

26<sup>th</sup> Sept 2017  
HARE KRISHNA!!

## SOVEREIGNTY

\* Exclusive/essential: state  
cardinal feature, personality

\* charact.

\* Kautilya

\* Bodin: sou.

↳ limitatu  
↳ floats in air

\* Austin

Legal sov



HASKI

\* dms \* pluralist \* critic: Monistic theory

\* Divine theory of kingship \*

\* Implications: Austin's theory

1) unlimited power

2) ultimate source of power

3) command: essence of law

→ \* in mod. state  
: sublt  
\* laws: social  
forces/customs/  
traditions/com.

\* Monistic theory: ethically, not justifiable

- ↳ demands: unquestioned loyalty
- ↳ any room: moral adq.
  - ↳ critical evaluation
- ↳ stunts: moral personality
- ↳ loyalty: purpose.

White man's  
burden:

\* state: merely, an association

\* <sup>maxim</sup> centralisation of power: inefficient and incomplete

LASKI  
↳ decentralisation of economy

GHANDHIJI  
↳ decentralisation: eco + pol.

\* internally: sov.  
↳ wars

⇒ sov. disastrous: int + ext. → Federalism

\* Distributive state but monistics are  
advocating

collective state  
↳ dominates: all control

Ats idha  
Brahman

towards and he says

sov: essential but distribution not monit.

## CHARACTERISTICS

- 1) Absoluteness i.e. absence of any restraint
- 2) Permanence i.e. it continues uninterrupted as long as the state exists.
- 3) Inclusiveness i.e. no entity can compete with it
- 4) ~~all~~ comprehensive i.e. universal
- 5) inalienability i.e. don't lapse with the time
- 6) indivisibility i.e. notion of divided fragmented and limited sovereignty is contradiction

## BODIN

Bodin defines sov. as supreme power unrestrained by law. It is perpetual undeligated, inalienable and not subject to prescription.

However Bodin himself puts some limitations such as, he can interfere in divine laws

natural law, private property. must respect promise.  
law of succession

such limitations leads to paradox in his th. & it  
is said that his th. floats in air.

### AUSTIN

He has given legal sov.

His whole Th. of legal sov. revolves around the  
concept of positive law but not that of positive morality.

He defined sov. in a very comprehensive way, such as

" if a determinate human superior not in a  
habit of obedience to a like superior receives  
habitual obedience from the bulk of a given  
society then that determinate superior is sov.  
& that society is political & indep."

it is the sov. who is the source of all legal rules.

so far as these rules are in the form of statutes, they are the expression of the sov. will.

so far as they are contained in the judgments of the court. They are regarded as emanating from the sov. through his Judicial agent.

so far as they are mere customs, they are upheld by the sov. in that he permits them to persist.

## LASKI

He was ardent advocate of demo. & pluralism.

He vehemently criticises monistic view of the th. of state sovereignty as given by Bodin and Austin.

There are 3 implications of Aust. Th.

- 1) sov. is the ultimate source of power
- 2) its authority is unlimited
- 3) its command is the source of law

However harki critics and say that there is nothing in the modern state which could meet Austin's Th.

Power is not unlimited because many times state fails to enforce in the face of strong public protest.

The source of law is in the social force.

State Sov. Th. is not justified ethically also.

It demands unquestioned loyalty which stunts the growth of moral perso.

loyalty should be to the purpose for which state exist

& hence a purpose goes against the moral adequacy

& whenever then loyalty could be switched

one to other associations

Indiv. loyalty can never be single it is in fact plural.

Monistic state in which power is conc. at one center is admin. inefficient and incomplete. Hence he advocates decentralisation.

Even externally such notion of sov. is not in the interest of human society.

In contemporary times political & popular sov. is higher than the legal sov.

According to Haski, state should be distributive but not a collective state i.e. create several centers of authority & voluntary associations & bring them in close contact with the state.

Haski's views implies that nature of community is pluralistic & federal & hence it must be reflected in the state.

# PUNISHMENT

1) loss/pain/suffering

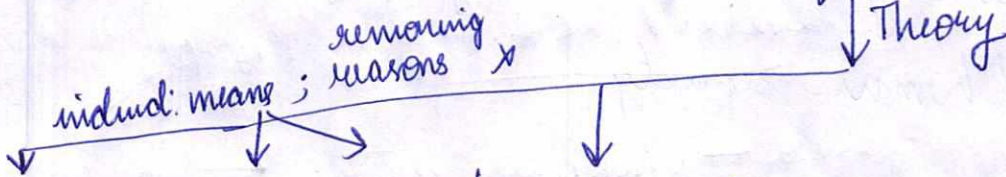
3) imposed on guilty

2) by competent authority

4) Stigma

5) Justifiable

→ impulse



## 1) Retribution theory

\* "eye-eye" / "tooth-tooth"

\* regarding equality

\* Aristotle, Hegel: Negative

↳ earn

Reward

Saudi

## 2) Deterrent theory

\* deter / discourage  
"sheep"

China: corruption  
N. Korea

|| precaution

## ~~Preventive theory~~

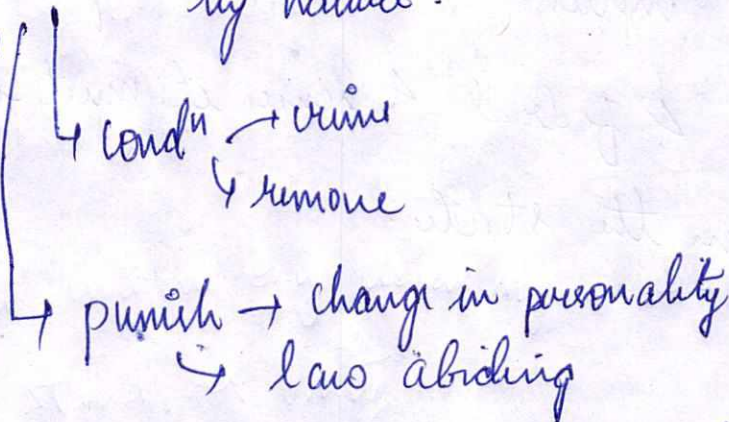
## 3) Reformatory Theory

→ MOST SUPERIOR  
human beings are malleable  
by nature.

punishment means  
a means

- education
- counselling
- training

Rehabilitation



Nanahit,  
terrorists surrender



→ disease: Kleptomania → socio-economic cond<sup>n</sup>.

→ psychological disorder, impulse, sex. sexual



CRITICISM: least impact on the habitual and hard core criminals.

Punishment is ethically justifiable only when your aim is reformative. (HUMANISM)

CAPITAL PUNISHMENT → essay  
→ ans

Ch  
For

- \* Moral war
- \* Definite deterrent
- \* Justice
- \* faith in legal system
- \* Plato " "
- \* Economic saving

Against

- \* scope of Reformation
- \* ethical ground
- \* Religious ground
- \* error of judgment
- \* complicity of lawyers
- \* not saving
- \* not definite deterrent.

India's stand:  
Rarest of the rare case

sc: rarest of rare cases.



- honour killings
- fake encounters

essay: conditioned X organic and all dimensions

→ state sponsored

## Mass Violence

- 1) Genocide → ethnic cleansing → complete wiping of one race
- 2) Terrorism
- 3) Communal Riots

(1) Q: Africa, Jews, Cambodia (by P...)  
 Saddam: crime against humanity

Not justifiable on any ground  
 HR, dignity X  
 human means ends

- social
- ethical
- Religious
- science

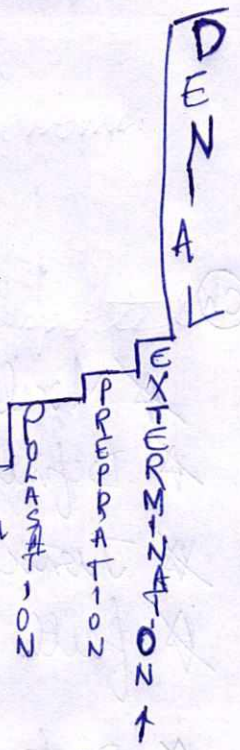
organisation

Dehumanisation  
 ↳ ethnic cleansing

classification  
 "us and them"

symbolisation

changing



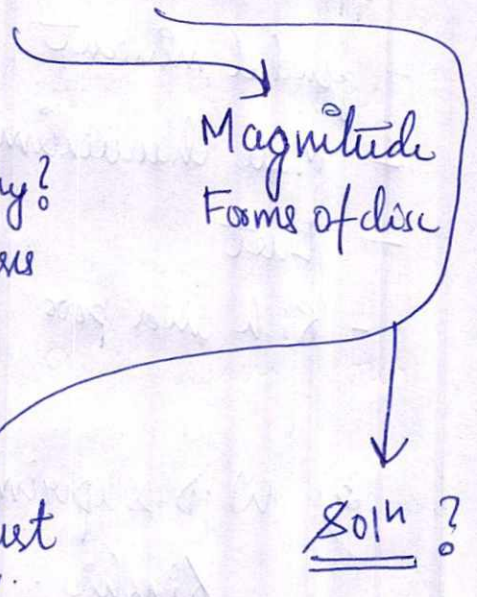
Realism: i will interfere only when my interests are served  
 idealism: i stand for unity

- Darfur



①  
What?  
GENDER JUSTICE  
② ✓

- w. discrimination
  - b. injustice
  - complx, difficult
  - subtle, widespread
- + why? causes



\* What?

- equal rights / opp. | - avoiding inequalities | Freedom /  
fair treatment | Law / customs

⇒ "Fullness of life"

\* Gender: Broad

↓  
socio-logical / psychological concept

sex: biological concept

gender: ~~psych~~ sociological / psychological

② Since primitive time, Old and Universal (Horizontal + Vertical)

economic distance: easily bridged  
women disc.: complx.

### 1) Rape of a Dalit woman

- upper caste lower caste
  - feudal mindset
  - Male Chauvinism
  - Caste
  - Rich and poor
- } Multiple factors at play

### 2) de-rooted in society

psychic

Men: Job Remunerative

Women: non remunerative

### 3) W.D. superimposed on Kinship.

UN Report: caste disc.  
hidden Apartheid.

For caste disc we can't

do this ∵ it is deep rooted and subtle.

- comprehensive economic sanctions

↑  
whole world supported.

intra and intra  
discrimination

### 4) Religion complicates the things

Reasons: Patriarchal society

glorification, appreciating

When time comes to give rights : you become agitated

\* Sexuality & motherhood

no other dimension

↳ double standards / asymmetry:

\* Inequality

\* division of labor.

"glass ceiling" : i talk a lot about women but  
in my own coop. women is disc.

27th Sept 2017  
HARE KRISHNA

It means fair treatment of women w/o discrimination, recognizing their rights as human beings. avoiding inequalities in laws & customs, giving some opp. & some freedom in all spheres of life.

That each is entitled to see the fullness of life.  
Gender is a broader concept.

Gender is a socio-logical psych. concept.

Major concern is violation of gender justice which is one of the oldest and most universal forms of injustice.

Gender injustice is broadly referring here women disc.

Disc. against women is very complex, subtle & widespread.

It is complex bcoz w.D is superimposed on other forms of dis. making it difficult to identify.

Ex:

- wom. D is more deeply rooted in society. Hence indiv. psyche is cultivated since childhood.

↳ making male feels superior, socialisation to disc b/w men & women like boys are tolerated

cry like a girl.

Disc. against women is superimposed on kinship & women themselves become party to disc. against women.

Religion further complicates situation & last rites are to be performed by Male child only. if no son then nearest male relative. Further priesthood is denied to women.

-x  
Disc. against women are due to various factors

i) Patriarchy society is male dominated.

such system automatically privileges men & women have rights are denied to women, when they fight for it, they are humiliated, punished & rejected. If they don't fight then they are rewarded by man by glorifying their role.

They are seen only in terms of their sexuality and motherhood as if they have no other dimensions

Even in sexuality there is asymmetry i.e. there are double standards.

Female is considered as weaker sex physically or even otherwise, they are timid submissive less capable & unintelligent.

This leads to sexual division of labour i.e. confining women to certain tasks ~~at~~ or jobs only.

To some extent women themselves accepted this unfair discrimination.

→

Broadly economic distance or div. is less complicated than social i.e. economic distance can be overcome

Ex peasant can become land owner, workers can become factory owners. However such things are not possible in social distance & when it comes to women div. then things get really complicated because of social, psychological, cultural, religious economic factors.



GENDER

\* Cr. Justice

\* Inj : W: complicated subtle

\* Cause

\* Magnitude / forms of disc.

≡ ≡

(AR)

# Magnitude and forms

implicit, explicit, direct, indirect, very subtle

\* Feminist Movements

- Manusmriti  
x x

- Vatsyana  
Kama Sutra  
x ✓

Mary Wollstonecraft : Vindication of the Rights of Woman

(1) Liberal:

- within sym
- Reforms are possible
- equal rights, equal opp.
- marriage etc : not obstacle
- : you don't need to uproot the whole system

(2) Socialist:

- dismantle entire capitalist sym.
- COMMUNAL  
Communal Kitchen, child care

(3) Radical:

complete dismantling of Patriarch society  
Free love, Sex

AR: edu  
exposure  
globli  
MPud: open

(4) Post modern feminist : expanded the domain of Gender.

universal sisterhood

(3) → specially in youth / Radical elite.

(1) → most imp and accepted

# SOLUTION :

DR. Ambedkar → Scheduled class <sup>↑</sup> impose

AR

Facebook: front Rows  
Capability ✓ assertion X

assertion of Rights: "lean in" — has become a battle cry

you are the agency, <sup>Beats</sup> autonomy, empowerment

pro-active ✓  
passive X

AR ↓ social economic political Rights needed. glass ceiling  
↳ state can play active Role Here.

crum [ educate agitate organize  
agency, autonomy, empowerment

## MAGNITUDE & FORMS OF DISC

- 1) Maternal mortality Rate
- 2) adolescent birth Rate
- 3) participation in labour force
- 4) " & Rep<sup>n</sup> in parliament
- 5) Job opp, salary, promotion, glass ceiling
- 6) land & prop Rights

7) Violence against W expressed in various forms  
femicide, Rape, sexual assault, feticide, infanticide,  
trafficking, Verbal abuse, harassment at work place, suicide  
genital mutilation etc.

### FEMINIST SCHOOLS :

Feminist movement started with Mary wollstonecraft book  
a vindication of the Rights of women. She challenged  
the idea that women existed mainly for the pleasure  
& convenience of Man.

Main schools of feminism are

1) liberal fem: it didn't challenge the whole sys.

improvement in the posn of women is possible within sys.

They advocate equal Rights & opp.

Husband should share equal Resp.

Marriage & Motherhood didn't pose any problem.

— Its influence in India can be seen

em Raja Ram Mohan Roy, Ishwar Chand Vidyasagar

Jyotiba Phule, D.K. Karve, Shahuji Maharaj

Tara Bai Shinde etc.

## 2) Socialist Feminism :

Capitalist sys. should be dismantled & in this regard women should join proletarians.

Under socialism they will have freedom to pursue their interests.

There will be communal kitchen & com. care of children.

## 3) Radical Fem. :

Patriarchy should be smashed in all forms if women are to be liberated.

They questioned the logic & fairness of Patriarchal sexual ethics.

## 4) Post modern feminism.

One of the recent school who take gender in the broadest sense.

They recognize not just 2 genders of women & Men. but also sexual minorities & fight for their rights.

Sohn

women should shed their inferiority, subservience and dependency seeking develop self respect and high self esteem.

educators, agitators & organizers.

"learning in" <sup>independent</sup> has become a metaphor for urging women to aim at the top post.

They should not underestimate their abilities & they should make their career top.

Man should be aware of the extent of injustice done to women.

It is clearly seen that man has achieved top post in life because of the unrestricted participation & support of his wife.

Media can play a significant role on one hand it spreads awareness & on the other exposes the cases of injustice.

Business enterprise educational & other institutions can render justice by sheeding their cons. & unconscious prejudices against employing women.

# Women ought to have 3 things agency autonomy & empowerment

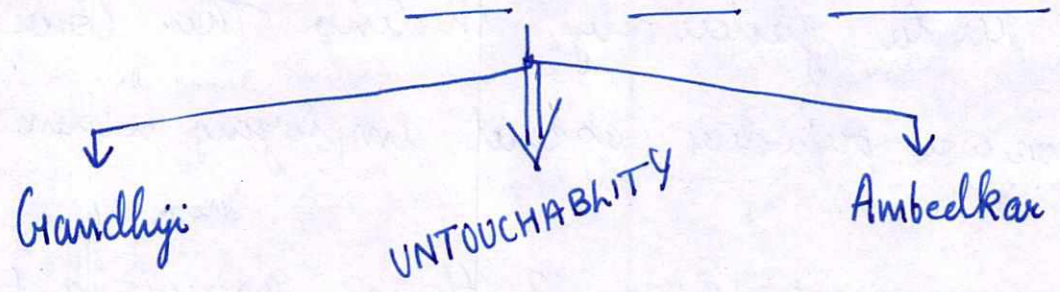
- women's well being can't come as a gift from others but by women's own agency.
- women ought to have control on their bodies & freedom to exercise their own judgement choices & decision making.
- For this they need to have empowerment social economic & political.

They also need to have some Rights necessary for such empowerment.

state has an imp role in recognizing these rights. special attention has to be given to physically, economically & socially deprived groups.

Caste system  
 ↓  
 Varna system  
 ↓  
 "VARNA"

# CASTE DISCRIMINATION



- 1) RV, X<sup>th</sup>
  - Purushukta hymn
  - 2) Three Gunas
  - 3) Theory of Karma
  - 4) Purana
- ↓ CRITIC

"VARNA" → "CASTE"  
 Rigidity, No fluidity, No upward movement  
 All Based on 'Sudra'  
 ↑  
 considered 'impure and untouchable'  
 - Trials on basis of caste system

\* Feet: sudra / Touch  
 \* Mouth: dexter than  
 Br ↑ feet

By product: caste discrimination  
 untouchability

help  
 empower ✓

— x — x — x — x — x — x — x —  
GHANDHIJI: Ram Raja → Varna ✓

caste discrimination x

- 1) economic: why? economically productive  
 [naturally inclined, os-games]
- 2) social: regulate  
 x cut-throat-comp, cooperation ✓  
 ✓ my growth at your cost
- 3) Moral ground: "svadharma"  
 Blw, Kant duty 4 the sake of duty

4) ultimate aim of life: Wealth / power } Untouchability:

servic: only aim  
↳ ati - shudras

were, sin  
\* children: ult. reality  
'one'

How to Remove

\* CD — economic disparity

↓ economic equality ✓

↑ reforms: Marxist: Rev

change of heart, Satyagraha

"SARVODAYA"

— Morally } upliftment  
Materially }

TRUSTEESHIP: wealth produced

is a joint effort here one should act as trustee.

HARI JAN

↓

Children of God

"Yatra"

Paper - Harijan

interdining

2 aims

1940+

COMMUNAL HARMONY

Removal of Untouchability

}

— x — x — x — x — x — x — x — x — x —

AMBEDKAR: You have segregated them by using  
the term HARIJAN.

soln: dismantle caste system, since this disc. and unt. a by-product of caste system.

- 1) CS: has made Hindu society - closed society  
not accon, degenerative
- 2) obstruction: national
- 3) against: h, E, J, F
- 4) " : dignity
- 5) caste wars / violence.
- 6) dismantling CS
- 7) economically counterproductive.  
- its rigid. AIPT
- 8) generate self respect
- 9) soln: inter caste marriages
- 10) Inter-dining



Caste  $\neq$  Race.

11) Text Right who encourage CD. (The burned Manuscripts)

12) "Who were Shudras"  
"Untouchables"

13) Freedom struggle  
Social reforms Freedom (in) India  
↓  
Pol. reforms Freedom (of) India

- change religion to  
Buddhism

Neo-Buddhists

his  
fall

Caste-Disc  
hidden apartheid.  
Shadow report UN.  
complex, subtle, wide  
spread.

Sol<sup>n</sup>: women - This  
superimpose.  
Phrases

qm: open-ended  
-Thinker Based.