

## +Max Weber's Definition of Rights

*"The state of mutual social relationships in which the possibility of the members of a social group enjoying exclusive spiritual and material interests 6) under its internal order 7) in a continuous way 8) is guaranteed" 9) freedom 10) behavior approach*

### ***Introduction***

In examining the remaining concepts of Max Weber's Definition of Rights, the idea that they seem to represent how social contracts are enforced and followed, while at the same time remaining specific to each internal order they govern, is revealed. Which in turn provides predictabilities for actions within the social contract. Governments function as the guarantor that the laws will be conformed to by all members of that particular society. From this guarantee, the potential or power to act creates freedom for the people. Finally, the external environment created by social contracts become crucial stimuli in shaping those members of society, thus their behaviors are then dictated by those who govern the society's laws.

### ***6) Under its internal order...***

The fundamental basis for government and law is the concept of the social contract system, such as the U.S. constitution, according to which human beings begin as individuals in a state of nature, and create a society by establishing a contract whereby they agree to live together in harmony for their mutual benefit, after which they are said to live in a state of society. This contract involves the retaining of certain natural rights, an acceptance of restrictions of certain liberties, the assumption of certain duties, and the pooling of certain powers to be exercised collectively.

Such pooled powers are generally exercised by delegating them to some members of the society to act as agents for the members of the society as a whole, and to do so within a framework of structure and procedures that is a government. No such government may exercise any powers not thus delegated to it, or do so in a way that is not consistent with established structures or procedures defined by a basic law which is called the constitution.

Under the theory of the social contract, those rights which the individual brings with him upon entering the social contract are natural, and those which arise out of the social contract are contractual. Those contractual rights arising out of the constitution are constitutional right. However, natural rights are also constitutional rights. (The fundamental natural rights are life, liberty, and property.)

While a constitutional prescribes the legal rights of individuals and the powers of government, the social contract also includes certain duties which members assume upon entry. Those duties include the duty to avoid infringing on the rights of other members, to obey just laws, to comply with and help enforce just contracts, to serve on juries, and to defend the community.

It is important to recognize that although individuals have a right of self-defense in the state of nature, when they enter into society under the social contract, the pooling of that right transforms it into a duty to defend the community, and therefore to risk or sacrifice one's life, liberty, or property if such defense should require it. The right of self defense is no longer supreme, although it survives the transition to society as a duty to defend oneself as part of the community. Pacifism in the face of mortal danger to oneself or others is therefore not consistent with the social contract, and persons who insist on that position must be considered not to be members of society or entitled to its benefits, and if they live in the same country, have the status of resident aliens.

Some critics of social contract theory argue that there are some powers of government by them. However, a careful analysis will show that all powers exercised by government derive either from the people as a whole, or from some subset of the people, or from one person, and that only the first are legitimate. The power to tax? Persons in the state of nature have the power to tax themselves, although they would not ordinarily think of it that way.

... in a continuous way...

1. All the citizens of a given society enjoy a certain set of rights, provided by the political system and enforced by the state, which is represented by the government. By the end of the 19th century the capitalist system, which had already been developing for a couple of centuries began playing the leading role in the world together with its strong and weak points.

2. Let us look at the picture, presented at the previous class. In order to ensure the continuity of social system all the 4 basic elements should be preserved.

3. Now, let us look at these elements more in detail: - Who has the power in a capitalist society? According to the constitution, people, citizens do. However, the system is not perfect. It produces a failure, or double standard: according to Marx and Lenin, capitalism develops itself into imperialism, which has the following features:

- 1) concentration of production on big industrial enterprises;

- 2) merging of industrial capital and bank capital into financial capital and emergence of financial oligarchy;
- 3) export of capital;
- 4) the territorial division of the world (colonies and markets) is completed;
- 5) the wars are waged in order to redefine the spheres of influence.

4. Thus, we can say, that:

- The majority in this society is formed by employed workers, separated from ownership;
- The merging of the industrial and bank capital is prolonged by their merge with the government, so that the interests of the government become more or less the same with the interests of the bourgeoisie:
  - such governments tend to wage war for the benefit of their national bourgeoisies (Klauzevits: "The war is just the continuation of politics by other means"). They say the war is moral because it provides more utility to the nation ( in fact to the national bourgeoisie) - the free market has to provide the predictability and stability of the system where all the members of the society can maximize their utility and exercise their rights. However, according to Marx and Lenin, this system does not provide real guarantees for equal distribution of power, utility and rights for all the members of the society. free market can also produce the market failure.

5. So, what happens is:

- the majority of the population (workers) starts realizing, that the system should be changed in order to ensure the continuity of equal utility, rights and power for all. - in ideal, the change can be made by vote, but in reality people in power are usually very reluctant to part with it, and so they do their best in order to discourage people from changing the system that is beneficial for the in , and they use different means for this, including propaganda, brainwashing, and even direct force. Thus, the system can be changed by revolution;
- The new society is supposed to ensure more predictability and equality, but the free market system is sacrificed.

6. Thus, the government plays the role of the regulator of all social affairs based on thorough planning, ensuring the continuity and predictability of this social order. However, this system has drawbacks, too. People are in general treated equally, but they are still personally different: they have different character and abilities. So, undoubtedly, many of the members of such society become disappointed, because their talents of ability to work hard are failed to be really recognized by this system.

On the other hand, the people in power still try to get more power and they violate some freedoms of the citizens, meanwhile suppressing the civil society in order to ensure the predictability and continuity of beneficial for them social order, but since people are discouraged to work- hard problems appear in the sphere of economics (utility), plus the suppression curve goes to the dangerous **mark** when there is a possibility of revolt.

Again, on the long **run** the system fails to ensure predictability and continuity.

7. So, what do we have now? Both systems are not perfect, it is very difficult for them to provide continuity and predictability. To a great extent it is related to the difference between national character, **culture** and laws or different countries. A kind of welfare state emerges in the advanced countries, On the other side, the economy becomes international. It is actually related to two factors:

- colonialism;

- the example of advanced countries (others want to follow in order to prosper).

As for the colonialism, advanced countries needed the markets for their piled up goods and they needed to ensure the predictability and conformity of the colonies with their system, so capitalist system was exported to colonies with the doze of modernization which just provided the creation of demand and not more.

Now when the world becomes more integrated the industrial mass culture starts domineering in the world, and it is more or less the same everywhere, the greater degree of conformity is being achieved between countries and nations and the new world order starts to emerge, when the cultures exercise more and more influence on each other, and the scale of this order is the whole world.

There was an idea that it is possible to make communism, a "free and equal" society in the scale of the whole world. Now there is something which starts getting shape, however, it is still a very long way to go in order to harmonize the whole world. Nobody knows how make the system which would ensure its continuity and predictability by pleasing everyone, but we can just make a supposition, that this system is to be the one built on the world scale.

**is guaranteed.'**

Xinwei Liu

To understand "is guaranteed", one must first comprehend how the government engender. As we know, there are three typical type of producing government. 1. Personality Cult. Because of worship of idols, masses around an idol organize a organization-- government for ruling the others. 2. Religion. Depending on the same principal aim, mass of adherent product the organization of dominating-- government. 3. Legislation. According to the Constitution-Made to establish government ,define the government's function.

In modem society, the third government is considered as rational and legal government. The government has four main functions in a market economy: To increase efficiency. To promote equity. To foster macroeconomic stability and growth, and to represent the country internationally.

Because there are many ways that markets can fall short of perfect competition, such as pollution, and public goods, such as national defense and highway, in each case, market failure leads to inefficient production or consumption, and government can play a useful role in curing the disease. Beginning in the 1890S. the western countries gradually turned away from the belief that 'government governs best which governs least,' but with the market failure,, constitutional powers of government

were interpreted broadly and used to 'secure the public interest' and to 'police' the economic system. In other words, because private provision of public goods is generally insufficient, government must step in to encourage the production of public goods. In buying public goods like national defense or lighthouses, government is behaving exactly like any other large spender.

The government's power which rests on the constitution, should be supervised because any government cannot judge its behavior by rules that were made by itself. Otherwise, inequitable phenomenon will renounce the world. Hence, there should be legal procedures to restrain government's expanding powers.

#### *9) Freedom*

Freedom is morality. Freedom is made by government, which is created by the people, therefore, it should be guaranteed by the government that it will exist to all citizens. Freedom is also derived from power, hence the freedom to act is rooted in the potential to act. Morality comes from people's belief in God; this belief developed standards of good and bad, right and wrong, for the individual and for society as a whole. Freedom of the individual should be harmonized with that of the whole society, and must be regulated by law, although conflicts exists between these two entities. It is when conflicts arise that freedom is infringed upon. It is the duty of the government to resolve the conflicts and return the situation back to the balanced state.

The freedom of the individual ( rights) must be regulated by government, on the other hand, the individual also has a responsibility to the whole society. When entering a social contract, some liberties must be forfeited in order to ensure stability within the group, Conforming to law is moral, due to law being based on the principle of right and wrong. Law

became important for practical action in the form of imperatives; it gives the right for choice (inside its framework) and predictability. All members of society must respect the freedom of others in order to ensure their own freedom in return. Thus law equals freedom which creates order.

Law must be enforced by government, which has the right to ensure that order through the legitimate use of violence within the limits of the law, hence, making sure that the collective right to freedom is not infringed upon by others. All in all, people within a society all have the freedom to maximize their potential, but as long as they act within the bounds of the social contract or law.

#### 10) Behavior Approach

Behaviorism is the school of thought which states that human behavior is shaped by way of external stimuli having consequential effects on humans: how people respond to their surrounding environment, in addition to how they act on that environment to produce certain behavioral results. More specifically, for the task at hand, B.F. Skinner's theory of *operant conditioning* (human behavior is determined by the consequence of actions called reinforcements performed in the past, rather than consciousness, thus

behavior is strengthened or weakened depending on its effects) best describes how human behavior is developed.

First of all, the definitions of the concepts used in Behavior Analysis should be examined. It is from these concepts that the principles of *operant conditioning* are based upon.

- Reinforcement: the process in which behavior is strengthened due to its consequences. Positive reinforcement is when behavior is strengthened by the occurrence of a positive reinforcer or reward immediately following the behavior. Negative reinforcement is the strengthening of behavior by way of removing the negative reinforcer contingent on the behavior.
- Punishment: behaviors that are weakened due to their consequences.
- Shaping: the process of learning behaviors through the controlling of the reinforcement process; one small step at a time, the behavior of a person may be formed or shaped purposely.

Behaviorism is naturalistic, which means that the material world is the ultimate reality, plus all things can be explained in terms of natural laws. Basically, that humans have no mind and no soul, but a brain that reacts or responds to external stimuli. This school of thought also

states that man is nothing more than a machine that responds to conditioning (reinforcement). More, specifically, that behavior development is not the product of thoughts, feelings, mental processes, or consciousness, but rather behavior is the result of individual conditioning. As David Cohen writes, "We are biological machines and do not consciously act; instead we react to stimuli." However, this is the extreme view on *operant conditioning*, for there are many critics that still believe that mental processes do play a large role in behavior development.

Due to the very nature of this developmental approach, it can be observed that behaviorism is manipulative. It seeks not only to understand human actions, but to predict and control them as well (shaping). As Skinner states, "The experimental analysis of behavior has led to an effective technology, applicable to education, psychotherapy, and the design of cultural practices in general...". In other words, the behavior approach can be used into manipulating the actions of individual people or to whole societies.

Therefore, it can be reasonable to assume that a person, or government for that matter, who knows the tools of behaviorism may be able to control or shape the actions of large groups of people.

Thus in applying the behavior model in relation to Max Weber's Definition of Rights, we can see that it encompasses the actions and reactions to the social contract as a whole. For it is under the social contract between two parties, whether it be between two people or between the government and its people, that the guidelines or laws to life are stated, and it is that specific environment presented by that particular contract that **the** parties must abide by. Any person who enters into that given contract, either by choice or birth, learns the proper behaviors, by the process of reinforcement or punishment, of that society. Furthermore, governments may, in turn, use their power to shape the actions of their citizens, such as the concepts of *miranda* and credenda, or create a feeling of learned helplessness, for governments have the power to decide what kind of external stimuli (law) to exert over its people (ex. North Korea). Overall, the behavior approach has great implications on society and all issues concerning social contracts.

### ***Conclusion***

The legitimacy of governments under the definition of rights, declares that the role of governments must be in guaranteeing the order and due process of law. In order to guarantee the existence of law within their particular social contract, the laws themselves must be constant and stable; everyone under the law must all face equal consequences of keeping within the law or by breaking it, which is also known as justice. Thereby creating predictability in the actions or consequences of interactions of people within the society. It from the predictable nature of laws, that freedom in regards to the potential to do what's best for the individuals life arises. In reality, equality is a farce when observing the rich and the poor, however, in capitalistic societies such the United States, it's equality is rooted in the potential to do that exists (the American Dream). It is the individual's existence in society or within the social contract itself, that behavior is developed, for all the external stimuli found within a society shapes their actions. Thus, it is the responsibility of the government to ensure the positive stimuli is present for behavior development, however, it is dependent on the type of government rule to determine how

and what environmental stimuli exists within the social order, Therefore, there is no escaping social contracts, every country may have different laws and freedoms, but in the end to move from one country to the next, simply implies moving to a different social contract. Hence, the feeling of learned helplessness develops. However, individuals will tend to make best of their situation and play by the rules of the game and exert their right of power to achieve their highest utility under their specific social contract.