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Q.P Code 33871

Answer Key, Paper II, Sem IV, March 2018

Q.1

a) Define rights. Examine its meaning and nature. Distinguish between positive and negative rights.

Definition:

Oxford English Dictionary – It defines right as the standard of permitted and forbidden action within a certain sphere.

Ernest Barker – He defines rights as external conditions necessary for the greatest possible development of the capacities of the personality.

Harold Laski – He defines rights as those conditions of social life without which no man can seek, in general to be his best.

Meaning and Nature:

- Rights are claims by individuals that are made against the society or state.
- Rights are recognized by civil society as essential claims for the development of individuals, and are enforced by the state.
- Rights are claimed on various grounds.
- Certain claims are introduced by the state.
- Rights serve the purpose of providing conditions for liberty and development of capacities of personality of individuals.

Positive rights:

- Positive duties to take action.
- The holder is entitled to provision of some good or service.
- State takes up positive action for guaranteeing and securing rights of individuals or groups.
- They are generally harder to justify & require more complex ethical substantiation than negative rights.
- They are favoured by socialists who defend welfare provisions and economic intervention.
- They are condemned by the liberals and supporters of the New Right because they breed dependency and weaken self-reliance.

Negative rights:

- State is not authorized to interfere in these rights.
- It is a right not to be subjected to an action of another person or group.
- It generally permits or obliges inaction.
- They can be respected simply by each person refraining from interfering with each other.
- They have been traditionally supported by liberals who see them as a means of defending the individual from arbitrary government.

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- They have been attacked by socialists on the grounds that they may merely uphold private property and thus class inequality.

b) Write a brief note on the legal theory of rights.

1. Contribution of Jeremy Bentham
2. Legal rights exist under the rules of legal systems.
3. Legal rights are recognized and protected by a rule of justice.
4. Characteristics of legal rights: (According to Salmond)
 - Vested in the person who is the owner of the right, the subject of it, the person entitled or the person of inherence.
 - It avails against a person, upon whom, lies the correlative duty.
 - It may be an act which a person bound by duty has to do or it may be 'forbearance' on his part in favour of the person entitled to the right.
 - The act relates to something which is designated the object or subject matter of the right.
 - Every legal right has a title. Facts must show that the right must be vested in the owner of the right.

c) Classify the different kinds of rights.

1. Civil Rights
2. Political Rights
3. Economic Rights
4. Social Rights
5. Cultural Rights
6. Group Rights

Q.2

a) Enumerate the different types of liberty.

1. Natural Liberty
2. Civil Liberty
3. Political Liberty
4. Economic Liberty
5. National Liberty

b) Give a brief explanation on the development of the concept of equality.

1. First Phase – Greek Period
 - a. Analysis of equality by Greek Philosophers
 - b. Equality from perspective of justice
2. Second Phase – Rise of Christianity and Islam
3. Third Phase – Modern Period
 - a. The concept of equality during the 17th & 18th Century
 - b. Equality during the 19th Century

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c. Equality during the 20th Century

c) What do you understand by the terms 'Procedural and Distributive Justice'?

1. Procedural Justice:

- a. Employing correct methods of rules of conduct
- b. Procedural justice is based on 4 central principles
- c. Just and fair process of fulfilment of the demands of justice
- d. The procedural understanding of justice depends on individual behaviour

2. Distributive Justice:

- a. Fairness in allocation of resources
- b. Distributive justice advocates economic aspect of justice
- c. Basic axioms of distributive justice
- d. Justice to all and not to a few
- e. Preferential treatment of the weaker sections of the society

Q.3

a) Define democracy. Explain the Elite Theory of Democracy.

Definition:

Abraham Lincoln – A government of the people, by the people and for the people.

Lord Bryce – That form of government in which the ruling power of a State is legally vested, not in any particular class or classes, but in the members of the community as a whole.

Elite Theory of Democracy:

- 1 Basic assumption of the elite theory of democracy
- 2 Inevitability of oligarchy
- 3 Iron law of oligarchy
- 4 Emergence of new ruling elite
- 5 For Pareto, the pioneer of the elitist theory, elite is a value
- 6 The circulation of elite theory
- 7 The society is divided between elites and non-elites
- 8 Democracy is a means to authorize governments

b) List the salient features of Liberal Democracy.

1. Free competition for political power
2. Absence of privileges
3. Separation of powers
4. Rule of law
5. Individual liberty
6. Tolerance and pluralism
7. Universal suffrage



c) Examine the various challenges that democracy faces today.

1. The tyranny of the majority
2. Social inequalities among the people
3. Communalism
4. Illiteracy
5. Gender discrimination
6. Fundamentalism

Q.4

a) Briefly discuss the basic principles of Marxism.

1. Dialectical materialism
2. Historical materialism or materialistic interpretation of history
3. Theory of surplus value
4. Class struggle
5. Revolution
6. Dictatorship of the proletariat
7. Communism

b) Write in brief the Liberalist and Marxist critique of fascism.

Liberal critique:

1. Several liberal thinkers – criticized fascism – totalitarian character. Fascism sought – distort – liberal & benevolent character – capitalism by dissociating it from democratic traditions & diverting it from – path – welfare state.
2. Fascism distorts human consciousness & individual liberty. It subordinates – individual – absolute authority of – state & reduces – individual – means to serve the end of the state. It also attempts – promote – irrational element in human nature.
3. It repudiates – liberal faith – natural & social equality of men through – cult of hero worship, superiority of the elite and racist doctrines. It goes against – pluralistic nature – society – establishing – monopoly – single political party & eliminating free and open competition for political power. It also demolished constitutional government which – sole guarantee – human freedom & progress as well as – cardinal principle – liberal democracy.

Marxist critique:

1. The Marxists disapprove fascism as an attempt – protect capitalism in – decadent phase.
2. By creating – myth – nation, fascism sought – suppress class-conflict on the one hand & international movement towards communism on the other.

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3. According to Gramsci the ideological propaganda – fascists sought – preserve capitalist hegemony and structures of domination which made it acceptable – ignorant masses.
4. According to Trotsky – historical function of fascism – smash – working class, destroy its organization & stifle political liberties.

c) List the different types of feminism.

1. Liberal feminism
2. Socialist feminism
3. Marxist feminism
4. Radical feminism
5. Psycho Analytical feminism
6. Individualist or libertarian feminism
7. Cultural feminism
8. Postcolonial feminism
9. Ecofeminism

Q.5

a) Suggest some measures to safeguard liberty.

1. Limited government
2. Provision of basic and fundamental rights
3. Independent Judiciary
4. Rule of law
5. Separation of powers

b) What are the conditions required for the successful working of a democracy?

1. Sovereignty of the people
2. Government based upon consent of the people
3. Protection of minority rights
4. Multiculturalism
5. Due process of law

c) Give the critical appraisal of Marxism.

1. The promise of an imaginary future
2. Materialistic interpretation of History is a partial truth
3. Liberal's objection to the redistribution of property
4. Suppression of individual rights
5. Unfulfilled predictions
6. The evidence of the 'end of history'