*, we may be able to perceive it too. The ideas that Rousseau had about the natural man are intriguing but useless arguments.

We do better if we only declare the conclusions authorized by his conjectures and see how they function as premises in the subsequent argument. As they combine ideas that are well-known from the liberal tradition in which he is working, we could be sympathetic to them. These mostly reflect conclusions that we have previously reached in earlier chapters, so we may take them as well-known and logical starting points for the argument that follows.

Liberty and equality are two linked aspects of independence. If we are not reliant on one another, we are free since we do not need the help or goodwill of others to fulfill our needs. Inequality also has a condition of dependence. In fact, according to Rousseau, inequality makes everyone reliant on one another: "everyone became in some degree a slave even while becoming the ruler of other men: if affluent, they stood in need of the services of others; if poor, of their assistance." These are inherent values in the eyes of Rousseau. It follows that individuals who place a high value on survival and who could not lead fulfilling lives without having their freedom and equality safeguarded would not embrace the state unless it was required to further these ideals. When life, property, liberty, and equality are at danger, the state is necessary, according to Rousseau. This is just a formal requirement. There is no need for the state if these things are, in fact, secure.

If a state is required, how should it be structured to best serve people interested in promoting and protecting these goods? First and foremost, it should safeguard people's lives and property, but it also has to do so while upholding the ideals of equality and liberty. The historical manifestations of these ideals have been forgotten, and more significantly for those who believe history is irrelevant, they conflict with the need for the state. The ideal state would institutionalize certain analogs of natural liberty and equality; if it can replicate in its constitution and everyday life social circumstances that are true to these principles, it will compel our devotion.

DISCUSSION

In order to help us better grasp "the principles of political right" in light of their institutional embodiment, let me reprint the fundamental provisions of the republic's constitution of the Social Contract before we look at the specifics. Citizens participate actively in the sovereign. The topics make up the state. Since all citizens are equal subjects and are required to abide by the laws that they collectively enact through majority vote in an assembly, "the sovereign" refers to the republic's active, law-making power, while "the state" refers to its rule-bound nature. These terms are just different ways of referring to the same institution. The republic is a direct democracy because sensible people wouldn't give a representative the authority to make laws for them.

How can a structure of this kind protect the rights of the people? First and foremost, moral liberty is protected. Moral freedom consists of two components. The first is free will, which, according to Rousseau in his *Discourse on the Origins of Inequality*, is the capacity that distinguishes humans from other animals in their ability to reject temptation and rebuff the beckonings of desire. Every animal is subject to the dictates of nature, and the brute submits to her will. Man has the same want but is aware that he has the freedom to succumb or resist.⁷ According to Rousseau, modern man is subject to a wide range of fictitious and artificial impulses. He obviously lacks the means of individual freedom that would allow him to exert control over others; otherwise, the state would not be required. A way for people to maintain the

moral high road and exercise social self-control is via the state, which enacts laws with associated consequences. In the contemporary world, having free will is an accomplishment [3], [6].

The second part of moral liberty is where the rules that guarantee freedom come from. They cannot be the result of a wise and kind ruler imposing them. The laws that direct and compel us to follow the paths of virtue and force us to be free are laws that we have created for ourselves. According to this statement, "Man acquires moral liberty in the civil state, which alone makes him master of himself; for the mere impulse of appetite is slavery, while obedience to a law that we prescribe to ourselves is liberty." Civil liberty is the second kind of freedom that is supported in the republic of the Social Contract. Here, Rousseau encounters a challenge, which he is well aware of. All rights belong to the sovereign, who has unrestricted ultimate power. The area for individual action and the enjoyment of goods that is both constrained and safeguarded by the law is known as civil liberty. The same rule that forbids me from taking your products also shields me from your theft. So, how can any civil liberties be protected in the face of a sovereign over whom all rights have been given? According to Rousseau, his subjects cherish liberty. Would people who cherish liberty renounce it for no worthwhile goal? We must assume that people who serve as citizen legislators are driven by the same principles that determine the structure of the constitution. The issue of what was ultimately identified as the menace of majority dictatorship was one that Rousseau thought he had neutralized. We'll address this issue eventually.

In keeping with my terminology, I'll refer to the last aspect of liberty as political liberty. The freedom of people to vote in assemblies that make laws is an example of the self-liberty, legislator's which was previously mentioned as a moral liberty. Berlin, as we saw, was quite skeptical of the assertion that this really amounted to liberty because democracy or self-government is one ideal, and liberty is another, and these two values may clash when civil liberties are violated by democratic choices. We may restrict freedoms if a majority so chooses or override majority judgments if doing so is required to defend freedom, but we should not assert that we are maximizing or making trade-offs with regard to one value. There are several different values at play here. Yet Rousseau makes it quite plain that anybody who takes part in the legislative process is not subject to extraterritorial demands, since such submission would be a blatant violation of one's right to freedom. Rousseau is undoubtedly correct, and it is important to remember the apparent but overlooked fact that persons with such legislative authority have the option to engage in an activity that they independently value.

This is as evident an example of Berlin's negative liberty as any. Natural liberty the freedom of the autonomous person who creates a life for herself in circumstances that don't need social interaction is gone. Instead, via the practice of political liberty that the potential for democratic involvement produces, people have gained a strengthening of their moral liberty and a protected domain of civil liberty. Yet, equality is the second inherent ideal that goes hand in hand with independence. How does it remain protected under the democratic republic's constitution? For Rousseau, equality had three dimensions as well. Let's start by taking a look at political equality. The political-liberty-wielding citizen demands that this be given equal political weight. "Men become everyone equal by tradition and legal right."¹⁰ Each person has one vote that they may use to influence the outcome of the vote. Political power is distributed equally, so nobody is reliant on the strength of others or dependant on others. Political power equality and political freedom support one another. Nobody is subject to the unfairness of political power, neither does

anybody want to subjugate others, nor are they open to other people's goals for political dominance.

For democracy to function effectively, there must be a second form of equality rough equality of material holdings. Rousseau had shown how disparities between the affluent and the poor had a corrupting impact in the *Discourse on Inequality*. By the impacts of economic reliance patterns, such divides erode liberty. Unfair wealth distribution will inevitably result in an unfair allocation of political power. He argues in *The Social Contract* that extremes of wealth and poverty are incompatible with democracy. It calls for a distribution of wealth that prevents "any citizen from ever being affluent enough to purchase another, and none from ever being poor enough to be compelled to sell himself." He writes in the addendum to this text, "Allow neither affluent persons nor beggars." As we've shown, there are several defenses for wealth distributions that lean toward equality. This is a new one that is simple to ignore. Rousseau is undoubtedly correct that some degree of material equality is a necessary condition of political equality if it is a key objective. It's important to understand that the kind of private wealth that enables successful campaign donations or active campaigning via the private ownership of the media undermines the notion of equal political authority.

Equality before the law is the last kind of equality that Rousseau's democracy promotes. Rousseau, who believed that law is appropriately universal in form, its prescriptions specifying categories of conduct and being addressed to all members of a society, had in mind Harrington's goal of a "government of laws, not of persons." No one is exempt from the law, but it's equally crucial that nobody may be singled out for punishment via attainder for the mere fact that she has been labeled a criminal. If Rousseau's argument appears odd, it's because his side has already won the war. Nowadays, it's more common to define the amount at risk as one component of a definition of due process of law. But, tyrants today have largely realized that rigged courts or laws that craft definitions that a targeted minority would find acceptable are an essential concession to moral decency. He loathed the problem of arbitrary arrest and punishment, which is still a reality.

The republic of the *Social Contract's* fundamental constitution is justified as meeting the demands reasonable persons have of the political system, notably the protection of life and property while preserving liberty and equality. Rousseau's concept of democracy expressly supports these objectives. The constitutional provisions provide the best operational definition of democracy available. You may be wondering why I haven't included Rousseau's unique contribution to democratic theory the concept of the universal will yet, but as we'll see, all the resources are there. Any citizen interested in learning about and implementing political right principles falls under the definition of Rousseau's contractors, who understand that their decisions as legislators must be guided by the same prudential and moral principles that alone justify the existence of the sovereign authority and its particular democratic form. Their political acts are motivated by the political right's tenets; they represent a broad will that becomes political shape when it is articulated as the result of the democratic process, or as a choice that is supported by the majority of people. When the sovereign passes laws, the general will is the will of the people.

Several readers have expressed confusion with Rousseau's concept of the universal will, which has also been the center of contentious interpretive debates. If the general will were to be interpreted as the will of the people as expressed by voting, there would be no issue. So, an universal will would result from any democratic decision-making process by definition. There is

no question that Rousseau was thinking in terms of generality. His importance in having a direct democracy's constitution stems from this. The contractors of Rousseau forbid representational structures; neither an elected parliament nor a monarchy, as described by Hobbes, could guarantee the proper identity of the sovereign's will and that of the people throughout time. If the sovereign body were anything other than the whole populace, the commitment made by Hobbes' contractors to accept its judgments as their own would be illogical. How might an autonomous agent give up the ability to use her rational will in the context of political decision-making, a field of great importance? As a result, Rousseau wants his readers to understand that if a republic's desire is universal, it cannot be expressed via the voice of a monarch or elected parliament. This proposition is startling because it declares all of the rulings made by the rulers of his day to be invalid.

Notwithstanding how radical this aspect of generality may be, it still falls short of capturing the essence of Rousseau's philosophy since it places the public will in the legislative activities of the sovereign, a body of which the citizen is a member. When people participate as lawmakers in the sovereign, the general will is equally expressed in their individual activities. So how should we describe that manifestation of the collective will? A comparison of the general will and the specific will best highlights the key characteristics of it.

The particular will is best first seen as the egotistical will of an individual pursuing his own goals. This improbable assumption may be used to build a case for democracy, as Bentham and James Mill subsequently demonstrated in their reconstruction of Hobbes. The finest person to know how to promote their own best interests is each individual. We can be sure that a majority choice will maximize the aggregate interest by satisfying the majority when each voter submits a vote that reflects that interest. The power that each citizen exerts as they pursue their own interests is so negligible as to render its expenditure inefficient; truly self-interested citizens or citizens concerned to maximize general utility will not vote.¹² However, for the time being, let us leave it in place so that we may clearly outline Rousseau's views in opposition to it.

Rousseau insists that we make a distinction between decisions that reflect a general will and utilitarian decisions that reflect a majority or even unanimity of specific wills "the will of all."¹³ The distinction is best made by taking into account the questions that those who express such wills ask themselves when deciding which policies to support. Citizens will question which policies work best for them in the specific situation of the particular will; based on their perception of their own best interests, they will also think about how these interests may be achieved in the most effective way. Those who want to create a broad consensus on the policy ideas at hand, however, will pose a different question. They will take into account whatever policy best serves the interests and values they share with others, and in light of those interests and values, they will acknowledge the legitimacy of the constitution and the legitimacy of choices made in accordance with it. They will specifically inquire as to which candidate's platform best safeguards the interest in everyone's life and property in a way that is compatible with widely held principles of liberty and equality. Each person's general will is a pure act of understanding that determines what a person may ask of others and what others have the right to ask of him when the emotions are mute.

The questions that elicit a specific will and the ones that elicit a general will need answers in the first person, singular, and plural, respectively. Picture a debate in a public venue, like a television show. Should Scotland continue to have a devolved assembly in Edinburgh? is the question that will be discussed. The conventional justifications for and against are presented by the panelists.

Scotland has had its own separate judicial and educational systems from whenever. Without devolved control, there will be a democratic deficit. "Continued devolution is ineffective, expensive, and a brake on economic growth," says the final panelist, adding that her auntie owns a newsstand close to the new parliament buildings, which she will inherit and which will continue to prosper greatly. Because we expect politicians, pundits, and anybody else who addresses the public to appeal to reasons they feel a large portion of their audience shares—or possibly reasons they believe all should share we might assume that we would see such a blatant assertion of private interest as a joke.

This is the grammar of the general will. Its plural voice attests what Rousseau describes as the common good. What is the public interest or the common good?¹⁵ In Rousseau's own terms, the answer is easily given. It comprises the purposes of political association and hence the terms on which any association can command authority. To be specific, the public interest is satisfied, the common good promoted, when citizens' votes are motivated by their desire to live, by their respect for others' aspirations to these things, and by their universal subscription to values of liberty and equality. The sovereign is legitimate only if it serves these ends and these ends can be served only if the sovereign is composed of all of the citizens, each of whom decides policy issues in accordance with this consensus on desires and values.

It is important to recognize that the general will is transformative. Just as natural independence is lost, so is that sharp sense of individual difference which motivates the moral ideal of autonomy. Rousseau's lesson is that individual freedom is a social achievement made possible only in a carefully articulated social structure which enables citizens to act from a common perspective. Democratic institutions are necessary for individual freedom, but individual freedom is not a solitary project. It is witnessed in the activities of public-spirited citizens who fly to the polls. I should emphasize that this is a recognizable phenomenon. The long queues of voters outside polling stations in South Africa, waiting to cast a vote for the first time, singing and dancing together, attest a common project rather than the pursuit of individual aspirations. These people were not daft. They did not think, each of them, that they were casting the vote that would make the difference. Rather they were properly confident that they were registering their subscription to the social values they deemed should govern their lives, most notably perhaps, their equality as citizens.

Rousseau's conclusion is that if you ask the right question, you will get the right answer. 'Whether the general will is infallible' is the problem posed as the heading of Book II, III, and the solution is that it is. We are used to deriding claims to infallibility. John Stuart Mill teases Christians with examples of the many occasions they have suffered from such claims.¹⁶ Subsequent Popes, speaking on dogma, were to forget the lesson and provoke laughter and scorn. Rousseau's doctrine escapes the contumely that claims to infallibility invite by announcing that, where folks agree on basic principles, and apply such principles in the making of collective decisions, differences between them come out in the wash. We all agree on what everyone wants and we all share a system of values. What best promotes purposes on which we agree may be a matter of dispute, but if the means of decision expresses our agreement, and if the differences between us are the result of carelessness or unavoidable ignorance concerning how policies will work out, we shan't go far wrong if we abide by a majority decision. Majorities, amongst those who evince a general will, will always be right in this sense: their heart is in the right place; they are thinking along the right lines.

Rousseau's general will is infallible in a further sense. It is well-formed and uncorrupted by particularity. There may be honest differences between people who ask themselves which policy option best secures liberty, for example. But the differences will cancel each other out; the majority decision is likely to give the right answer just in case each voter has a better than even chance of getting the answer right. Controversially, Rousseau believes that citizens will tend to get the right answer only if they deliberate the question at issue in a solitary fashion, consulting their own hearts, uncorrupted by intrigues and factions. If parties emerge and citizens have the opportunity to identify with their aims, they will lose sight of the general will of the community, forming a will which is general amongst members of the partial association, yet particular vis-à-vis 'the great association' of which all are members.

In recognition of both the quality of argumentation and its influence on subsequent discussions of democracy, I want to take Rousseauian democracy as an ideal type. Students of Rousseau will notice that I have not mentioned much of Rousseau's development of these ideas in Books III and IV of the *Social Contract* – a process of development which many have argued amounts to self-destruction. I will mention some of these subsidiary doctrines as their relevance becomes apparent to what follows. Rousseau would not demur from the judgement that the republic of the *Social Contract* is an ideal construct, since he was quite clear that the only institutions which could embody the principles of political right would be radically unstable, either inefficient or prone to corruption. Rousseau's clear statement of democratic principles and outline sketch of democratic practice throws up plenty of problems for further investigation. We shall begin by discussing his view that the only genuine democracy is a direct democracy.

Direct and Representative Democracy

Amongst the great modern thinkers on democracy, Rousseau is the odd one out in insisting that the only proper democratic state is a direct democracy. His reasoning was simple. In a representative system, citizens entrust their will to the representative sovereign. In Hobbes's language, the sovereign is the actor, the citizens who select the sovereign are the authors of the sovereign acts. Representatives are agents of the citizens; there is an identity of will, so that one may recognize the will of the citizens in the actions of the sovereign representative. The citizens' will is expressed through their voting for representatives. The work of the representatives, in enacting legislation and the like, puts into effect the will of the citizens.

'If only thought Rousseau. This condition, of identity of interest, is impossible to secure, not least because the representatives, if they form a collective as in a parliament, will swiftly form a will general amongst themselves, and, as in factions or political parties, a will that is particular vis-à-vis society at large, that will fail to procure the common good. As a result it would be quite irrational for citizens who value equality and liberty to put these values under threat by giving up their sovereign power. The institutional consequences of this inference were drastic. Republics should be small, of such a size that every member may be known by every other. He clearly has in mind communities like the ancient Greek city-states, though in some moods he would commend his native Geneva and, in the *Social Contract*, he describes Corsica, for which, in his later years, he prepared a draft of a constitution, as one of the few states capable of achieving democracy. This severe constraint on the possible size of a genuinely democratic community was a practical implication of Rousseau's philosophical views and it has been judged, almost universally, to be impractical. This charge would not have worried Rousseau: too bad for the modern nation-state if it cannot meet the conditions necessary for it to be judged legitimate. The critical point is not impugned.

Defenders of democracy have not been satisfied to establish principles which license strong critical judgements against non-democratic states. Their prime concern has been to show how democratic values can be implemented in some measure, so they have taken the route of examining the possibilities of representative institutions. Broadly, they have accepted the Hobbesian principle of identity of will between sovereign and people and have sought to design institutions which preserve this. James Mill is the clearest advocate of this strategy. Agreeing with Hobbes that the representatives will be self-interested, and accepting with Rousseau that this is a dangerous and corrupting tendency, he is explicit that the central design problem is that of keeping the representatives on the straight and narrow path of promoting citizens' interests, of establishing institutional conditions that will ensure the coincidence of their own interests with those of their constituents. This is 'the doctrine of checks. It is sufficiently conformable to the established and fashionable opinions to say that upon the right constitution of checks all goodness of government depends.'²⁰ The most important check is that of limited duration. Representatives who realize that they will be replaced just as soon as they cease to pursue the interests of their constituents will be solicitous of those interests.

The thought that direct democracy is impossible in the modern nation-state prompts the joint efforts of political theorists and political scientists to seek out optimal representative institutions. Noting that in practice there are almost as many representational forms as there are nation-states, and recognizing that the number is multiplied as soon as we take local government procedures into account as well, and accepting that the unimplemented constitutional designs of theoreticians should be included in any review, we shall abandon the task of examining models of representative institutions. This is just as well since the thought that direct democracy is impossible in a modern nation-state needs revisiting.

So far as many practicalities are concerned, Rousseau's insistence that the republic be small is evidently anachronistic. He was not aware of the power of modern technology. If we thought that direct democracy was the ideal form of political decision-making, we could implement appropriate decision procedures swiftly enough. We could give everyone a telephone and, if necessary a modem, linked up to a central computer designed to register votes. If we can run the Eurovision Song Contest in this way no longer 'Norway: null points surely we can decide between political options using similar methods. At any rate we can fairly assume that such an exercise would be possible, were we to bend our wills to it. It can fairly be objected that the procedures are still too sketchy to focus sharply the philosophical question of whether we should implement a technologically driven direct democracy. Who would set the agenda? How could they ensure that only two policies come up for decision? Who would control the executive as it puts policies into effect? Nonetheless, we should not assume that answers cannot be found to settle these questions, for it is certain that we have not begun to take them seriously.

So that we don't get bogged down in technical perplexities, we can focus the issues even more sharply. Some nations already have a tradition of deciding many a political question by referendum, the Swiss notably. Why shouldn't we have more of it in the UK? There is a tradition in the British parliament of taking votes on questions which are recognized to raise matters of conscience out of the arena of party dispute and giving members of parliament a free vote unconstrained by party discipline. Capital punishment, abortion legislation, fox-hunting – issues of these sorts have been the subjects of free votes. How can democrats resist the claim that such questions should be decided not by representatives but by the people directly? The case is interesting because these are acknowledged to be issues raising moral concerns which should

be isolated from party interest. Members of parliament who decide them do, in Rousseauian fashion, consult their consciences. Only the weaker members, or those with slender majorities, consult their constituencies instead, and none, to my knowledge, polls them to seek a mandate. More likely, they seek to find out what local party officers or members favour, with a sharp eye to impending problems of reselection.

So far as I can see, the only objections to taking such decisions by referendum concern the qualities of judgement likely to be exercised by the general public compared with those of members of parliament. It may be suggested that members of the public are likely to be ignorant of crucial matters of fact; in the case of capital punishment for murder, for example, they may believe that this works as a strong deterrent. Their ignorance may be reinforced by the efforts of gifted orators who whip up support with an eye to increased circulation or their proprietor's instructions. No doubt there are difficulties here, but no doubt equally, many of them could be eased by the provision of information. What is interesting about such doubts is that they reproduce just about exactly some of Plato's arguments against democracy as a mechanism of public decision-making. They suggest that arguments for representative forms in circumstances where direct democracy is perfectly feasible are at bottom elitist. The people, it is suggested, as against their representatives, are not fit to govern. To put the same point more politely, the people are likely to govern less well than the representatives they appoint.

This idea has a strangeness to it. Plato's opposition to democracy and support for a self-perpetuating elite of philosopher monarchs were fueled by his mistrust of public decision-making. He would have been skeptical of representative democracy for the same reasons he was skeptical of direct democracy: how can we expect citizens to elect the finest representatives if they are too illiterate and susceptible to influence? This would be comparable to cruise ship passengers choosing the captain as soon as they board the ship too many could choose the person they find most attractive to eat with. One is obliged to consider if electing representatives using the votes of the uneducated is the ideal method once they are acknowledged to have unique knowledge that allows them to make judgments that are superior to those that their constituency would make if left to themselves.

That may not be as crucial as it first seems. To my knowledge, no representative system imposes admission requirements on the career of a representative politician, while theorists have suggested educational requirements for the electorate. No government requires its citizens to have a degree in economics or political science, speak another language fluently, understand the constitution, or even pass spelling exams. The position of vice president of the United States is open to all potatoes. This is not a problem. If, as I am arguing, Democrats should see a problem with systems that provide legislative authority to a subset of the people, this issue would be made worse if representatives had to meet requirements beyond just being electable. As J.S. said, the issue of the uninformed choosing the clever or cunning may really be resolved. Mill observed that intelligent rogues and charlatans are weeded out by political culture's processes, such as those that pick those with a history of public service. Instances when the weight of party doctrine and responsibility, as well as standards of personal integrity, prevent techniques of self-aggrandizement may lead to similar outcomes in political parties, notwithstanding their chicaneries and internal strife. Political culture is a priceless accomplishment, despite this. It is a wonder of political science that so few of the new democracies in Eastern Europe have been able to demonstrate the fundamental flaw of juvenile systems of representative democracy—their propensity to legitimize the power-seeking antics of nature's commissars.

If we respect democracy in the manner of Rousseau because it promotes the freedom and equality of people, we will give chances for public participation in governance a special emphasis. We shouldn't assume that the specific types of freedom and equality that direct democracy symbolizes are more important than the efficiency that comes from having choices made by a small number of people. And yet, we often do. Experience has shown us that as soon as a group of people organize themselves to pursue an interest, a committee is created to speed up the process. We begin by electing a convener, secretary, and treasurer. We then enlist a few members with unique zeal and skill, and presto! ', we have a secretariat and a decision-making body. No organization or club seems to be too tiny to form a council, executive, or assembly with the authority to make policies.

None of the practical arguments against direct democracy seem to be as strong as the desire of subjects to be left alone while others exercise their right to self-government. Who would want to vote every night in front of the television? So, the inclination of people to show respect for those of their fellows who have leadership ambitions and to accept deferentially in strategies to obtain uneven decision-making authority is arguably the biggest hazard. The resources representatives use to get around restrictions on the use of such powers are seldom as effective as the restrictions themselves. In light of this, people should look for every chance to place choices directly in the hands of the community at large, rather than leaving them in the hands of representatives. While if representation is often vital, it all too often serves as an excuse for group ill faith. To make a determination on the matter that I brought up at the beginning of this discussion: I can think of several justifications that may be made for free votes by representatives as opposed to referenda including all voters. They are all attempting to undermine democracy's fundamental principles.

The notion that those chosen to be represented are smarter than a representative sample of the public does not seem to me to be a compelling argument in favor of representative democracy over direct democracy. Considering the traditional political career pathways, I guess they are smarter, and given the machinery that has to be exploited in order to become a representative, they are probably better than most at manipulating others and engaging in political maneuvering. They will undoubtedly be more interested in politics and more eager to use their influence than the majority of their peers. They could have more motivations to serve the public. My assumption is based on my little personal experience. But, regardless of the unique personal characteristics of the political classes, there is no reason to believe that they will make decisions more often or consistently than ordinary individuals who are presented with the same issues and the same information.

Governments often make mistakes in representative democracies, devoting a significant portion of their time to finding answers to issues that they themselves created. Due to the fact that it is an unavoidable aspect of the contemporary nation-state, regardless of its structure, it is neither apparent nor remarkable. The trains can never operate on time under any political regime. A prehistoric version of the elite institutions of the higher education systems that have developed in France and the United Kingdom over the past 150 years and given the state most of its top politicians and civil servants, Plato believed that a class of rulers, the philosopher-kings, could be selected, educated, and motivated to rule successfully. So there is no justification for anybody to take him at his word. Government is not a highly trained art, but politics may be. Being based on change, it is the most flawed human activity and cannot form solid routines. The reality underlying conservative thought is that prophets would govern Utopia instead of philosopher-kings, but there are none. Hobbes properly advises us, saying, "The greatest Prophet naturally is

the best guesser." The conservative miscalculates the extent and pace of forced change, making opposition to it simply another politically active tactic that is as prone to error as the others[7], [8].

I have been stating the obvious by highlighting the government's vulnerability. While Rousseau claimed to be infallible, fallibility has been flagged as the unique flaw of democracy, therefore this has not been done without reason. Everyone is aware that majorities can be wrong and that a policy isn't necessarily the best one simply because the majority of people or representatives support it, not the least of which is the fact that everyone can recall examples of policies that the majority supports but which are simply incorrect. There are several causes for this. I have so far argued that factual ignorance in particular, ignorance of the future and how things will pan out—is a key contributing factor. Political discussions often take on this kind. They rely on prediction, and voters on both sides of significant issues make decisions based on speculation. As every voter is a guesser, everyone is either a true prophet or a false prophet.

Unresolved value conflicts are a totally distinct factor in the general perception that majorities make mistakes. Should the government allow ritual animal slaughter, voluntary euthanasia, the death penalty, or abortion? Please add any more moral issues you may have to the list. Let me add another question from today's newspapers: Should instructors be permitted to provide sex education classes to kids that encourage societal acceptance of homo-sexual behavior? These seem to be issues that cause fundamental moral conflict. Naturally, problems of these two quite different types get complicated. Fact-related prophecies are presented as pivotal in what are really conflicts of values. We'll come back to the effects of profound moral disagreement later. For the time being, I want to underline that democracy has the ability to deal with mistakes.

Citizens have the option to remove representatives who commit serious errors by voting them out and electing a new group. If they are intelligent, they will assign some responsibility to the electorate and themselves and hope to learn from their mistakes. In a direct democracy, people are solely responsible for their actions, which is fantastic. There is a greater possibility of a positive reaction the more widely blame is dispersed and recognized. Contrarily, when the tyrannical gangs' beloved Five-Year Plans or Great Leaps Ahead fail, they either keep digging the same hole or start looking for plausible suspects, which makes the misery worse. Democracy provides methods for reducing the harm, which should be valued, even if it is not perfect in the traditional meaning of the word.

CONCLUSION

Democracy is a form of governance in which all adult individuals, either directly or via the representatives they have freely chosen, exercise political authority and civic duty. The concepts of individual rights and majority rule form the foundation of democracy. People like the democratic system of governance because it allows them a lot of freedom and puts the majority's power in their hands. Dictatorship, on the other hand, revokes all of these liberties and privileges. Additionally, one individual has all the authority. It offers a setting that upholds basic liberties and human rights while allowing individuals to exercise their freely expressed will. Individuals may influence choices and hold decision-makers responsible. Men and women enjoy equal rights, and discrimination is not allowed.

REFERENCES:

- [1] J. Pickering, K. Bäckstrand, and D. Schlosberg, “Between environmental and ecological democracy: theory and practice at the democracy-environment nexus,” *Journal of Environmental Policy and Planning*. 2020. doi: 10.1080/1523908X.2020.1703276.
- [2] L. Hamilton, “Democracy in crisis,” *Acta Acad.*, 2021, doi: 10.18820/24150479/AA53I2/4.
- [3] K. Szulecki, “Conceptualizing energy democracy,” *Env. Polit.*, 2018, doi: 10.1080/09644016.2017.1387294.
- [4] J. S. G. Venegas, “Education and democracy,” *Bajo Palabra*. 2021. doi: 10.15366/BP2020.25.003.
- [5] A. R. D. Silva, F. A. F. Ferreira, E. G. Carayannis, and J. J. M. Ferreira, “Measuring SMEs’ Propensity for Open Innovation Using Cognitive Mapping and MCDA,” *IEEE Trans. Eng. Manag.*, 2021, doi: 10.1109/TEM.2019.2895276.
- [6] W. Eadson and B. Van Veelen, “Assemblage-democracy: Reconceptualising democracy through material resource governance,” *Polit. Geogr.*, 2021, doi: 10.1016/j.polgeo.2021.102403.
- [7] J. Chilvers and M. Kearnes, “Remaking Participation in Science and Democracy,” *Sci. Technol. Hum. Values*, 2020, doi: 10.1177/0162243919850885.
- [8] M. J. Burke and J. C. Stephens, “Energy democracy: Goals and policy instruments for sociotechnical transitions,” *Energy Res. Soc. Sci.*, 2017, doi: 10.1016/j.erss.2017.09.024.

CHAPTER 24

A BRIEF DISCUSSION ON DEMOCRACY AND MAJORITY TYRANNY

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ABSTRACT:

Tocqueville argues that the fact that each person in a democracy is political equal to every other person is what gives the majority its power. The biggest force in this circumstance will always be the greatest number of people coming together in unity to act: Typically, the majority. In this chapter author is discusses the democracy, deliberation and disagreement. Despite the fact that failure in government is common, democracy is in a better position than other systems to recover the losses, and in any event, people only have themselves to blame, I have been calling attention to these shortcomings. It is important at this time to revisit what has been suggested as democracy's defining flaw: its ability to wield majority tyranny.

KEYWORDS:

Democracy, Deliberation, Government, Political, Tyranny.

INTRODUCTION

In a democratic process, voters are supposed to accept the outcome even if their cause is unsuccessful. Despite being in the minority, the majority wins the day. Despite having cast a vote against the winning policy, they must follow it. They could be compelled to follow the majority's ruling. This is just defeat; it is not dictatorship. Those that lose should look forward to their subsequent chance to make a choice. Depending on the topic being voted on a representative, a government, or a particular policy they may suddenly find themselves in a majority and be able to overturn the judgment that had previously gone against them. You win some, you lose some is a key tenet underlying the majority decision-making process. While it is theoretically conceivable that things may turn out differently if a big consolidated minority is successful in gathering just enough unaffiliated voters to push them into a majority most of the time, most citizens may anticipate to be in a majority on a majority of occasions. This is a crucial premise to make because if a sizable proportion of individuals believed that their involvement had little impact, they would be less inclined to see democracy as safeguarding their right to self-government or as the establishment of political equality [1]–[3]. Tyranny by a majority is not always majority rule. If the majority is made up of white people and the minority is made up of black people or vice versa, is it probable that the majority will allow the minority to receive equal justice? This is one of the most obvious examples of majority tyranny. If there were a majority of Catholics, a minority of Protestants, or the opposite, would the threat still exist? Instead, let the majority be Irish, the minority English, or the opposite.

The class divide between wealthy and poor is the separation that troubles Mill the most, and in Representative Government, he fails to address the issue in the same way that he does in *On Liberty*, which is disheartening. Given that many nations with significant racial, ethnic, or religious divisions have adopted broadly democratic regimes, it is apparent that we are more

acquainted with the problem's outlines than Mill was. Democracy may further solidify rifts where they already exist. The dominant party will evaluate ideas based on whether they advance the interests of their own group, if they harm the interests of a group they are opposed to, or—more often—whether they do both at once. Politics' agenda may be managed such that decisions are seldom made on matters that don't interest the majority. The minority will remain persistent and powerless. Even worse, if the majority advocates for laws or policies that restrict the rights or freedoms of minority community members, it will be more obvious that it is acting like a dictator. This is the tyranny of the majority in contemporary society, and regrettably, it is a common occurrence in the news.

On Liberty by John Stuart Mill raised a somewhat different issue. Accepting de Tocqueville's sociological analysis of America, he believed that a spirit of conformity would emerge from the uniformity of power and rank when all people saw each other as equals. Residents will pay careful attention to one another's behavior, even in the realm of private life, and be inclined to modify undesirable personal characteristics via restriction. Certainly, prohibition won't be necessary if the forces of conformity are powerful enough. Even the weird, bloodthirsty eccentric will be susceptible to societal forces as citizens rush to comply. Mill believed that rather than division, the tyranny of the majority was a result of self-reinforcing homogeneity. The greater the danger to liberty, the more thoroughly democratic a society's decision-making structures are infused. The trend for active involvement in the quest of conformity will be increased if there is democracy all the way down, from the Parliament or Congress to the neighborhood council and town meeting [4], [5].

The first kind of majority dictatorship, which results from already existing societal divides, is very dangerous. In reality, the issue with democracy could be more serious than I had thought as it might be used to exacerbate social conflict in addition to expressing it. The politicians who emerged from the ruins of Tito's regime discovered it impossible to carve out competing political manifestos within the available space of political dispute without bringing back to life religious and cultural divisions that many citizens had forgotten, or in the case of the young, barely experienced. This is one explanation for the incredible surfacing of intra-group animosities in the territory of the former Yugoslavia. This did not stop aspiring politicians from stirring up ancient animosities in their quest to win over voters and then nurturing those animosities to the brink of civil war when it was thought necessary for political success.

I acknowledge that the case's specifics are under dispute and would not seek to support this version of events based only on my ignorance. But, the argument should be obvious: democracy may be a significant source of the kind of conflict that the state is meant to arbitrate and settle. Those illustrations wouldn't have concerned Rousseau. These are, after all, a result of the kind of representative institutions he detested and would provide another another argument in favor of direct democracy. He was antagonistic to all parties and groups, as we've seen, and would have expelled them from his republic. His people do not consult religious or cultural authorities; instead, they depend only on their own intuitions and a kind of con- science that does not take into account the interests of certain groups. This is intriguing, but there is no way a democrat who wants to maintain a representative institution can win.

Yet Rousseau also makes a different point that ought to be more persuasive. We must always keep in mind that democracy is an ideal rather than a value. It is an ideal because it embodies the moral principles of liberty and equality as well as the pragmatic need of self-concern. He personally pinpoints a root cause for the issue we have been addressing and suggests a solution.

In this way, he is as absolutist as Hobbes in that citizens accept "the whole alienation of each associate, coupled with all his rights, to the society everyone submits himself totally the alienation being without reserve". Yet, as we've shown, this *de jure* absolutism is far from being tyranny since each subject effectively only cedes to the sovereign the rights that the sovereign thinks are crucial to maintain control over. The fact that the sovereign is the whole body of people and that the sovereign's general intention is to uphold equality and safeguard each person's freedom disarms what seems to be a conflict. It would be contradictory to think that people who strongly respect liberty and care about civil liberties would endanger such rights, or that those who cherish equality for everyone could accept the helplessness of a minority of their fellow citizens. One important takeaway from Rousseau's theory of the general will is that democracy is more than just a mechanism to make choices; it is a way to make decisions based on certain ideals that all people share. If it starts working as a tool for certain interests, it is "operating no longer as a Sovereign, but as a magistrate" and its judgments lose weight.

It has often been said that democracy may institutionalize the ideals that support it inasmuch as they represent the collective will. What is required is that we make a clear distinction between the rights that belong to citizens and those that belong to the sovereign, as well as between the obligations that the former have to fulfill as subjects and the rights that they ought to have as individuals. Identifying natural or human rights and enshrining them in a Bill of Rights, which effectively restrains the people down the track of respecting rights and freedoms, is the traditional constitutional method of establishing this difference. If the Bill of Rights serves as a declaration of principle, a constant reminder of the principles of association that compose the public will, then such a practice is not problematic. No democrat would complain if we saw a Bill of Rights as the precursor to every legislation, or, to use the lingo, as a purpose statement for communities and their legislatures to accept. This is how adhering to international human rights declarations and international human rights tribunals have worked, because unfavorable rulings are seen as political embarrassments rather than the overturning of laws. A distinct situation arises if the Bill of Rights serves as a constitutional provision that allows courts to evaluate choices made by democratic legislatures, since this raises the possibility of judicial review of democratic decisions.

The arguments against this procedure are quite simple to understand. It moves rights and freedoms discussions discussions that we can anticipate will be pervasive from a democratic forum to a tribunal. Judges, who are often appointed rather than elected, and who could have opinions typical of a specific class, gender, or ethnic origin, will make the decisions. Judges often disagree with one another for reasons that mirror the dominant characteristics of public discourse, and they typically decide the issue by majority vote. The public may believe that their own heads or the heads of their responsible representatives should be counted in order to resolve disputes over these issues. A self-assured democracy shouldn't have to delegate some of its most crucial choices to a profession that chooses its own members.

On the other hand, Bills of Rights and judicial review procedures may be very crucial in political cultures that pose a danger to majority dictatorship due to significant historical social divisions or, in fact, the urge to fit in. Lawmakers may avoid making decisions in contentious areas where they believe a moral majority may object out of fear of an unholy union of media campaigns and public prejudice. Judges may end up being the only people ready to defend people's rights when the status quo is oppressive since they have no fear of upcoming elections and are only required to make decisions about the cases that have been presented before them. On the other side,

having a court system to make such judgments may encourage politicians to keep contentious issues involving individuals' freedoms out of the public eye. This is not a matter that has to be resolved right now, but before we go on, it would be helpful to keep in mind how different the political system we are discussing is from the republic depicted in Rousseau's *Social Contract*. The individuals he envisions may differ on the finer points of what laws their rights need, but their disagreements would be motivated by a shared interest in liberty and equality. When critics of Rousseau take into account how the drive toward uniformity threatens liberty, they have a stronger case.

John Stuart Mill and Rousseau's agreement on a key aspect of the social psychology of democracy is an odd confluence of viewpoints. The ideal republic of Rousseau is an odd and, to many, repulsive place. There aren't any engaging dialogues or in-depth arguments, or if there are, they signify the institution's decline. On issues of the utmost importance, the electorate is predicted to be remarkably unanimous. In his disdain for oratory and the political arts, Rousseau approaches platonic proportions. He assumes that there is broad accord about values, and he is inclined to suggest organizations that support that consensus, such as the civic religion. When Rousseau's inhabitants determine what laws to pass, they don't listen to one another; instead, they listen to the voice of conscience that speaks to them when they think about the problems; conscience essentially says the same thing to everyone of them [6], [7].

According to Mill, the ability to reach an agreement on moral principles is a result of democracy rather than a prerequisite for it. In actuality, Mrs. Grundy is in charge, as they used to say.

When the sharp edges of opposing views are removed, eccentricity and eccentricity-like traits disappear. According to Mill, democracy dumbs down and levels down. He believed that these processes were an inescapable drawback of democracy and that, in order to be controlled, they required a keen awareness of the damage principle.

It is fortunate that Rousseau and Mill were mistaken. In order to thrive, democracy does not need the strict and oppressive uniformity that Rousseau envisioned, nor does it have to result in the conformity Mill deplored. We must acknowledge that democracy presupposes both agreement and disagreement in order to establish these points. It presupposes disagreement since, in the end, there wouldn't be any need for a state at all if everyone agreed on the proper behavior to exhibit, excluding issues with willpower and challenging coordination. Moral conflict is a clear fact of contemporary nations, and it soon turns into a political controversy when contending parties attempt to compel or negate the opposite viewpoint. Democracy may legitimately presume agreement on the exact same principles when they are relevant to the resolution of conflicts because it expects agreement with regard to the principles that support it as the greatest decision-making procedure.

There is a long-standing philosophical issue at hand, and the tenacity with which it creates real-world issues prompts spirited discussion about the boundaries of tolerance in a democracy. This is most obvious when anti-democratic parties run for office or when people who want to restrict freedom of expression and association want the right to openly and collectively advocate for these goals. In reality, stable democracies can undoubtedly put up with a lot of such anti-democratic behavior. It could be wise to conclude that stifling absurd opinions in public will have a negative impact on society rather than having a positive one. Yet rather than being problems of philosophical theory, they are matters of fine political judgment. According to philosophical principles, the claim of the right to equal political power does not imply that those

who support depriving certain members of the society of the chance to participate should also be allowed equal political power. A representative democracy should be aware of the risks of constitutional subversion that various representational structures carry depending on the current political climate. The implementation of the same principles employed to defend them may be undermined by proportional representation systems that are likely to provide representative status to a tiny minority of anti-democrats. If, for instance, there are political parties that support the deportation of people who are immigrants or any other kind of racial or religious discrimination, a democracy should look for pragmatic solutions to safeguard its founding ideals. It is important to keep in mind that democracy is not a virtue in itself. Only to the extent that they embody and advance the principles of liberty and equality are their distinctive practices justified. Constitutional amendments that may safeguard and reinforce these ideals should be put into place if democratic procedures pose a danger to them in a given situation.

DISCUSSION

Democracy, discussion, and conflict: The Rousseauian approach that we have been debating and altering emphasizes agreement with regard to the fundamental values that drive the adoption of a democratic constitution as well as additional agreement with regard to how those values are applied throughout the decision-making process. Rousseau thinks that a majority of right-thinking people will record that proper response as needed by the general will. He expects that the fundamental principles will provide a right solution to problems put up for judgment. I wish to look at two objections to these presumptions in the paragraphs that follow. First, there should be room for disagreement; second, there should be forums for citizen discussion.

The people of Rousseau's world realize prudential benefits and also understand that other people have comparable prudential concerns that call for respect. They place a high importance on civil liberties, political involvement, and individual autonomy. They emphasize equality in terms of political clout, basic material equality, and equality protected by the law. This is a potent measure of agreement in Rousseau's view. I argue that accepting these ideals universally might just as well be understood as a formula for enduring conflict. Dispute is conceivable, among other things, in the following situations:

When nothing else is at risk, a policy choice may have a variety of effects on how various citizens may pursue their own interests. The council wants to construct a route that will go around a community. Farmer A, who lives to the north of the settlement, wants the road to pass through his property so that he may sell it for a profit. Farmer B opposes since his acreage is to the village's south. In order to fund his retirement on the basis of his compensation payments, he would also prefer to sell everything. Farmers C and D quarrel with their close neighbors because they do not want the area they cultivate to be covered with asphalt, which is to the north and south of the village, respectively.

A policy disagreement may be related to wellbeing in general. Different citizens may assess the effects of various policies differently from one another from the perspective of welfare, depending on whether or not they have a personal interest in the result. Should the nation impose favorable tariffs to protect a budding industry? Two economists differ on the anticipated outcomes; one believes that retaliation would result in export sectors suffering irreparable harm, while the other thinks that long-term benefits will exceed the immediate costs.

On some aspects of the value conspectus, citizens may largely concur, but they may differ on the nature or application of the underlying principles. People could concur on the value of civil

liberties but differ on whether some rights, like the right to private property, are included in them. Maybe they can concur on the value of a certain liberty but differ on how to put the theory into practice. Citizens may argue as to whether this authorizes the selling of pornography notwithstanding the value of free speech. Although acknowledging the value of religious freedom, people may disagree on the morality of forced unions or ceremonial animal sacrifice.

A complicated value like liberty may have components that are at odds with one another. As conflicts between several types of liberty develop, those who cherish each of these forms of liberty could disagree. The degree of autonomy attained via social control systems may violate civil freedoms. One example of this may be paternalist laws. Those who are prudent yet weak-willed will support them. Libertarians with a strong will will disagree. As we've seen, judgments made by a majority of people who are exercising their right to political involvement may compromise civil freedoms. On the proper course of action to take under these circumstances accepting the cost in liberty or limiting the authority of the majority citizens may differ.

Conflicts between commitment to various kinds of equality and the various forms of liberty will often arise, especially if private property is included among the civic freedoms. As we observed when analyzing Nozick's views on taxes, the freedom to dispose of earned wealth may not be the most noble goal, but it should be given some consideration in our discussions. Policies that limit contributions to political parties and, in exchange, direct government funds to party organizations, severely restrict freedom in the name of political equality. Conservative Party spokespeople believe that policies that require the disclosure of party funding sources violate individuals' right to privacy. We may expect persons who belong to the opposing ideals to adopt various positions on how the conflict should be addressed as none of the opposing viewpoints in these arguments are plainly absurd.

Both prudential considerations and the public welfare will clash with the principles of liberty and equality. The reader is encouraged to provide their own instances. All of the issues that have been discussed so far have stemmed from differences between the components of Rousseau's value consensus. If there was an explicit ordering of these values, they might be resolved, but I don't see one beyond the general will's direction of prudential interests, nor do I see any possibility of a systematic ordering in the face of unwavering and conscientious contradictory intuitions. Even those who accept a prospectus of values that is presented as a collection of independently justifiable principles suffer from fundamental disagreement. Although we have attempted to advance this prospect in our discussions of liberty and distributive justice, there is no doubt that hard philosophical work can reduce the likelihood of conflict. However, as Isaiah Berlin insisted, the likelihood of a plausible and practically workable synthesis of all good things should not be seen as promising.

As soon as we analyze conflicts that do not involve the political ideals we have so far discussed, the likelihood of disagreement about policies that need legislation, or, by default, affirmation of the status quo, is increased. As philosophers, we are aware that disagreements over the morality of abortion are likely to be predicated on ideas like the sanctity of human life or the moral personhood embodied in the fetus, that disagreements over the evil of the irreparable punishment of the innocent and the location and subjects of rational consent are the basis for disagreements over capital punishment and voluntary euthanasia, respectively. We cannot confine discussions of these concerns, which call for political resolution through a determination of the legality or impropriety of alternative acts, to the confines of the public will when it contains the elements Rousseau forbade. We have discovered that disagreement is commonplace, even among people

who have similar political beliefs. When we acknowledge a variety of moral issues that cannot be separated from politics, it becomes even more pronounced since supporters of the competing moral stances demand that the regime either tolerate or prevent the activities at issue. When the moral conflict that underpins political disagreement is the result of religious or cultural differences, disagreement is seen to be considerably more ubiquitous. Rousseau believed that political disagreements could be settled via the application of accepted political ideas, but we have refuted this claim and shown that disagreements over fundamental moral principles cannot be divorced from the political process. The situation, in point of dispute, is considerably worse if we move beyond the philosophical canon to the realities of existence in the contemporary nation-state. We discover that the modern nation-state is a multicultural phenomenon.

This is either due to political settlements that have combined diverse historical cultures into a temporary political unity, immigration patterns that have brought foreign cultures into a formerly monocultural state, or, most likely, a combination of both of these processes over time. There are competing metacultural ideologies where, as in the United States, the dominant culture is that of immigrants. One promotes the "melting pot," an integrative process whereby prior allegiances are dissolved through common acceptance of a novel social settlement, while the other promotes multiculturalism, wherein the distinctive constituent cultures are to be preserved as valuable contributory elements of a dynamically innovative way of life. The social reality will unavoidably disclose moral inequalities, regardless of the historical narrative, metacultural establishment, or disagreement. Moral issues are often vehemently controversial if they are founded, as is typically the case, on religious differences brought about by ancestry.

Value difference, where there is disagreement on ostensibly fundamental ethical commitments, and value pluralism, where people agree on a variety of values but disagree on how they should be ordered or applied in conflict, are two reasons why there may be disagreement.³³ Amazingly, given his eccentric views on a variety of ethical issues, from the proper education of children to the regulation of the theater, and his quick sense of persecution from those of opposition But ultimately, he was in error. Democracy is more of a tool for resolving conflict than it is for ratifying agreements. This poses a difficulty right away since no one thinks that moral conflicts of the kind I've described are resolved by counting heads. Democratic procedures allow us to reach a conclusion rather than a firm conclusion to a complex topic. Let aside the notion that there must be a correct response in disagreements over moral principle-related issues. Rousseau would have agreed. What use can democratic processes serve in a society when there is so much obvious disagreement, if not as tests of moral propriety in decision-making?

The utilitarian explanation of democracy is the most direct one given in the face of opposition. In its distilled Benthamite form, as we saw above and in 1, this calls for every citizen to determine which alternative policies suit them best and then to express that preference in a vote, with overall satisfaction being maximized by a majority decision. This approach seems reasonable if the only issue at hand is the competing parties' self-interest. Imagine a hamlet that has received a £200,000 bequest from a local benefactor with the stipulation that it be utilized to build sports facilities. There are two options; the villagers may build either a swimming pool or a gym, but not both. It is difficult to come up with an acceptable alternative to reaching a consensus in order to resolve the disagreement. It is difficult to see any factors other than self-interest influencing the villagers' decisions.

Let aside the broad theoretical issues that utilitarianism brings up. Realistic disputes of the kind shown by this example need preference to be consulted and tallied in line with the voting

machine's mathematics. if so, we may broaden our thinking about the issue and wonder whether this approach can be used to settle all disagreements of the different types we have identified. there are compelling arguments against our being able to. the significance of free expression is acknowledged by anne, betty, and christine, who all agree that it is essential to the survival of the democracy they value. they must choose whether to let the national fascist party to hold meetings at the village hall. they dispute on whether the upcoming meetings represent a danger to the principles they uphold despite the fact that they all abhor the nfp's views. this is a legitimate disagreement, and we can all recall the key arguments used in their argument. they may both modify their opinions throughout the conversation, yet they are still unable to come to an agreement. in the end, they resolve the issue by voting, which is the only option open to them as democrats.

the utilitarian perspective would depict the decision-making process as one in which voters submit their choices. after discovering that betty and christine are in favor of moving on with the meetings, anne made the case that the result was the best possible one since two of the three were satisfied with it while the third was not. this examination of the proceedings is peculiar in that none of the participants thought they were expressing their preferences, and none of the winning couple wanted the satisfaction that the election's outcome generated. They both want the freedom that they believed the NFP should be allowed to have. Similarly, Anne, the loser, was more concerned with preparing for the meeting than with avoiding the discontent the vote generated. Although it is understandable for all parties to acknowledge the pleasure and discontent that has been placed on them, they have insisted that these factors had no impact on the decision-making process and are irrelevant when evaluating the result. When their mental health is weighed against the success or failure of their policy proposals in light of what they believe their beliefs need, they don't give a damn about how they feel. In such instance, judging the worth of the decision people make by using a democratic process by the ratio of resulting satisfaction to discontent is deceptive or philosophically incorrect.

Consider the psychological oddity of someone who votes in order to feel good about being on the winning side to support this assertion. Such a person would assess alternatives based on their likelihood of success rather than their inherent virtues. She would find herself in the peculiar situation of the football fan who switches her allegiance to the team she believes would win the league. In order to position herself skillfully, she would be asking which policy is most likely to get support from the majority. Strangely, if Anne believed this and understood that Betty and Christine had different opinions, she would be overjoyed. She could flip a coin and yet be certain to experience the joys of accomplishment. It is obviously absurd to think that all three of them would be trying to predict each other's movements in an effort to find at least one ally.

We are aware that many voters do not take their own interests into account while casting their ballots in elections or referendums. They are advised to refrain from doing so, in fact. As we saw above, if they are blatantly self-interested, they would not cast any votes while being part of a sizable electorate. Voting conveys their sense of self as engaged citizens who take part with the moral goal of morally expressing their views in a forum for decision-making. They may assert respect and acknowledge others as free and equal in a democratic arena. They would not defend it in these terms because they do not view it as a means of fulfilling their wants. In reality, Rousseau's theory of the universal will accords with the justification for voters' actions that we have developed. Even if it were true that majority choices increase welfare or utility through increasing voter satisfaction, most voters would reject this explanation for their actions—and not

because they are unaware of their own motivations or emotional states. As the utilitarian can separate the goals or motive of people who participate in an activity from the justification of that conduct, this result is not conclusive against utilitarianism. They will make generalized statements that democracies do not experience hunger or engage in inter-state warfare. They could try to use utilitarian reasoning to defend the fundamental principles of democracy, such as freedom and equality. They cannot, however, assert that all democratic actions can be justified by simple utilitarian logic. The victors' pleasure is a short-lived phenomenon that doesn't weigh much in the balances. If it turns out that the minority that lost had a point on an important fact, things might go south.

I don't want to say that democratic processes do not allow for utilitarian reasoning. As we've seen, there could be certain political situations where the only thing at risk is the voters' self-interest. It could be true that more decisions should be made based on calculations like these than what traditional civic virtue would suggest. According to Rousseau, when the decision-making group is small, we would often be better off maintaining a limited focus on our own interests or those of our constituency and forming alliances with like-minded self-seekers rather than giving in to pleas on behalf of an ill-defined common good. If national governments could successfully coordinate to pursue self-interested objectives, the impoverished, the jobless, the underpaid, and the sick would benefit more. We may listen compassionately when the utilitarian claims that he is going back to the drawing board to find stronger, more nuanced arguments or, more importantly, some persuasive evidence in the case of democracy as well as other virtues. Let's move on to alternate theories of democracy as the best way to resolve the conflicts that moral plurality and moral difference unavoidably cause.

A neo-Rousseauian movement dubbed "deliberative democracy" has gained traction in recent years. Deliberative democracy differs from Rousseau in the particular sense that it is predicated on the reality of disagreement. As a result, rather than modeling the reflections of lone thinkers who determine what conscience demands, it emphasizes the necessity of social processes that enable citizens to accept their disagreements, find common ground, or settle the issues pro tem as necessary in the real world.

In a way, as I've said, the fact that people may disagree is an obvious presumption of democracy. There would be nothing to argue about and nothing to decide if everyone was in agreement on values, preferences, and their respective and comparative orderings, as well as if all assessments were founded on the same accessible basis of factual facts. Yet, as we've seen, there are a lot of potential points of contention and therefore a lot of real-world political conflicts that need to be resolved. The reality of acceptable pluralism makes this issue in the present world more gravely regarded. A social phenomenon with philosophical and theological origins is reasonable pluralism. To my understanding, John Rawls is the originator of the phrase, using it to express the range of what he refers to as comprehensive doctrines that people might rationally avow.

In a process known as "deliberative democracy," parties that differ on principles and policies yet acknowledge that reaching an understanding is the only viable course of action and that conflict must be settled via methods of collective discourse.

When reaching an agreement is impossible, a method of majority vote is used to arrive at the second-best alternative. Due to the fact that it draws attention to processes other than majority vote, the concept of deliberative democracy is helpful. It specifically points out the kind and caliber of arguments to be used to resolve differences of opinion, the claims participants in the

conversation may legitimately make on their own behalf, and the claims of others that they must respect in return. Just as Rousseau claimed, the parties to the deliberative process are free and equal, however the types of freedom and equality vary from his in their many definitions by other thinkers. I'll make use of traditional notions of freedom and equality in what follows since they may be tailored to the needs of social discourse. Therefore, free citizens should have the ability to put issues on the social agenda for decision-making, should have extensive freedom of speech to advance their causes, should be able to collaborate with one another to achieve their goals, and should be able to take part in the deliberative process on an equal footing. What Gutmann and Thompson refer to as reciprocity is the foundation of these processes. Citizens who want fair conditions for social cooperation "offer reasons that can be accepted by others who are similarly motivated to find reasons that can be accepted by others". Public discourse is a matter of identifying values that parties who disagree about other issues share and then using this common fund of values to resolve the differences.

Deliberative democracy proponents often have high expectations for these outcomes, yet sometimes the magic happens. The Catholic admits that the Protestant will never embrace her religious ideas, and the Protestant accepts that the Catholic will never accept his. While none of them will be able to save the other, they may both be convinced of the value of being able to declare their beliefs. And based on this understanding, they may also agree to further refrain from attacking one another's places of worship or attempting forced conversions, embracing the value of religious freedom and advocating for a policy of religious tolerance. At times, the magic fails to work and agreement cannot be achieved. Even putting aside their differences in religion, pro-life and pro-choice opponents on the issue of abortion still disagree on the morality of fetal life. At this point, respecting one another's differing viewpoints equates to a commitment to adopt a decision-making process that upholds their freedom and equality and to follow the consensus opinion, whether it be to allow or prohibit abortion.

Joshua Cohen, a supporter of deliberative democracy, asserts that democracy is "a basic political goal and not just a derived ideal that can be described in terms of the ideals of fairness or equality of respect"³⁷. Yet, we can see why this assertion is false. Deliberative views of democracy rest on the foundation of freedom and equality principles, which may be stated in the way of our reading of Rousseau or may originate from deeper intuitions about autonomy, equality of regard, and a view of the common good. Such concepts are put to use in the dialectic at two different points: first, in defining the values that guide discussions and provide choices when democracy is in operation, and second, in determining the procedural rules that make up the democratic debate and decision process.

The principles that underpin the process, ensuring that democratic choices provide a fair foundation for social cohesion and coercive regulation, also control how debates are conducted and how outcomes are justified. They form "public reason," to use Rawls's word once again, which defines a set of values to which everyone may be held to adhere and which, in turn, create the parameters for the public discussions held by those who strive to resolve disputes on terms that are acceptable to all parties. They denote the starting points from which arguments in a public setting must develop if they are to win over their intended audience. It should be obvious to everyone that public reason is the modern equivalent of Rousseau's universal will.

Does the issue of disagreement become solved under deliberative democracy? The first thing to note is that, given the fact that not all people share the principles upon which the ideal is based, we cannot expect them to all accept it as a foundation for resolving disputes. Once again, liberals

run with the same offenders: individuals whose philosophical or religious beliefs cause them to reject the fundamental principles, however vague or flimsy they may be. According to Gutmann and Thompson, a group of parents in Hawkins County, Tennessee, objected to a basic reading text adopted by the board of education because it went against some of their Christian fundamentalist convictions.³⁹ One of the offending passages stated that "a belief in the dignity and worth of human beings" was a central idea of the Renaissance and that such a belief is incompatible with true religious faith. The parents' explanation "appeals to principles that may and should be rejected by members of a pluralist society devoted to defending the fundamental rights and possibilities of all citizens," according to Gutmann and Thompson. Yet, the opposing parents obviously do not accept a fair diversity of ethical viewpoints, and because they reject human worth and dignity, they are unlikely to cherish the preservation of fundamental rights and opportunities for all individuals.

We can see right away that there will be unresolvable conflicts with individuals who do not value seeking consensus or do not think it requires more than vigorous evangelizing. Conflicts with people who reject the fundamental principles of freedom or equality as being inconsistent with revealed teaching can never be resolved. Such controversial moral perspectives might be deemed irrational since their proponents aren't interested in addressing the conflicts that their ideas lead to. They would then denounce the deliberative democracy as illogical since, in their view, there is no other foundation for agreement but acceptance of the given truth. Deliberative democracy must acknowledge the fact that neither its processes nor the relevance of its policy discussions can compel the adoption of all components of the moral plurality that it claims to uphold.

If we were not comfortable making the claim that such viewpoints are simply incorrect, the persistence of individuals and groups within the polity who simply do not accept the founding values of democracy, values as fundamental as equal respect and freedom for independent judgment, would be more embarrassing. If they consistently block any effort to find common ground beyond the literal acceptance of their assertions, then their stances do not even provide opposing viewpoints the logical space for an argument with them.

There are just three methods, as far as I can tell, to handle a genuine policy or principal dispute. Finding reasons that persuade or compel one of the opposing parties to change their position is the first step in seeking substantive agreement. If that doesn't work, and the parties acknowledge that the scope of the dispute may be much reduced, if not entirely removed, by focused debate, they may come to a consensus sufficient to approve a decision method. For couples who want to go out together but consistently dispute about whether to attend a concert or a play, turning around or flipping a coin may work. The only political parallel that makes sense is some kind of democracy. The parties must fight in order to gain a dominating position that will allow them to force their judgment on persistently obstinate opponents in the absence of agreement on procedures.

Hobbes observed that if parties to unresolvable conflicts are nearly equal or similarly subject to changing alliances, fighting would be endemic. In a world where the possibility of conflict is often shown on television news, the most we can hope for is that our own communities have a strong enough majority dedicated to the settlement of conflicts by majority decision when substantive agreement cannot be reached. Then, ironically, they are able to enforce choices by compulsion that a commitment to consensus at some level cannot guarantee.

It has been helpful to bring out the limits of democracy in terms of the inevitability of initial, grassroots conflict and to demonstrate that its viability won't be shown to the satisfaction of all sides to all disputes. Both the democrat and the dictator must present their credentials while acknowledging that not everyone will accept them. He must be able to act ethically even when he is aware that his actions will be disregarded. His redeeming grace a true grace of character and manners as well as conduct is that he accords his adversaries the same level of respect, if not outright freedom, that they would deny him.

How well can deliberative democracy perform when dealing with various forms of conflict? Prior until now, I classified value pluralism as the situation in which persons concur on a set of values but disagree on their relative priorities, either generally or with regard to their application to various situations where a determination of priorities is necessary. Although Bert and Alf might both agree that equality and liberty are vital principles, Alf believes that liberty takes precedence. Regarding the systematic ranking of these principles, Christine and Denis could differ, but in terms of the rights to private property, Christine would think that freedom comes before equality. Christine could disagree with Denis' view that unrestricted donations to candidates for office are justified by freedom of speech and association. When freedom and equality, as they are expressed in the circumstances of a variety of policy conflicts, come into conflict, all four of them may admit that they do not find a methodical way to support the pattern of judgments they avow. They trust their instincts and have a knack for storytelling while adhering to honorable traditions of thought, knowing that they will encounter many other like-minded individuals.

It is difficult to imagine parties who advance the cases outlined above not being in agreement with the application of the values of freedom and equality that they assert are pertinent to the question of appropriate decision-making processes. In these kinds of dispute situations, settlement, as always, requires a basis of agreement. While I acknowledge that it's feasible, I think it's improbable. A person who relies on opportunism for effective political involvement claims a liberty that their absence from the political process forbids. Some people may consider that freedom is just a question of freedom of transaction plus a list of protected civic freedoms. Freedom and equality, along with a conception of the general good that invokes utilitarian considerations, emphasize the conclusion of many of the previous arguments by creating a space for policy disagreement within an agreement about its practical resolution through the use of democratic processes.

Given the degree of agreement on basic principles and the room for dispute that their elaboration provides, it is expected that subscribers will concur along conventional consensus lines and disagree at well-known fracture points. The pluralism I've described will draw attention to the areas of dispute and guide us toward finding a workable solution via democratic decision-making processes. We may agree to disagree and reach a consensus on a solution. Regarding what we referred to as value differences, things vary. We must acknowledge that there may not be any room for negotiation in this situation. The pro-life and pro-choice activists will not agree on any premises from which they can build an accord, no matter how much discussion there is. They may have the same political beliefs they all cherish liberty, equality, and democracy for its ability to properly resolve political disputes but they disagree on the question of whether abortion is morally good or immoral. Some other moral issues also call into question deeply held beliefs and need some kind of political resolution. The topic of homosexuality has received a lot of attention recently in Britain. The age of consent, whether or not members of the military services may

engage in gay relations, and whether it is appropriate to prohibit schoolteachers from promoting homosexuality are all issues that needed to be decided by Parliament. These discussions raise crucial issues of liberty and equality, but they have also exposed ostensibly non-political issues like the importance of marriage and family life and debates over whether homosexual relationships are normal human interactions or perversions of human nature issues that, astonishingly, seem to be the subject of religious conflict. As usual, church representatives have stepped in to remind a kingdom of atheists of the fundamentals of divine rule, and fairly speaking, their statements have backed both sides in the arguments.

It would seem that opposing parties to moral disagreements thus serious and amenable to resolution stand to each other in the same way as those for whom violence or the use of illegal authority is the only viable course of action. This, however, would be a rash judgment. When important issues of this kind are put up for debate, it cannot be assumed that public reason or the application of universal will principles would set the parameters of the debate. It may be acknowledged that it adds significant value to the discussion, but its principles cannot be expected to supersede the deeply held moral convictions that participants will unavoidably express in arguing against them. Yet, the main principles shall be upheld in establishing a decision-making process that results in a legally enforceable conclusion.

Theorists of deliberative democracy have criticized procedural conceptions of democracy for failing to recognize the reach of democratic principles into substantive questions that a democracy deliberates. These conceptions of democracy base their argument for democracy on the fairness of the democratic process of decision-making, in particular, on citizens' legitimate claims to equal respect as autonomous agents. When deliberative democracy overreaches itself and relies on philosophical resources that prove ineffective in resolving glaring and polarizing disagreement, procedural issues come into their own. Citizens' right to apply eccentric or strictly religious ideas to contentious political issues cannot be restricted. It is impossible to convince all participants in a democratic choice to accept the moral implications of that decision. Nonetheless, one may be able to persuade some of them that, on procedural reasons, the judgment should be followed and that it is the only just method to resolve the matter. Be on the lookout for the rest. ominously, their concern is for your salvation [8], [9].

CONCLUSION

The majority rule flaw known as the tyranny of the majority (or the tyranny of the people) occurs when the majority of an electorate solely pursues its own goals at the cost of those of the minority groups. According to Saunders, majority rule fosters deliberative democracy, and under majority rule, participants must always persuade more than half the group, however under super majoritarian norms, participants may only need to persuade a minority (to prevent a change). If the United States' free institutions are ever destroyed, it will be due to the unrestricted power of the majority. Social justice pedagogies may benefit from Tocqueville's idea of the "tyranny of the majority" since it can shed light on the quiet, undetectable nature of hegemonic power.

REFERENCES:

- [1] A. H. Liu, "Democracy and minority language recognition: tyranny of the majority and the conditional effects of group size," *Democratization*, 2017, doi: 10.1080/13510347.2016.1245292.
- [2] B. S. Gamble, "Putting Civil Rights to a Popular Vote," *Am. J. Pol. Sci.*, 1997, doi:

- 10.2307/2111715.
- [3] J. V. O'ay, "Tyranny of the Majority: Hegel on the Paradox of Democracy," *Kritike*, 2020, doi: 10.25138/14.2.A1.
 - [4] C. E. Matias and P. M. Newlove, "The Illusion of Freedom: Tyranny, Whiteness, and the State of US Society," *Equity Excell. Educ.*, 2017, doi: 10.1080/10665684.2017.1336951.
 - [5] F. L. F. Lee, "The impact of political discussion in a democratizing society: The moderating role of disagreement and support for democracy," *Communic. Res.*, 2009, doi: 10.1177/0093650209333027.
 - [6] T. Donovan and S. Bowler, "Direct Democracy and Minority Rights: An Extension," *Am. J. Pol. Sci.*, 1998, doi: 10.2307/2991742.
 - [7] A. N. Farley, "Direct Democracy in Education: How Ballot Initiatives Challenge Equal Opportunity and Risk Tyrannizing Underrepresented Students," *Educ. Urban Soc.*, 2021, doi: 10.1177/0013124520931459.
 - [8] D. J. Maletz, "Tocqueville's tyranny of the majority reconsidered," *J. Polit.*, 2002, doi: 10.1111/1468-2508.00148.
 - [9] H.-Y. Ku, "Two theories of democracy," in *Education for Democracy in England in World War II*, 2020. doi: 10.4324/9781315666228-2.