Question

- Discuss the relationship between Power, authority and legitimacy
- Give the Max Weber contribution to the theory of power.
- Write short note on legitimation crisis.
WHAT IS LEGITIMACY?

• Legitimacy represent the consent of the Governed.
• Legitimacy can be understood through following equation.

• Authority = Powers + Legitimacy.
WHAT IS AUTHORITY?

• That exercise of power which is considered legitimate by the people which means where people have Expressed their consent.
DIFFERENCE IN LEGITIMACY AND LEGALITY?

- Legality represent Law.
- Law in itself may not be legitimate.
- Only when people considered law as right it becomes legitimate.
Why Legitimacy?

Jean-Jacques Rousseau

Immanuel Kant
Why Legitimacy?

Rousseau-
Even the strongest men is never strong enough until he convert his power into right.
Immanuel Kant-
Political system cannot take a single step without paying tribute to morality
THEORY OF LEGITIMACY

• One of the prominent scholar give theory of legitimacy is Max Weber.
INTRODUCTION

- Max Weber he is considered as father of modern society.
- He is a critique of Karl Marx and believes that capitalism is the most rational system.
- Max Weber has challenged Max Theory of History.
According to him, historical materialism is (mono casua) single factor explanation of history.
BOOK – “PROTESTANT ETHICS AND RISE OF CAPITALISM”

- In his book 'Protestant Ethics And Rise Of Capitalism'.

- He has shown that how the spirit of protestant religion led to the emergence of capitalism.
Max Weber head challenge
Marx Theory of social satisfaction

1. Society is divided into two classes
2. Polarization of classes
MAX WEBER'S VIEW

• He mentions that I wouldn't suggest that as capitalism advances proliferation of classes take place many new middle classes have emerged.

• Max Weber is known for Theory of Bureaucracy.

• Max Weber has developed the methodology of 'IDEAL TYPES' (Making Models).
WEBER'S VIEW ON POWER
CONTEXT - CRITICISM OF MARXIST VIEW.

- Marxist view -
  - Marks does not consider the state as legitimate.
  - He believes that the state is an instrument of bourgeoisie class and uses force in the interest of bourgeoisie class.
CONTEXT - CRITICISM OF MARXIST VIEW.

• Marxist view -
  • State does not represent power state represent legitimate power.
  • State represent authority
  • Authority reflect the consent of government.
CONTEXT - CRITICISM OF MARXIST VIEW.

- Marxist view -
  - According to Max Weber, authority exists in all societies, however, the nature of authority may vary. He has given three ideal types of authority given as follows:
Three Ideal Types of Authority

1. Traditional Authority
2. Charismatic Authority
3. Rational Legal Authority
1) TRADITIONAL AUTHORITY

- The basis of authority or legitimacy is customs and traditions.

- For example-
  - The Authority of Queen in Britain
2) CHARISMATIC AUTHORITY

• The basis of authority is charisma or personality
• For Example
  • The Authority of Gandhi
3) RATIONAL LEGAL AUTHORITY

- The Basis Of Authority Is Rational Laws.
- For Example
  - Bureaucracy
• In all societies all the three types of authority exist however different types of authority dominate for example in modern society rational legal authority is dominant.

• In traditional societies traditional authority charismatic authority is dominant when society is in Crisis.
INDICATIONS OF LEGITIMACY

• 1. Law and Order
INDICATIONS OF LEGITIMACY

• 2. Peace in Society
INDICATIONS OF LEGITIMACY

• 3. People Pay Taxes
INDICATIONS OF LEGITIMACY

- 4. People Participate National Festival
INDICATIONS OF LEGITIMACY

• 5. People Respect National Symbols.
Methods employed by the State to Gain Legitimacy?

1. Maintaining System Of Rights
Methods employed by the State to Gain Legitimacy?

2. Freedom Of Press
Methods employed by the State to Gain Legitimacy?

3. Independence Of Judiciary
Methods employed by the State to Gain Legitimacy?

4. Free And Fair Elections
Methods employed by the State to Gain Legitimacy?

5. Social Welfare Policies
Methods employed by the State to Gain Legitimacy?

6. Compulsory Voting
Methods employed by the State to Gain Legitimacy?

7. Propaganda
What will happen when Legitimacy Fails?

1. It gives rise to Crisis of Governability
2. It may give Rise to Revolution.
Concept of Legitimation Crisis.

Scholar - Jürgen Habermas

School of thought - Neo Marxist
Question

- What is the Theme of Legitimation Crisis?
ANALYSIS OF WELFARE STATE BY JÜRGEN HABERMAS

• According to the welfare state is a temporary solution.
• It cannot end the contradiction in capitalism.

• Hence states in capitalist society are bound to suffer legitimation crisis which means protest or revolution.
Why Welfare State is a Temporary Solution?

Welfare State is based on Contradictory Principles.
Which Contradictory Principles?

1) Socialism in Politics
2) Capitalism in Economics?
1) SOCIALISM IN POLITICS

- Socialism denotes Pro poor approach.
- With the introduction of right to vote to the worker.
- It has become compulsion for political parties to promise populist measures.
2) CAPITALISM IN ECONOMICS?

- Capitalism existence of private ownership.
Why problem arises?

1. In order to fulfill your promises politicians have to extract resources from industries.

2. There is a limit to which industry can finance.

3. Capitalism works on profit and competition.
• Time will come when industry will not be in a position to finance on the other hand Expectations of the people keep on rising state will be compared to "Roll Back".
• Once state rollbacks people will start feeling the pain.
• This will results into popular protest that is legitimation crisis.
• Example- Crisis in Greece
• Government of Greece was giving use social security global financial crisis created the situation of sovereign crisis.
Financial Institution imposed outstretched measures.

Once such major imports there where popular protest in has resulted into political instability in Greece which in turn infected its economic recovery.
Question

• Write short note on Political Obligation?
• What is Political Obligation obligation of people towards the state theories of Political Obligation theories provide the basis as to why people should obey the state?
1) Plato  
2) Aristotle  
3) Hobbes  
4) John Locke
5. Jean Jacques Rousseau
6. Hegel
7. T H Green
1) PLATO

- State is a source of virtue.
2) ARISTOTLE

- Man is By Nature a political animal
3) HOBBES

- The end of obedience is protection
4) JOHN LOCKE

- The sole purpose for the creation of Commonwealth in the protection of property
5) JEAN JACQUES ROUSSEAU

- State représentation général will.
6) HEGEL

- State is march of God
7) T H GREEN

- State hinder the Hindrance
There are theories which do not recommended obligations and other resistance and revolution like

Karl Marx – “State is an instrument of Exploitation”

Anarchist – State is unnecessary evil. It limits freedom of Men.
According to Leo Tolstoy, Kingdom of God is within you
According to Gandhi, State is not compatible with principles of nonviolence.
According to H Ardent, State is a symbol of violence
Question

- Q. Difference between Legitimacy and Hegemony?
1) There are 2 facts of power one belong to liberal discourse and other belong to Marxist discourse.

2) According to liberal Scholars state represent authority which is legitimate power.
In words of TH Green "will not force is the basis of state".
Hegemony is a concept given by Gramsci the so-called legitimacy is manufactured
• Hegemony is a concept given by Gramsci the so-called legitimacy is manufactured.
• Hegemony represent that the state ruled by manufacturing consent.
• The site for manufacturing consent in Civil Society when consent fails then coercion is used.
• Althusser has information about two types of approaches that is ideological and coercive.
• Thus for liberal Scholars get continuous because there is a consent of people for the state where as for Marxist continuation depends upon ability to manufacturing consent.
Habermas believes that 'Legitimation Crisis' is inevitable.
THEORY OF RIGHTS

What is Concept of Right?
- It is a Modern idea.

What Was Ancient Idea?
- Concept of Duty

What was Mediaeval Idea?
- Divine Rights of Kings

What is Modern Idea?
- Rights of Men
Question

• Q. Rights belong to which Discourse?
• The idea of rights belong to liberal discourse.
• However in present times we have alternative concept of rights like socialist rights - social and economic rights multicultural and communication perspective of cultural rights original rides belong to individual but now, he when the rights of groups is recognized.
Karal Vasak explain the evolution of rights in the form of three generations
Evolution of Rights

I Generation
- Right Civil and Political.

II Generation
- Social and Economic

III Generation
- Cultural and Developmental.
1. According to Dworkin there are

A) Strong view of Rights
   - Legal

B) Weak view of Right
   - Moral
Rights can be interpreted in 2 ways.

1) Entitlement or Claim

2) Moral Basis of Rights
• According to John Locke and Nozick there are certain rights which are absolute.

• Enjoyment does not dependent on performance of Duty.
1. ENTITLEMENT OR CLAIM

- It is a strong view of right according to which rights are the claims of person on the society and state.

- Here is no relation between rights and duties.
1. ENTITLEMENT OR CLAIM

- Person is ought to enjoy certain rights irrespective of the fact whether they performed corresponding duty or not.

- The librarian concept of right is based on the concept of right and claims or entitlements.
2) MORAL BASIS OF RIGHTS

- Morality as a source of right since men is a member of society man is dependent on society.

- Hence man has certain obligations towards the society.
According to T H Green, "origin of rights is in the social consciousness depends upon the communities sense of right or wrong".
THEORIES OF RIGHTS

1. Theory of Natural Right
2. Oldest theory
3. What is the idea - Intuition rather than institution is the source of right does for them state is not the source of right it is just Protector of right.
There are two traditions in theory of Natural Rights:

1. Tradition of Social Contract
2. Teleological Rights
1) TRADITION OF SOCIAL CONTRACT

- John Locke:
  - Man enjoys rights in the state of nature, man has not transfer all of his rights to the state rights of man are trying to the state.
1) TRADITION OF SOCIAL CONTRACT

- John Locke-
  - Man was enjoying rights in the state of nature. State can not deprive men from these rights. Man has right to revolt.
2) TELEOLOGICAL Tradition

• Thomas Paine
  • He does not believe in the theory of social contract.
  • He should not limit in the choices of future generation.
2) TELEOLOGICAL RIGHTS

• Thomas Paine
  • We require a better basis for the justification of rights, rights can be justified on Teleological basis.
  • Rights are those conditions which are necessary for the development of human personality the basis to claim rights is earth for development.
TH Green also support the Teleological basis of rights.
2) TELEOLOGICAL RIGHTS

- Thomas Paine
  - French Revolution and American Revolution are based on the ideas of natural rights of man.
  - Even *Universal Declaration of Human Rights (UDHR)* its base on theory of natural rights.
Criticism

1) Legal Theory - Exponents – Bentham

2) Conservative Theory of Right
1) Legal Theory - Exponents - Scholar - Bentham
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<tr>
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<td>• What is the theme of this theory?</td>
<td>• Unlike theory of natural rights in the theory of legal rights support the view that state is source of right.</td>
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In his book, *Anarchical FALLACIES*, Bentham suggest that natural rights are nonsense in the words of Bentham natural rights are nonsense up on stilts.

- Rights are properly the creature of Law.
- natural rights is a metaphor.
- It is a terroristic language.
According to Hobbes, it is not possible to enjoy rides in the state of nature. State of nature is a state of War where rights is a right prevail things men can enjoy rights only when state comes into existence.
According to Bentham, natural rights are nonsense because some preconditions are required for observing natural rights.
• This pre-conditions is state, State establishing law and order create such conditions that it is possible to enjoy rights.

• If we force state to observe certain rights which it is not capable of providing it will lead to anarchy.
• Theory of Legal Rights has been the dominance theory till World War II.

• After World War II with the acceptance of concept of Human Rights there is a revival of the theory of natural rights.
2. Conservative Theory of Right.

Scholar- Edmund Burke.
WHAT IS THE THEME?

• The source of right is customs and traditions rather than reasons of man.
• It is not possible to enjoy rights which are not as per the cultural values of the society these neither natural law positive law is a source of right.
• It is common law which is the source of right.
According to Edmund Burke, Natural Rights are Metaphysical obstructions.
Edmund Burke and other conservative thinkers have limited faith in the capacity of one person. They believe that customs and traditions represent the wisdom of Ages. The collective wisdom of Ages cannot be challenged on the basis of the reason of single person.
VIEWS OF EDMUND BURKE

• The collective wisdom of Ages cannot be challenge on the basis of reason of single person.

• In contemporary times about theory of rights has influenced the emergence of communitarian multicultural and cultural relatives perspective on human right.
Human Rights
WHAT ARE HUMAN RIGHTS?

• By definition their rights which are available to human being just because of Being Human are called as human rights.
IMPORTANCE OF HUMAN RIGHTS

• Human Rights has become new religion the religion of humanity.

• It is considered as one of the most Revolutionary ideas of our Times.
IMPORTANCE OF HUMAN RIGHTS

• However, Rights is also an extremely controversial concept it is highly polity size concept.

• Human Rights can be considered as big package which include all possible right.
IMPORTANCE OF HUMAN RIGHTS

• There has been a growth of Human Rights industry, there is overflow of human right activism.

• This phenomena is called as inflation of Human Rights which has created lot of bad currency.
Karal Vasak has categories Human Rights in to 3 generations.
3 Generations

I Generation Rights

II Generation Rights

III Generation Rights
I Generation Rights
- Civil and Political Rights based on liberal discourse.

II Generation Rights
- Social and Economic Rights based on socialist discourse.

III Generation Rights
- Cultural and Developmental these include right to development disarmament and Right Of Cultural groups specifically minorities.
HISTORY OF HUMAN RIGHTS

• The historical foundation of Human Rights comes from the atrocities committed by Hitler on Jews and other minority speech has been instrumental behind UDHR on 10 December 1948 new UDHR include a Preamble and 30 rights.
UDHR along with to Covenants

• 1. International Covenant on civil and political rights 1966 entered into force in 1976.

• 2. International Covenant on Social Economic and Cultural Rights 1966 and entered into force in 1976.
UDHR along with to Covenants

• These three documents are called as International bill of rights.
• There are regional charter conventions, Institutions for protection of Human Rights despite all these the situation of human right has not been encouraging.
• In fact the situation has become worse.
Why situation is Bad?

1. Human Rights has been used by western countries to fulfill their geo-political interest.
2. Human Rights has been employed by international community in selective manner.
3. the present HR discourses and Institutions are based on liberal discourses.
   It has been seen my many countries in non Western world either redundant for non Western world means of "cultural imperialism".
Though International community acknowledge the importance of Human Rights yet there is no agreement over

1. Who qualifies to be human
2. Which rights are to be treated as basic rights available to all
Whenever we talk about human rights it automatically gets link with western way of life because there is no conception of rights in any other society.

However Western values have been criticized as a means for legitimizing western hegemony.
Features of Human Rights
There are 5 essential features of human rights.

1. Equality
2. Universality
3. Inalienable
4. Permanance
5. Individuality
1. EQUALITY

• The basis of Human Right is the feeling that irrespective of culture, state, race, gender all persons have to be treated as equals just because they are human.

• Hence also get some basic rights.
1. EQUALITY

• It denied those basic rights it will be like treating some persons as used by humans.

• In this context Human Rights has been a very controversial issue between the Western and non Western society.
2. UNIVERSALITY

- Since all are humans all people whether they live in Berlin or Baghdad they should enjoy common basic rights. however universalism has been registered by those who talk about “Asian value” and see Western attempts to create a universally applicable set of rights as “cultural imperialism”.

Asian Values mainly include...

1) A stress on the community rather than the individual
2) The privileging of order and harmony over personal freedom
3) A particular emphasis on saving and thriftiness
4) An insistence on hard work
5) A respect for leadership
6) An emphasis on family loyalty
3. INALIENABLE

- They are irreparable because they are intrinsic part of men's personality human personality separation emplies the Deniel of human essense.
4. Permanance

• These rights have to be enjoy not once but on a permanent basis.
5. INDIVIDUALITY

- Another very controversial aspect of human right because that of train is based on the recognition of the autonomy of the individual.
- The theory of Human Rights suggest that irrespective of persons nationality, religion, colour, gender, extra person should possess these basic rights.
5. INDIVIDUALITY

• It is to be noted that individual autonomy is a western value.
• Thus very idea of the human right creates the source of conflict not only among political Scholars but between civilizations human rights can be considered as one of the factor behind “Clash of Civilization”.
THEORY OF HUMAN RIGHTS

- To understand the Theory of Human Right we have to go into history of Human Right.
WHAT IS THE HISTORY OF HUMAN RIGHT?

- Atrocities by Hitler human right originated out of the moral dilemma as well as legal dilemma faced by international community.
WHAT WERE THE REASONS FOR DILEMMA?

- Non intervention in the domestic affairs of the state has been the acknowledge principal in international politics.
- Since Treaty of westphalia 1648 it has been accepted that the people living in particular territory ultimate power lies with the state.
- There is no role of International community in domestic affairs.
• This principle created restriction on international community for legal intervention in a domestic affairs.

• Hence, it was recognized that even before the emergence of Civilization division of population among different territorial and administrative units there was existence of man in original state.
• Hence, before we become nationals of any state or followers of any religion we were connected with each other and equal to each other by virtue of Being Human.
There was a need of theories which could establish that irrespective of the state or constitution persons around the globe possesses some original rights.

Hence Human Rights is always known as the moral aspiration there was a need for theoretical justification.
• These rights are to be considered as fundamental to human existence.

• There are inalienable essential For human existence.
Hence the support for human rights came from the **Theory of Natural Rights**.

Theory of natural rights suggest that before the creation of state man enjoy certain rights.

Man has not transfer these rights to the state.
• They are Entitlement of Man.
• They have to be taken seriously.

• Deliberation theory of light is based on above idea.
Besides John Locke, Tradition of human right it's also trace to "Immanuel Kant".
Immanuel Kant suggested that, we have to base the concept of right of man lien on the basis of Human reason rather than any Superhuman agency.
Immanuel Kant suggested that all human possesses reason. This distinguishes them from animals. This very fact suggest that all humans had to be treated with equal dignity.
In the words of Immanuel Kant is mine is end itself not to be treated as a means to an end.
Thus human dignity is a category imperative.
Question

• What is Categorical Imperative?
CATEGORICAL IMPERATIVE

- Immanuel kant's principle or Maxim to accept anything.
- This Maxim is based on human reasoning. Whatever, affairs rational can be accepted as a principle of ethics.
Kant’s Categorical Imperative

- Morality is meant to guide our actions.
- We act on maxims: principle of action, what we intend.
- Morality is universal, the same for everyone.
- so “Act only on that maxim through which you can at the same time will that it should become a universal law”.
- E.g. stealing: If we could all just help ourselves to whatever we wanted, the idea of ‘owning’ things would disappear; but then no one would be able to steal.
• However, this reason has to be reason in pure sense, it should not be guided by selfish interest.
CATEGORICAL IMPERATIVE

- In contemporary times Human Dignity is considered as better basis for human rights in comparison to natural rights.
- Even the basis of justification of human right found in UDHR incredible human dignity.
In contemporary Times Jack Donnelly base human right on tradition of natural rights or entitlement
Alan Gewirth base human rights on principle of human dignity.
Richard Rorty suggest that human rights can be based only on the principle of emotions rather than reason.
Human Right are nothing more than a sentiment emotional appeal.
Question

• Debate in Human Rights Theory?
• universalism versus Particularism?
Asian Values mainly include...

1) A stress on the community rather than the individual
2) The privileging of order and harmony over personal freedom
3) A particular emphasis on saving and thriftiness
4) An insistence on hard work
5) A respect for leadership
6) An emphasis on family loyalty
WHAT IS UNIVERSALISM?

- Universalism is a feature of modernity and liberal discourse according to universalist all people in a society should possess some basic rights.
- The UDHR is based on the belief that human rights must be universal.
WHAT IS UNIVERSALISM?

- However universalism great debate like asian values multiculturalism and cultural relativism.

- Liberal discourse on human rights is universalist liberals believe that all should possess basic rights.
• The right which they prescribe are based on the individualistic view of men they believe that man is autonomous.
• For protection of autonomy the basic right right to life, liberty, property or pursuit of happiness.
• Most of the rights in UDHR are based on about as assumption.
• One of the major challenge to universalism advocated by waste comes from the call for Asian Values.
Asian values is an idea advocated by the leaders of Southeast Asia, primarily Singapore and Malaysia.

According to these leaders, Asian values are opposite to liberal valuation values, focusing on discipline and respect for authority.
According to them Western values are not suitable for societies in Asia and Africa.

They also suggest them by western countries as a means of cultural imperialism.
• However Western countries believe that so called Asian values is a discourse by authoritarian leaders to justify operation or exploitation.
• UN lid International Conference on Human Right in Vienna acknowledge the limitation of Asian values.
Even Amartya Sen does not support the idea of Asian values because they cannot be generalized.
• According to months in democracy has intrinsic value.

• It should not be regarded as formation of the west another criticism of universities approach to human right come from multiculturalist.
Will Kymlicka suggest special set of cultural rights to be given to the minorities.
Bhikhu Parekh who is a postcolonial multiculturalist suggest that the value governing human life should not be based on the value system of the single culture.
• It should be the result of dialogue among different civilizations.

• He is optimistic that we will be able to arrive at some common values which can be acceptable to all.
Cultural relativist and communitarian suggest that there is a need to take a culturally relative approach towards human right.

They reject the view of man as "Abstract Individual".
• Instead of abstract individualization they suggest that man is situated self.

• According to them "Good Is Prior To Right".