

REVIEW on MUTUAL SOCIAL RELATIONSHIPS

Review on the parties (Kwan byung kyu 9711372)

On the social contracts (Seo bo suck 99180349)

Meaning of "Social" (Song kwang kyo 9711146)

On the mutual relationships (Park jun seong 9811031)

On the mutual social relationships (So in kyung 99110239)

<Review on the parties>

1) Significance of the Party

The party means a social group or a rightful claimant(the owner of rig]-it) enjoying exclusive spiritual and material interests under its internal order. There are many ways to classify parties. In this section the way of classification used in sociology and law(especially in constitutional law and civil law) will be reviewed. And the different and common point of the concept will be found. Finally Max Weber's idea on the meaning of the party will be reasoned

2) Classification of social group in sociology

The party may be expressed as social group in sociology. Social group is a component of Social structure, which has 3 components; Status(Doctor), Roles(Operation), Groups.

(1) Characteristic of Group

- a. Social relations between the members is distinct
- b. Members are interdependent
- c. Act of each member is related with the other members
- d. Have feeling of "we"

(2) Classification of Group

- a. Primary group / Secondary group
- b. In-group / Out-group
- c. Belong in group / Reference group

3) Classification of the rightful claimant in the law

The party may be expressed as rightful claimant(Owner of right) in the law. The term rightful claimant is used when we call person to whom a right has been belonged. And the concept of rightful claimant in each law is different.

(1) Rightful claimant in the constitutional law

(1) State: State, which has sovereignty, is a group of person in a specific territory

(2) Nation: Have fundamental right

(3) Foreigner: Have a part of fundamental right

(4) Juristic person: Have a part of fundamental right

(2) Rightful claimant in the civil law

(1) Person

(2) Juristic Person

4) The different and common point of the concept of party in sociology **and** laws

(1) Different Point

- a. The classification of group in sociology divide and sort the groups which exist already. And it can't show us the group of which the member enjoy a right.
- b. The term rightful claimant in the law is used when we call person to whom a right has been belonged. And the concept of rightful claimant in each law is different

(2) Common Point

- a. A party is composed of person
- b. It is assumed that the members of the party is related under certain internal order

5) Reasoning of max weber's idea on the meaning of the party: Personal Point of View

1) A party should be composed of person

- a. Animal, Plant, Fetus and Dead body can not be a member of a party

Cats can inherit. we can give Some right to a plant. Fetus can be assumed to have some kind of a right. Dead body also can be assumed to have a right because it has dignity of human even though it is regarded as thing by law. But when we consider the concept of a party according to the notion of Max Weber, we should lay aside them. Because the right is social relationships between social groups in his point of view.

- b. Right is given, it is not originated by itself

When laws are reviewed, It is found that right has been given by laws or custom and the right was not occurred by itself "Right" is a notion, which is made by persons. So it is personal and social concept. Extinction of persons means extinction of right.

c. Party which is defined by Max Weber should be a person or a group of person who can enjoy spiritual interests. Weber has a notion of right, which adhere closely to society.

2) A party should be regulated by certain internal order

a. internal order

Max Weber assumes that the parties have mutual social relationships under its internal order. Parties enjoy given right under its internal order and the contents of right are limited by a kind of social contract, which makes internal order. As a result the right of a person is not infinite, it is limited and the substance of limitation will be expressed in the social contract.

b. social contract

Right has its origin. The origin guarantees a right and it also set a limit to a right. And a notion of social contract can be created as one of the origin of a right

6) Conclusion

The party which maintain mutual social relationships is composed of a person or group of persons and the parties are socially related under a internal order no matter how the form of the social relationship is. And we can assume social contract as a form of the internal order

Issues> Is right given or just regulated?

Can the product liability be explained with the concept of social contract?

Social contract : In political philosophy, actual or hypothetical compact, or agreement, between the ruled and their rulers, defining the rights and duties of each. In primeval times, according to the theory, the individual was born into an anarchic state of nature, which was happy or unhappy according to the particular version. He then, by exercising a natural reason, formed society (and a Government) by means of a contract with other individuals.

Although similar ideas can be traced back as far as the Greek Sophists, social-contract theories had their greatest currency in the 17th and 18th centuries and are associated with such names as thomas hobbes, John Locke, and Jean-Jacques Rousseau.

What distinguished these **theories of political obligation from other doctrines of the Period** was their attempt to justify political authority on grounds of individual self-interest and rational consent. They attempted to demonstrate the value and purposes of organized government by comparing the advantages of civil society with the disadvantage of the state of nature, a hypothetical complete absence of governmental authority.

The purpose of this comparison was to show why and under what conditions government is useful and ought therefore to be accepted by all reasonable men as a voluntary obligation. These conclusions were then reduced to the form of a social contract, from which it was supposed that all the essential rights and duties of citizens could be logically deduced.

Theories of the social contract differed according to their **purpose** : some were designed to justify the power of the sovereign; some to safeguard the individual from oppression by an all-too-powerful sovereign.

According to social-contract theories a individual is very reasonable to make social for their happiness. So to speak, social is made to protect self-right on one's own initiative. This theory think [the mutual social relationship] is cooperation. This Mutual social relationship is that all individual cooperate to protect their right.

The meaning of 'social'

We must know the concept of 'society' to know the meaning of "social".

There are some theories about society, and if the concepts of society are different the meaning of "social" can be different.

1, what's the society?

1) Theories about society

a) normative organicism

norm + organism = society (holistic view)

- Plato, Aristotle

b) positive organicism

organism = society

- Herbert Spencer, Auguste Comte, Lester F. Ward

c) normative mechanicism

an individual = appurtenance

mechanicism = society (focus => individual)

- J.J. Rousseau, John Locke

2. The difference between "social" and 'sociological'

The social matters can always be the sociological matters but sociological matters can not always be social matters. The social matters means negative or abnormal things, but sociological matters include both negative things and normalcy.

3. The meaning of "social"

The meaning of "social" is "having the characteristic of complications and collisions in the society" or "of or relating to human society and the interaction of the individual and the group"

4. social action

Social action premises two people, one to do action and another to be influenced by the action. when one do action as one take cognizance of another's existence that can be social action.

Weber distinguishes between four major types of social action:

1) Zweckrational

Zweckrational can be roughly translated as 'technocratic thinking.' It can be defined as action in which the means to attain a particular goal are rationally chosen.

2) Wertrational

Wertrational, or value-oriented rationality, is characterized by striving for a goal which in itself may not be rational, but which is pursued through rational means. The values come from within an ethical, religious, philosophical or even **holistic** context--they are not rationally "chosen."

3) Affective action

Affective action is anchored in the emotional state of the person rather than **in** the rational weighing of means and ends. Sentiments are powerful forces **in** motivating human behavior.

4) Traditional action

traditional action is guided by customary habits of thought,

5. Social relationships

Social relationships mean the probability that social action is done or can be done through social interaction by more people than two or the whole process of social interaction.

Mutual relation

* Mutual : It is identified as a adjective which is used to 1) describe something or feeling that two or more people do to each other, or for each other and 2) describe something two or more people share in a dictionary.1)

* Relation : It is identified as noun which is used 1) when you are talking about the connection or similarity 2) in the case of the word of relations used between people, group, or countries is identified as contacts between them and the way in which they behave towards each other

Classification

1.

'You and I' and 'It and I' are sociology terms that Martin Buber made to classify the conception of the world. But I would like to use these terms to explain the mutual relation.

2.

'You and I' "feeling", "existence"
'It and I' "experience", "imagination"

3.

mutual 'I and You' → Rights
relation → 'I and It' →

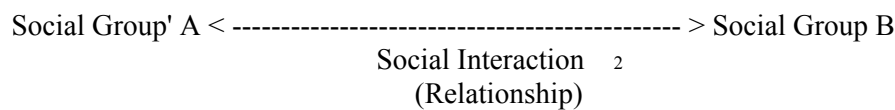
For Reference...

1) COLLINS COBUILD' Essential Dictionary, 1966

2) Martin Buber "Ich und Du"

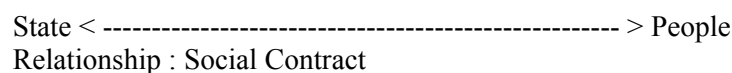
Max Weber's Definition About "Rights" Mutual Social Relationship

1. The concept of "Mutual Social Relationship" according to Weber



As shown in the diagram above, mutual social relationship is where social group has some kind of influence, and exercises certain degree of power over one another. Here the word "power" can be interpreted into a various meanings and hence the word "power" is the relative concept that is changeable according to the relationship between the social groups A and B. It does not mean that because one social group has "power" over the other, the relationship between them is that of a vertical one. In fact, among many kinds of social relationships, the relationship between the social groups A and B is a mutual one, meaning the relationship between the social groups A and B is rather a horizontal one.

11. Application of Weber's concept into the relationship between the State and the People



As shown in the diagram above, there exists a mutual relationship between the state and the people, and as a theoretical basis, social contract theory estimates mutual social relationship as the contractual affiliation between the state and the people. Such speculation assists in understanding of the current democracy. Social contract theory, which is the concept to define the relationship between the state and the people, will be closely examined in the following.

1)

The concept of "social group" is as same as the concept of "party". A social group refers to *two or more people who identify and interact with one another*. See John J. Macionis, *Sociology, 5th ed.* (New Jersey: Prentice Hall, 1995), p. 178

2)

Social interaction can be defined as *the process by which people act and react in relation to others*. See *supra* p. 154

3)

Max Weber declared "power" to be *the ability to achieve desired ends despite resistance from other*. The key to social stability is exercising power within a framework of justice, the concept of "authority", which Weber defined as *power that people perceive as legitimated rather than coercive*. See *supra* p. 434

111. Social Contract Theory

1) Thomas Hobbes(1588-1679): Father of Modern Liberalism
Fundamental viewpoint of Hobbes 4)

- i. Human Rights: The rights to live = Self-preservation
- ii. Sense of Human Being: Power 5) - seeking animal
- iii. Government's Responsibility: To protect the life of its people
- iv. State of Nature: Struggle to survive = Struggle to escape death
Human being is equal but miserable in the state of nature
- v. Meaning of Social Contract: To be from the state of nature

2) John Locke(1632-1704) : Father of Modern Democracy Fundamental viewpoint of Locke

- i. Human Rights: The pursuit of comfortable life
- ii. Sense of Human Being: Possessive animal
- iii. Government's Responsibility: To protect life, liberty, and possession of its people
- iv. Meaning of Social Contract: Government is made through social contract in order to keep the natural rights(life, liberty, and property) of human being

3) Jean Jacques Rousseau(1712-1778) Fundamental viewpoint of Rousseau

- i. Sense of Human Being: Possessive animal having vanity
- ii. State of nature: Sub-human state having only "compassion and pity"
- iii. Meaning of Social Contract: If the people sacrifice their liberty and property for the government, then all the people of the society can be equal

4)

Paul R. Viotti and Mark V. Kauppi, *international relations theory; realism, pluralism, globalism, 2d ed.*(1993). Korean Version which is translated by Ki-ta q lee(Seoul: lishin Publishing, 1996) p. 58-61

5)

For Hobbes, power is the affirmative meaning for protecting the human life