

Group 1: Mutual Social Relationship

To: Introduction to Korean Law Class
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Re: Mutual social relationship based on social contract theory

1. Introduction

The concept of "Mutual social relationship" according to Weber

social group 1) A < ----- > social group B
social interactions 2) (relationship)

As shown in the diagram above, mutual social relationship is where each social group has some kind of influence, and exercises certain degree of power over one another. Here, the word 'power' can be interpreted into 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.

Application of Weber's concept into the relationship between the state and the people

state < ----- > people
relationship: social contract

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. Therefore, we shall inquire into Weber's fundamental point of view on the subject of mutual social relationship, as well as look closely into the social contract theory, which is the foundation of the current democracy in the following.

- 1) A social group refers to *two or more people who identify and interact with one another*.
See John J. Macdonald, Sociology, 5th ed. (New Jersey: Prentice Hall, 1995), p178
- 2) Social interaction can be defined as *the process by which people act and react in relation to others*. *See supra p154*
- 3) Max Weber declared 'power' to be *the ability to achieve desired ends despite resistance from others*. '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 p434

II. Weber's fundamental point of view

1. Modern society : new way of thinking

For Weber, ideas—especially beliefs and values—have transforming power. Thus he saw modern society as the result of not just new technology and productive systems but new way of thinking.

2. Rationalization of a society : From Tradition to Rationality

He used the phrase rationalization of society to denote the historical change from tradition to rationality as the dominant mode of human thought.

Ex) pre- industrial society vs. industrial-capitalism society

3. Development of industrial capitalism

Weber knew that something as complex as industrial capitalism has many causes. Weber stressed that the development of industrial capitalism involved a host of factors-economic and legal forces among them-in addition to a distinctive world view.

4. Types of people : the scientist, the capitalist, and the bureaucrat

Max Weber maintained that the distinctive character of modern society was its rational world view.

Virtually all of Weber's on modernity centered on types of people he considered typical their age: the scientist, the capitalist, and the bureaucrat. Each is rational to the core: The scientist is committed to the orderly discovery of truth, the capitalist to the orderly pursuit of profit, and the bureaucrat to orderly conformity to a rational system of rule.

III. Social Contract **Theory**

1. Democracy and social contract theory

(1) Concept of Democracy

a. various notions

ex) Liberal democracy, Social democracy, Political democracy, Economical democracy, etc.

b. classical democracy⁴⁾

- Aristotle concluded that there were three types of government in the city-states of his day.
(Ancient Greek city-states)

0 democracies - societies ruled by the many

0 monarchies - societies ruled by one person such as king, queen, or emperor

0 aristocracies - societies ruled by few elite

- Aristotle's definition of democracy emphasized the importance of citizen participation in government through debating, voting, and holding office.

- Contemporary government is not a classical democracy. Only a small minority of citizens fully participates in politics. Majorities cannot rule when most people do not take advantage of their rights by voting or trying to influence government or each other.

c. Definition by Ernest Barker⁵⁾

- Essence of Democracy
 - 0 principle of the action of human spirit
 - 0 system of institution⁶⁾

- Conditions of Democracy

* outer condition

national homogeneity or social homogeneity

+

- * inner condition
- the axiom of agreement to differ
- the axiom of the majority principle
- the axiom of compromise
 - spirit of giving
 - spirit of taking
 - spirit of teaming
- additional ones
- Moral convention
- Understanding others

Conclusion : Democracy → Government by discussion

- 4) See Susan Welch ... (et al.), *Understanding American government*, 2nd ed. (St.Paul: West publishing, 1993), pp13-14.
- 5) Kuk-Chan Lee, *Politics*, 5th ed.(Seoul: Pubmun publishing, 1993), pp507-17
- 6) It includes the following four debating organizations; *political parties, Congress, elector-s, and the Cabinet* See KC. Lee , p508

(2) Liberal Democracy

individual value

 natural rights(liberty, equality, property etc)

judeo- christian belief?
social contract theory

- (Liberal) democracy emphasizes 'the value of the individual.' This principle has roots in the Judeo-christian belief that every individual is equal and has worth before God. 7)

- Social contract theory says that individuals give some of their rights to government so it can protect them from each other. Individuals then use their remaining liberties to pursue their individually defined visions of the good life.

Ex) James Madison: Government's job is to protect 'diversity' of interests and abilities that exists among individuals.

Abraham Lincoln: 'government of the people, by the people, for the people'

/cf) DJ Kim's Regime: government 'of' the people?

Alexis De Tocqueville: Comparison between France and the US. /cf) Korean situation

(3) Criticism : relationship between economic situation 8) and democracy.

Ex) Great Depression in interwar period - regional war 9) / new political system 10) World War II.

2. Hobbes, Locke, Rousseau

(1) Thomas Hobbes(1588-1679) : father of modern liberalism

- Fundamental viewpoint of Hobbes 11)

i . Human rights : the rights for the life = self-preservation

ii. Sense of human being: Power 12) - 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 free from the state of nature

iv. See Susan Welch ... [etal], p11

v. Weber also contended that *the source of authority differs according to a society's economy*. See Macdonis, p434

vi. For instance, there was Japan's invasion to Manju, China

vii. For instance, we can think the emergence of totalitarianism such as Italian Fascism, German Nazism, Stalinist Communism.

11) Paul R. Viotti and Mark V. Kauppi, *international relations theory; realism pluralism, globalism*,

2nd ed.(1993). Korean Version which is translated by Ki-taek Lee(Seoul:Ilshin publishing,1996) PP58-61

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

Government as Leviathan 13)

- Relationship among people

State (Leviathan)

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People (all individuals are equal)

- Relationship among nations

Cf) Thomas Hobbes, Henry Kissinger 14), and Samuel Huntington 15)

(2) John Locke(1632-1704) : father of modern democracy

Fundamental viewpoint of Locke

i . Human rights : Pursuit of comfortable life

ii. Sense of human being: Possessive animal

iii. Government's responsibility: To protect the 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(1712-78)

Fundamental viewpoint of Rousseau

- i. Sense of human being: Possessive animal having vanity
- ii. Government's responsibility
- iii. State of nature: sub-human state having only 'compassion and pity'
cf) Hobbes & Locke
- iv. Meaning of social contract: If the people sacrifice their liberty and property for government, we can make all the people of our society be equal.

Evaluation :

democratic aspect - general will - the greatest common divisor(G.C.D) of public opinion

totalitarian aspect- legislators can make the rule based on their own will when the public consensus is not made.

- 13) Liviathan is sovereign power. 'In every commonwealth, Hobbes said, there must be a sovereign power to enforce the covenant to peace that men have made. Also he allowed no legal limitation on the sovereign power". Cited from *International Encyclopedia of the social sciences*, vol. 6(Macmillian company & Free Press, 1968), p482
- 14) See Kissinger, "the new world order", *Diplomacy*(New York: Simon & Schuster, 1994), pp17-28
- 15) See Huntington, 'the Lonely Superpower' *Shin-dong-a monthly* 475, April 1999, pp390-401. Translated into Korean and quoted from *Foreign Affairs*, March/April 1999.