

Guarantee from Weber's definition of Rights

Guaranty from "Black's Law Dictionary", is- A collateral agreement for performance of another's undertaking. An undertaking or promise that is collateral to primary or principal obligation and that binds guarantor to promise ... A guaranty is a contract that some particular thing shall be done exactly as it is agreed to be done, whether it is to be done by one person or another, and whether there be primary or principle contractor or not.

A guarantee is a promise made on the grounds that it will be fulfilled and maintained by the party or parties who generate it. Governments have historically given guarantees to their people through law social, political and economic policies. Historically, we can look at many different governments, however most of them followed one simple pattern; the Machiavellian model of despotic rule which is to be feared. This system came from a much simpler time when ideas of public participation in government were not well developed.

1. Legitimacy

Legitimacy holds that government be recognized as the correct and proper ruling party of the state. Many modern theories of this concept hold that there are different measures for this such as public elections for leaders, measures of public consensus and a willingness to abstain from using its powers against its populace for the purposes of maintaining power. Such governments can be seen in the Park, Chun and Roh regimes in Korea.

What is not made mention of here is the fact that a government can by means of keeping its public ignorant of choice either through means of holding itself as being omnipotent such as the traditional Japanese system of emperors who supposedly received authority directly from Amaterasu the sun god, or perhaps a European despot such as Queen Elizabeth under whom offenses warranting the death penalty ranged from murder to theft of a loaf of bread. Or even the Kenyan model of Daniel Arap Moi who has ruled from the 1960's to present obtaining the popular vote in elections.

Today modern instruments such as the UN function to maintain world order by recognizing regimes as being legitimate. However, in pre-modern times the concept of an embassy declaring a new regime illegitimate would have been fairly meaningless. Despite the previous ruling party's attempts to maintain power, most regimes would not be questioned due to the fear that this function of embassy could lead to war.

The result of all this is simply that in pre-modern times as well as modern times, the granting of legitimacy must not yield to many outside or opposing forces. The guarantee of legitimacy need not be connected with any type of government nor need its people grant it. - What is needed for legitimacy is that a sovereign be recognized as the ruler of the people i.e. Saddam Hussein, Pinochet or Mbutu.

2. Guarantee of Peace & Order

Seen here the internal obligation of a regime to keep a status quo, which from the side of the government includes a citizenry that does not fight amongst itself or organize for the purpose of rebelling to depose the government, either one of this, if acted upon can be thwarted by law. Governments especially in a despotic system can utilize law for the purpose of maintaining this internal order. Obviously, this order is something, which is better to uphold because it is authority's best interest to minimize any threats or opposition within its borders. Internal order can be maintained most simply and basically through a system of policing. In pre-modern Korea and China, despite the Confucian system that emphasized an individual's striving for moral perfection, there were social outcasts who preferred lives of banditry and even in these places it was necessary to maintain a set of laws. There were other criminal and civil issues and procedures, which warranted legal action as well.

3. Guarantee to Protect Against Outside Enemy

Again, if one follows the Machiavellian model, protection against an outside enemy can be provided for most simply through implementation of military force. In the colonialist Japanese era known as Taisho democracy, the state provided a strong military, which controlled its colony of Korea and granted protection against outside powers. This state did not provide for the economic advancement of its people by continually raising taxes. In many cases taxes were assessed in collecting a percentage of agricultural production. Here, strength was granted to the military by increasing the percentage of the amount of food production levied on its farmers in order to supply a lifestyle to its soldiers better than that provided for its populace and therefore increasing the desirability of membership in the ranks of its military.

4. Promote Welfare- Guarantee of Welfare The most famous example of a welfare state comes from the Roman Empire, (which gave us the phrase "bread and circus"). The Roman Empire at times boasted unemployment of 30-70%! It is possible to have an imperialistic, or dictatorial regime and provide welfare for its people. The criterion should not be placed on the simple provision of welfare, but on the economic and social intentions and implications. In the Roman example, the over extended welfare system was supported by increasing the expanses of the empire. In the Soviet case, sales of resources such as diamonds helped the state to maintain high levels of military spending and low levels of economic development. If welfare weighs a state down to the point of bankruptcy, then the states ability to guarantee other things such as internal order is diminished if not nullified.