Dubrovnik MOOC Lectures

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Lecture 1: The Evolution of the Rule of Law

I. The Evolution of the Rule of Law:

- As an explicit matter of politics, law, and jurisprudence, the rule of law idea is a modern formulation of ideas that have been insipient in the evolution of social relations, the culture of rules and norms, into more formalized institutional practices and developments about the nature of law and society.

- It is important to provide a working description of what we more or less mean by the word *law*.

- The term *law* is usually understood as a response that society reproduces collectively to the problems that emerge in the give and take of human relations.

- We generally see this response in the form of the contesting parties claiming what they consider their rights and obligations due. This process of claiming may itself be relatively informal or highly formalized and professionalized.

- The response to this form of focused claiming will come in the form of a response which takes the approach of decision-making.

- Some decision-making responses may result from purely expedient naked-power considerations: [clubs is trumps].

- Still other decision-making responses combine the element of power or coercion with the mantle of authority within which the decision maker exercises the form of authoritative and controlling decision-making. It is for this form of decision-making that we generally reserve the term *law*.

- It is therefore critically important that we have a very clear conception of the role of coercion and the role of authority in the responses that a community gives in responding to the problems that emerge from the give and take of human relations.

- In general, we tend to see authority as emerging from institutions constituted by the authority foundations of the community. The shorthand expression of this is that we have some anterior authoritative and recognized symbol of authority that we call a Constitution.

- In the most rudimentary sense, a constitutional expectation is an expectation that allocates the authoritative distribution of decision-making power within the community. In this sense, the Constitution establishes institutions within which the fundamental

questions of the allocation of basic governmental decision-making are to be secured. It is the Constitution that authorizes decision-making and therefore provides a mantle of authority for the making of decisions that are authoritative and controlling and what we deem to be law.

- This description does not tell us how the Constitution is created, what social forces, what social pressures, what social understandings, and what social compromises all conspired to establish a basic understanding of the authorized allocation of decision-making competence within a community.

II. The Evolution in Social Process of Constitutive Understandings:

- It is well nigh impossible to traverse human history to the precise point where human behavior became subject to rules and moral principles. We can make some enlightened assumptions. Let us begin with a micro-social unit. It will be apparent that as far back as we can imagine the life within a micro-social unit would have to be coordinated because certain human needs necessary for the survival of such a unit would impose upon the members of that unit certain understandings of rights, duties, and restraints. Some members may gather seeds, some members may hunt, some members may make tools.

- When the consideration is made of procreation, the tendency would be for members of a micro-social unit to engage with other micro-social units in alliances that would include reproductive expectations. This may well lead to the institution of exogamy and may further lead to the emergence of rules such as the incest taboo. This taboo may prevent conflict within the micro-social unit and may have the incidental consequence of avoiding negative genetic consequences. We know that the incest taboo is universal. We know that where it is disrespected cultures emerge that carry the heavy burden of internal conflict.

- It is possible, therefore, that the rules of incest and exogamy become firmly established cultural rules and are enforced by the available tools of enforcement such as exile or banishment from the micro-social unit.

- From this development we see that human relations themselves are generators of norms of conduct internal to the social unit, and that these norms of conduct are products of human experience, human need, and human convenience.

- The lesson that this reconstruction of prehistory implies is that human units, however small, are norm-generating, norm-prescribing, and norm-applying a form of micro-social law.

- Human micro-social units being fundamentally exogamous established broader linkages with other micro-social units, creating larger aggregates. The life in these larger aggregates becomes more complex and requires forms of organization that not only secure the material survival of the groups, but have to secure the groups from domination or destruction by non-self others. However, the management of larger human aggregates

results in conflicts about who should be the boss and who should be taking orders from the boss. Why should the boss be the boss? What about other contenders for leadership? How is the problem of contending leadership claims managed?

- This has the consequence that contending leadership claimants have supporters and detractors. Thus, we may assume quite reasonably that our early societies are characterized by complex patterns of collaboration and conflict. Both of these phenomena will exist simultaneously. When the contestation about leadership reaches a crucial point, the contestation between the contestants may be lethal. The contestation is about the effective power and control over the group.

- In some situations, some contestants win and others are destroyed. In others, the losers are not entirely destroyed but they detach themselves from the dominant group. In still other contexts, the conflict may be a standoff. Nobody wins, but both perceive the continuance of conflict as resulting in mutually experienced net losses. They both see a continuation of conflict as a loss-loss scenario. There is an incentive to accommodate and to work out a system of mutually agreeable accommodations about the exercise of power.

- These mutually agreeable accommodations may well represent the unwritten Constitution of the community in which power is distributed amongst the various contestants and is exercised according to the authorized limits agreed upon. In this sense, the idea of the Constitution is rooted in the principle that the Constitution represents the expectations for the authoritative and controlling framework for the management of power in the community.

III. The Evolution of Law and the Evolution of the Social Process:

- From what we have described above there appear to be two critical elements in the evolution of both law and social process. The first element is the recognition that human beings are normally born into structures that involve complex relationships. The most obvious of these would be the micro-social relationship that involves, in part, a reproductive relationship between a man and a woman. That relationship will require some coordination in order to endure. It will also generate some tensions that will require some internal mechanisms that manage them.

- In the context of micro-social relationships such as the family, there will be an evolution of internal rules and principles that permit and enhance cooperation and collaboration. In those same micro-social units there will be tensions and internal conflicts. Thus, the micro-social relationship will generate internal challenges about collaboration and about the management of conflict.

- This same model will be replicated with added complexity when these micro-social units begin associations with larger aggregates, which form the clan, the tribe, village-type communities, city-type communities and eventually states and nations.

- From an anthropomorphic point of view, the rules of cultural salience ultimately emerge from the cluster of micro-social units and these are rules that seek to enhance collaboration and minimize conflict.

- However, conflict, whether internal to a human form of social organization or involving the relationships between other forms or groups of human beings, represents an omnipresent challenge for the evolution of both law and society.

- The term conflict really is a reference to the problem that all human groups from the micro to the macro social reality are social forms that generate the problems of power and conflict. The term collaboration reflects on the importance of the groups managing power in constructive ways that promote collaboration and avoid unnecessary conflict.

- Central to the understandings of the facts of social conflict is the fact that social conflict will invariably be about the needs necessary for the survival of the community. In contemporary terms, these needs may be expressed as the most basic values upon which social organization is based. The rule of law, then, in the evolution of the understanding of basic social needs, is defined by the mechanism by which these needs can be secured with a minimum of violence and conflict.

- Consider the following basic human needs: every social group will generate contestations about precisely how power is to be allocated within the group as well as the allocation of power with regard to competing outside groups. Here the evolution of law will seek to institutionalize power expectations so that the allocation of power will not be a matter that is invariably resolved by coercion and violence.

- Human needs require a material basis to sustain the community. This means that the material wealth of a community must reflect some rules about how this wealth is to be produced and distributed. This may mean understandings about barter and exchange, about some forms of security, about material things for groups and individuals and about mechanisms of exchange and accumulation. Thus, culture may generate certain basic expectations about things that are yours and things that are mine and how to secure relationships between people and material goods. This will result in institutions specialized to the production and distribution of wealth,

- We can identify similar needs in terms of community respect, the distribution of community skills, health and well-being, the transmission of community of experience via education, the protection of spiritual values in the community and the importance in the community of affection, love, and human intimacy. All of these values will see the evolution of cultural and legal rules that will facilitate the expectations of their realization in the community.

- We now come to the notion of the evolution of law and social process in terms of rule of law values. The central function of the notion of the rule of law is that every individual has both rights and duties with respect to all the value needs in social

process. The central proposition of the rule of law is to secure the legal rights and the legal duties of all members of the community from having their value claims and needs arbitrarily expropriated by the most powerful participator in the community.

- Thus, the rule of law idea vests every community participant with clarity over the rights that they are entitled to and the duties that may be imposed on them.

- As society becomes more complex, the society experiences the contestations for power usually among the conspicuous classes. When that conflict is resolved and a monarchal emperor monopolizes power over the community, the critical question that emerges is how the idea of law might constrain the impulse to violence and coercion on the part of the ruling elite.

- In the early Roman law, the plebeians felt that the patrician class was in a position to arbitrarily dispossess them of rights that they considered essential. The activism of the plebeians resulted in the published Law of the Twelve Tables. This law codified important rights and limited the scope of duties that the patricians could impose on the plebeians.

- In the Anglo-American tradition, great veneration is given to the Magna Carta. The central point of the Magna Carta was to repudiate the idea of sovereign absolutism. The King was forced to sign the Magna Carta, which essentially repudiated his claims to sovereign absolutism. The King was to be limited by law.

- In the Americas, the founders of the American Revolution who overthrew the colonial monarch repudiated King George's claim to sovereign absolutism and established a Republic based on the rule of law. As interpreted, the American Constitution established the principle that even the acts of the Executive and or the Legislature would be subject to a review by an independent Supreme Court to determine whether such acts were valid or not.

IV. The Rule of Law and the 20th Century:

- As we reach the 20th century, the notion of sovereign absolutism, not necessarily founded on the monarchy became an important part of the framework of global governance.

- The First World War resulted in sovereigns being carried into a global conflict in which there appeared to be no restraints on sovereign conduct, however irrational it appeared to neutral observers.

- Two statesman considered the question of whether there could be a global institutional mechanism that could restrain this element of sovereign absolutism and the possibility that it could produce more global wars. These statesmen, Woodrow Wilson, President of the United States, and Jan Christian Smuts, a field marshal and later Prime Minister of South Africa, both speculated on the creation of an

international organization to guide and coordinate global sovereign relationships. This led to the creation of the League of Nations. However, isolationist sentiment in the US resulted in the US Senate refusing to ratify the Covenant of the League of Nations. The League was created, but was institutionally much weaker than the necessities of international life required.

- The notion of sovereignty as an absolutist legal criterion of personhood in the international environment led to a League rule requiring unanimity from all sovereign members before action could be taken. Delinquent states simply refused to comply with League sentiment and the League was left impotent. Its rule of law effort was too weak.

- As the world stumbled into the Second World War, considerable thought was given to the creation of a successor to the League that would avoid the serious pitfalls of sovereign absolutism that effectually led to its demise.

- Thus was created a new global charter to celebrate the new thinking about globalizing the rule of law idea. This is the Charter of the United Nations.

- However, the Charter was constructed by victorious sovereign states and its drafting reflected ambiguities about protecting sovereign imperium and playing an important role in the maintenance of international peace and security.

- Today, we are confronted with a great challenge about the UN Charter and the viability of a global rule of law, which has been the underlying principle of its adoption and continuance since 1945.

- Although there is considerable challenge to the efficacy of UN Charter values, there is near universal agreement that there is nothing available that is able to improve on the UN Charter itself. The great challenge, therefore, is to consider what new thinking will permit us to interpret the Charter in terms of the new paradigms of conflict and the new demands for global collaboration in the common interest.

Lecture 2: Social, Political, Constitutive Process

I. Introduction:

- This lecture seeks to provide clarity about the role, function, and understanding of law in the context of society. If one were to ask an ordinary layperson what he thought law was, he would have some confidence in suggesting that it is composed of rules established by the community to define right from wrong. More than that, the wrongdoer is liable to be punished and the doer of right is likely to be rewarded. But when the layperson is challenged about the origin, interpretation, and efficacy of the rules, or the notion that there may be other formulations that guide human conduct and that involve human agency, the confidence in what the layperson presumes to be law begins to evaporate.

II. What is law?

- One of the greatest challenges of legal theory has been to find a model that adequately explains what law is within the context of human social processes.

- The legacy of legal thinking has been highly influence by the natural law tradition. Natural law has contributed to the betterment of mankind, in particular its emphasis on the role of right reason in the construction and interpretation of law. Though natural law has contributed much, its central weakness lies in the fact that if it is prescribed and applied wrongly, there is no way to test the validity of a wrong interpretation. Only God can change natural law. This led to the skepticism of natural law that it was often "nonsense built upon stilts."

- Modern science stressed the idea that law should instead be expressed in scientific terms. The most obvious form of science, analogous to mathematics, was logic. Hence, the powerful view that jurisprudence is the formal science of positive law, one of the earliest versions of positivism.

- A later version of positivism sought to root law in actual decision-makers in human society. Oliver Wendell Holmes, a Justice of the Supreme Court of the United States, stressed this different form of positivism, challenging the currency of law defined by logic and insisting that the life of the law has not been based on logic, but experience. This suggestion opened a different pathway to the study of law, which led to the idea that law emerged from the experience of the give and take of human beings in society. The science relevant to understanding law is a science based on social experience.

- The focus on rooting law in social experience led to an interest in seeking to understand law from the point of view of the behavior of participators in society, and of participators in institutions specialized to what is called law. These developments began to demonstrate that an understanding of law could not be contained in a single disciplinary formula. Clearly, law implicated a multitude of disciplines all relevant to a deeper understanding of the human social process itself.

- Working together, two fellows of the World Academy, Harold D. Lasswell and Myres S. McDougal, developed a revolutionary approach to law. Their approach was multi-disciplinary, problem-oriented, goal-guided, decision-focused, and provided a more complete picture of the role of law in the public order of humanity. In their view, what we call law is a response to problems that emerge from the social process of humanity.

III. What are problems?

- These fellows, influenced by the tradition of American pragmatism, began to clarify the idea that law was essentially a community response to the problems that emerged from the give and take of human relationships in society.

- A key to a realistic understanding of law is to understand the problem, which emerges from the social process, to which law must respond in the form of authoritative and controlling decision-making.

- The problem of what a problem is is itself complex and intricately tied in to the nature of social process itself.

- A problem that emerges from the social process is a problem about contested values. By values here we mean things that people desire.

- This means that society itself is intricately implicated in the problems generated by the production, distribution, and conservation of the things people value and desire.

IV. Human Needs and Values:

- Anthropologists have long recognized that in traditional, indigenous societies, the social process targets the importance of human needs and determines how those needs are satisfied, acquired, accumulated, and preserved[1]. In this sense, at a very basic level, human needs cross-culturally are fairly constant.

- Contemporary theory began to clarify the universality of human needs and found it convenient to express these needs in terms of basic values necessary to the workings of any social process. The values, like the needs, remain constant, however, in a cross-cultural world, the mechanisms that society invents or develops to facilitate the production and distribution of needs/values reflects cultural variability.

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[1] Malinowski, *Crime and Custom in a Savage Society*

- It is, therefore, not the values that differ cross-culturally but the institutions communities invent to produce, distribute, and conserve the desired needs/values in the society.

- Social process starts with the individual human being. The individual human being comes with a human perspective which includes the perspective of identity, the perspective of demands for values, and the perspective of expectation. How does this translate into the social reality of human interaction driven by the energy of human personality and aspiration? Let us begin with an illustration.

- One of the most important outcomes of any social process is going to be the problem of needs and value conflicts and how these are resolved. Among the most important of the outcomes of social interaction is going to be the interrelationship of conflict and the processes by which conflicts in society express themselves. We can call this the power process. What energize the power process are the claims in society that people make about the shaping and sharing of power. If no one ever made power claims we would have a static society. The claims to power are largely generated by the social activists, a personality type oriented to power.

- Consider for a moment an ordinary case of a claim to power in the civil rights movement. Rosa Parks, a black woman, came from a group largely disenfranchised. This meant many forms of discrimination, including discrimination in public transportation. Her claim to power came when she refused to be seated in the back of a bus. She challenged the power of the state to discriminate. In many ways, this single act was a launching pad for the modern civil rights movement in the United States to have segregation dismantled.

- Let us take another example: Mahatma Gandhi was an Indian lawyer travelling to a client in South Africa when he was removed from a train because he was not white. From there, Gandhi launched a claim to challenge racial prejudice targeting the Indian community of South Africa. He launched the famous passive resistance campaign to protest unjust laws. He later became the leader of the Nationalist Movement in India, challenging the authority of the British Empire.

- One final example may suffice. Nelson Mandela challenged the power of the apartheid state. In his trial, he gave a famous speech in which he said that his political ideals were democracy and human dignity. It was these ideals, he said, for which he was prepared to die. He later became the President of South Africa and drafted its first Freedom Constitution.

- In short, an understanding of the power process, an understanding of the need to express power claims and demands, and the strategies to act on them utilizing bases of power available to the actor provide a realistic description of the dynamics of the power process in any context.

V. The Social Process:

- With this background, it becomes apparent that society cross-culturally is actually a dynamic social process. To understand this social process is to understand the foundations of law and legal culture as well. First, we must have a formulation to describe any social process at any level of abstraction that is applicable globally and cross-culturally.

- The WAAS fellows focused on this issue were Harold Lasswell [former president of WAAS], Myres S. McDougal [fellow], Michael Reisman [fellow], Richard Falk [fellow], Burns Weston [fellow], and Gary Brewer [fellow].

- What emerged was the following formula, used to describe any social process and whose markers permit the extrapolation of social process to elevated levels of inclusivity and precision. According to these theorists, the social process is comprised of human beings who pursue values/needs through institutions based on resources.

- This succinct description of social process resembles the brilliance of Einstein's formulation $E=mc^2$.

A. Phase-Analysis: Mapping the Social Process

- In order to extrapolate upon this model of social process to any level from the micro to the macro-social context, these WAAS theorists developed a set of markers to guide the inquirer. These markers were described as the tools of phase-analysis. They are as follows:

  1. Participants
  2. Perspectives: identifications, demands, and expectations
  3. Bases of power: power, wealth, respect, skill, health and well-being, affection, enlightenment, rectitude, and aesthetics [all values can serve as bases of power or as desired values to be acquired]
  4. Situations: geographic, temporal, institutional, crisis,
  5. Strategies: coercive or persuasive, such as diplomatic, ideological, economic, or military strategies
  6. Outcomes: production, conservation, distribution, and consumption
  7. Effects: longer-term effects on value production and distribution

- The first marker identifies the human participators in social process. This is an important beginning point of description and analysis. The identification of human beings as the foundation of the social process is also a current approach to this issue by the World Academy.

- The second marker identifies the psychosocial perspectives of the participators including the sense of who they are, what they want, and what expectations they may hold. For

example, every human being has a pattern of identity rooted in psychosocial experience. Every human being will make demands for basic values and needs as reflected in power, wealth, respect, skill, health and well being, affection, enlightenment, rectitude and aesthetics, and every human being will temper both their sense of identity and their demand for values via the process of adaptation to community expectations.

- The third marker deals with the bases of power available to social participants. These include the fact that social participants may already have access to values and may use those values as bases of power to acquire more of the values of society. Additionally, law, the system of authority that facilitates and defends the processes of value production and distribution may also be a base of power available to participators.

- The fourth marker addresses the various situations that may influence a participant's ability to acquire, produce, or distribute values. These situations may be either advantageous or deficient. These situations include geography (territorialism) and temporality (time as a constraint on human action), the efficacy of institutions, and the circumstances of crisis

  o Geography is reflected globally in the territorial integrity of nation-states. Geography is reflected in the reach and application of law in which territorial boundaries prescribe the reach and limits of law.

  o Temporality reflects the relationship between events and the duration of time. Time affects human interaction in terms of the scope of duration. Human beings have a limited time span of life. Artificial persons such as corporations or states transcend the lives of their human creators. In this sense, human beings use institutions to manipulate the time artifact.

  o Institutions are one the most important mechanisms for the management of the production and distribution of values in society.

    ▪ For example, there may be institutions of governance that manage the problem of power in society.

    ▪ There may be institutions such as corporations and banks that promote the development of wealth values and their management and distribution, for example through the most elementary forms of association as the principal-agency relationship.

    ▪ Enlightenment may be institutionalized in monasteries, temples, churches, schools, universities, etc.

    ▪ Enlightenment sometimes overlaps with rectitude, which may also be allocated to those religious institutions.

- Health and well-being in traditional society may be institutionalized by the role of the shaman-healer or in modern society by the trained physician.

- With regard to skill, in traditional societies there would be the institution of training warriors, as in the Spartan culture, although in modern society the transmission of skill is a vastly dynamic exercise.

- Respect, the way in which the society's value system seeks to secure the integrity and personhood of the individual, institutionalized through social class distinctions.

- Affection will usually be managed through micro-social institutions like the family or groups analogous to the family form. Affection, in the form of positive sentiment, is a powerful instrument for political and cultural identification and solidarity.

- Aesthetics reflect the cultural respect for the creation of idealized forms of artistic expression, institutionalized by specialists in music, painting, and sculpture, amongst others.

  o Finally, situations may partake in the circumstances of crisis, which may overwhelm or undermine geography, temporality, and levels of institutionalization.

- The fifth marker identifies outcomes, the immediate identification of the value problems in the community. The most important outcomes of all social processes are the problems of value distributions, indulgences, and deprivations. Essentially, a social problem is one in which a participator claims value that is held by another participator or by the community that he believes he is entitled to have.

  o In contemporary terms, what triggers the global human rights problem is the problem of serious value deprivations, so egregious that they are deemed to be human rights violations.

  o The problem of the production and distribution of the value of power is one of the most important outcomes of the human social process.

    - These issues are so universal and so important that it is quite appropriate to put these problems into the context of the community power process, be it localized or global.

    - One of the most important contributions, therefore, that social science can make to the clarification of the distinct problems of power and their management in society is to develop, using the phase-analysis, a description of the community process of effective power.

- The final marker addresses effects, which refer to the longer-term implications of how problems are resolved or not resolved within the community. The effects of the social process reflect the prospects of both stability and contestation with regard to the production and distribution of values. The problems generated by conflict and contestation emerge as the social process generating a discrete sub-process, the community process of effective power.

CONTEXTUAL MAPPING OF THE COMMUNITY PROCESS

ADDRESS THE...	AND SPECIFY...		
Participants	Individual(s)?		
	Group(s)...	Governmental...	National?
			Transnational?
		Non-Governmental...	Political Parties?
			Pressure Groups?
			Private Associations?
Perspectives	Demands for...		Power?
			Respect?
			Enlightenment?
			Security?
			Well-being?
			Skill?
			Rectitude?
			Affection?
	Identifications?		
	Expectations?		
Situations/Arenas	Geographic?		
	Temporal?		
	Institutional?		
	Crisis-Centered?		
Base Values	(when values perform a power/value function)		
Strategies	Diplomatic?		
	Ideological?		
	Economic?		
	Military?		
Outcome-Generated Problems	...of Production?		
	...of Conservation?		
	...of Distribution?		
	...of Consumption?		
Effects	(implicate all values, especially those critical to power, decision making, and organizing formalized authority, which will then affect the production and distribution of all values other than power)		

Table 2: Suggested topics for consideration when producing a contextual map of the community process.

- This map of social process is not meant to be static. It is a dynamic model within which interaction takes place between human beings. The central energizing force of social process is the individual human being pursuing and demanding needed goods and values. This energy derives from the personality perspective of the actor, driven by the imperatives of identity, the needs for needed good, services, and values, and the expectation of stability and change in cultural norms.

- Central to energizing social process are the demands for values which, in effect, are the claims that human beings make as stakeholders in the community process. Claims for change are usually tied to the process of effective power. However, any value can serve as a base of power to acquire any other value. In short, an actor may use power to acquire wealth. An actor may use wealth to acquire power. In the example of Rosa Parks, she is using the value of respect as a base of power to claim civil rights. In the case of Nelson Mandela, he is using respect to claim dignity and political rights. In the case of Mahatma Gandhi, he is using rectitude to claim the truth about the political morality he espouses.

VI. From the Social Process to the Effective Power Process:

- The presumption of the notion of community is central to the ideas of social process and law. The term community may mean everything and nothing when it simply refers to human aggregates. However, human aggregates may disclose levels of intensity of interaction in both their perspectives and their operations that transform those aggregates into communities or clusters of communities. In effect, then, the identification of a community is an empirical matter of understanding the social process, which generates both the interaction, interdependence, and the level of inter-determination of the relevant universe of participators.

- One of the most important outcomes of the notion of community at any level of complexity is that community will generate problems relating to the scope and intensity of both collaboration and conflict.

    o It is most important to recognize that the outcome of conflict and its intensity may challenge the coherence and stability of the community. Thus, it is very important for both participators and observers to understand and, indeed, unpack the dynamics that relate to the outcomes of conflict in a community.

    o The outcomes of conflict essentially implicate the problem of power in the community. Some participators may be more skilled than others in acquiring power to control others. This power is normally expressed through the human capacity to make decisions about power relations. The central ingredient of power will invariably be the degree of coercion that the monopolizer of power in the group can deploy via the decision-making process. We may refer to such decisions as decisions made according to calculations of naked power or control.

- o The most important insight into the interrelationship of the social and power processes is that we can radically contextualize power to better understand its place in the social process. For example, if we look at the financial crisis in the US, a major trigger for the financial crisis was the power of the financial industry to leverage the Congress of the United States to deregulate finance. What we need to understand is that deregulation was an allocation of power to the financial industry to be accountable only to itself. This led to the abuse of many of the institutions of finance upon which the economy was based.

  - o We may add further illustration. Although the United States has experienced a large number of atrocities using guns, efforts to even minimally control the sale and access to guns have been futile notwithstanding public opinion polls that overwhelmingly favor gun control. Here, it is the power of the gun lobby and the money it can use to control the Congress that prevent rational gun control legislation.

- • It will invariably be the case that decisions about the exercise of naked power will be contested by those who wish to themselves have recourse to power and influence in the community. This means that community conflict, which may involve violent, coercive confrontations, is an omnipresent condition in a community in which the public order is maintained by naked coercion.

  - o Such conflicts may result in a winner and a loser. The winner will doubtless continue to rule from the perspective of expedient naked power considerations. Although, even if there is a clear winner, the seeds of conflict may not be entirely extinguished. Conflicts may continue and be sustained by the awakened consciousness of society that resists rule by naked coercion and insists on more enlightened criteria and accountability for the exercise of power in the community.

  - o The contestations for power may ultimately lead to a stalemate, with each side recognizing that the continuance of conflict means net losses for both contestants. Here, an enlightened spark infuses the germ of self-interest into the contestants. They may well consider allocating power amongst the contestants according to criteria that minimize their losses (their self-interest) and that appear to be more justified by enlightened collaboration than continuing the the recourse to brute force. Thus, we see the emergence of an institutionalized form of collaboration about power arrangements in the common interest. This common interest represents the enlightened germ of a principle that power should be exercised according to authority, not brute force. Authority is held up by community expectations about the allocation of decision-making competencies. This represents the most rudimentary idea of a form of constitutive process. The process is one of communication and collaboration about the allocation of the basic decisions about fundamental decision-making in the community.

- It is probably in this context where violent conflict recedes and expectations of collaboration become ascendant that the community expectation is established that begins a process in which power is covered with a mantle of authority and an increased level of social awareness and consciousness. Thus, Abraham Lincoln became aware of the fact that he had the mantle of executive authority to abolish slavery. Lincoln exercised this authority at the height of the Civil War. Clearly the conflict gave greater impetus to the President for the exercise of authority to abolish slavery. Similarly, President Johnson invoked his authority to persuade Congress to enact the voting rights legislation of the 1960s. Again, the Voting Rights Act came in the aftermath came after the heightened expectations of violence in the deep South. Similarly, President Deklerk of South Africa negotiated a transfer of authority to an interim arrangement leading to the creation of a new constitution for South Africa. Along with that Constitution came a radical change in national consciousness about human rights ideals. President Deklerk acted in the shadow of the fear of escalating violence and a racial war in South Africa.

- At the international level, the world was confronted between 1939 and 1945 with the worst conflict in human history. This meant that the major power brokers were keen on establishing a working Global Constitution to prevent war and additionally to establish a global order committed to human rights. Although human rights are not defined in the UN Charter, the Charter created a major expectation that human rights should be constitutionalized on a global basis. Never before in the history of human kind has there been such a shift on a universal basis for the enactment of a global binding Bill of Rights.

- The authorized allocation of competence regarding the basic institutions of decision-making in the community represents a revolutionary advance in human consciousness. The process by which communities make decisions shifts from naked power to the collaborative authority, rooted in the institutionalization of the community's expectations of appropriate decisions and the appropriate allocation of decision-making competencies. The objectives of the operative participators are directed towards accounting for the physical/geographic, temporal, institutional, and crisis dimensions in which decisions which are made. Decisions must conform to expectations of authority and control, and thus constitute the notion of the law.

- The evolution of decision-making from naked power to authorized competence and the constitutional process is thus a major step forward in human enlightenment. This new concept of law proved indispensible, and the authority idea grew, eventually forming the foundation and cement of culture, civilization, and public order.

- From the above description, it is obvious that the concept of law as reflected in a system of authority and control requires us to have a much more detailed appreciation of the control factor in the evolution and maintenance of law. The control factor can found in the interstices of the community process of effective power.

- We may describe the power process as human beings pursuing the value of power through institutions specialized to the management of power itself. In terms of a phase

analysis, we can specify with detailed markers the foundations of the community process of effective power at any level of social organization, from the micro-social to the global context. To better understand the precise connections between control and authority in the public order we need in the first instance to have a better description of the community process of effective power.

A. Mapping the Effective Power Process

1. Identification of the Participators, i.e. Power-Conditioned Actors

- Power-conditioned actors may include institutional, governmental, inter-governmental, political parties, pressure groups, terrorist groups, organized crime syndicates, non-governmental organizations, plutocrats, global and national civil society, and individuals.

- The central point about the participators in the power process is that ultimately, it begins with the individual actor. It could be a Rosa Parks, a Nelson Mandela, a Bin Laden, an Obama, or a Putin. What is important is that we identify the actor and then look to the next marker, namely the perspective of the actor.

2. Perspectives of the Participators

- Using our original phase-analysis of the social process, we can begin by identifying the participants in the community power process. The participants include individuals and groups. Regarding groups, some are governmental at multiple levels, and some are non-governmental at multiple levels. These groups and individuals have demands about participating in the shaping and sharing of power in the community. They will also have demands about the maintenance of the process of effective power or how and by what means it should be changed. The effective power process will involve conflicting expectations about identity, the power to rule, and the power of ruling.

- The perspectives of the actor may be shaped by the identity which he has assumed, it may be shaped by the value demands he wants, or indeed his expectations of stability and change. Many power-driven actors are actors whose personality drives predispose them to positions of leadership and activism. Lasswell described the power personality as one driven by private motives, displaced on public objects, and rationalized in the public interest. Indeed, it is of value to be alert to categories of personality active in the power process including the power-oriented personality, the authoritarian personality, the totalitarian personality, the democratically oriented personality, the psychopathological personality, and others.

- For example, Stalin was an essentially totalitarian personality, as was Hitler. Mao appeared to be an authoritarian personality, Churchill appeared to be a power-centered personality, and Roosevelt appeared to be a democratically oriented personality. Idi Amin appeared to be a psychopathological type. Stalin appeared to proclaim the idealism of the new socialist man but his private motives had nothing to do with this idea. Mao also

proclaimed the supremacy of the new revolutionary man but he proved to be a mass-murderer. Hitler was both totalitarian and psychopathological and the inventor of death chambers for the extermination of human beings.

3. Situations of Power

- Power will be expressed in different situations and arenas. These could be geographic, temporal, institutional, or happen in the context of crisis.

- The situations of power implicate geopolitics. Geography remains an important component of human security. This kind of problem is highlighted in the context of Israel's control over the Gaza strip and the West Bank. The problem of geography is also compounded in the context of East Ukraine and Russia's annexation of the Crimean Peninsula. US border problems with unauthorized migration represent another problem of the control of territory and populations.

- The temporal aspect of power relates to its endurance. When power is constitutionalized the possibility of its continuance because of stability is enhanced. Hence, the problems of political transitions and what they need to sustain themselves temporally. A great deal has been written on the problems of transitional justice in this regard.

- Nothing is more important globally than the level of institutionalization of good governance. When institutionalization weakens or crumbles, we get failed states such as Somalia. When states fail, they become havens for terrorist operators and organized crime cartels. Today, we witness the unclarity with regard to the institutionalization of governance in Iraq, Syria, Libya, Afghanistan, and the Ukraine.

- The context of crisis, as in Syria, Iraq, Afghanistan, and the Ukraine represent circumstances that generate conditions that make normal rule of law conditions unsustainable. These pose dangers for world peace.

4. Bases of Power of the Powerful

- The bases of power of the powerful will be the ability to access and mobilize all the relevant values and use those values as bases of power. Any value (power, wealth, skill, respect, health and well being, enlightenment, rectitude, affection and love, and aesthetics) may be sought for its own sake or used as a resource to acquire other needed or demanded values. Where wealth is a base of power, it may facilitate the exercise of naked power. This could undermine democracy and lead to the creation of an invisible plutocracy. From what we have said we've produced the most radically empirical description of social power. This may be compared with foci that stress exclusively that power is a matter of class dominance, elite dominance, or pluralistic chaos.

5. Strategies of Power

- The strategies of power may include ideological, economic, diplomatic, or militaristic means of coercion.

- Ideology can shape expectations and contribute to conflict or stability. Today the revolution in communication systems means that ideas flow with remarkable speed which can serve to demonize or idealize at the convenience of those who control the medium. It is unclear whether the US and Russia are still locked in an ideology that is related to the Cold War and unrelated to current conditions.

- The economic instrument is used in terms of indulgences or deprivations. Currently, the US is engaged with all African leaders with a package of economic incentives to increase US influence in Africa. It is at the same time using economic coercion to change the Russian position in the Ukraine. It is also using economic coercion in a futile effort to change Castro's Cuba.

- The US is using backbreaking diplomacy to influence its proxy, Israel, to slow down its violent assault on Gaza. It cannot talk to Hamas because it does not talk to terrorists. Diplomacy is a critical tool of communication and collaboration, but its promise seems to be receding in the current world order.

- The US has demonstrated the limits of the military instrument in Iraq and Afghanistan. The Russians have gambled with the military instrument in the Ukraine, but have been left with an escalating and dangerous mess. More and more, it is clear that military options are not sustainable solutions to complex global problems.

6. Outcomes of Power

- The outcomes of the power process emerge in the form of decision-making according to considerations of naked and expedient power. It is therefore important that even in the power process we understand the architecture of decision-making according to considerations of naked power. This architecture, developed by senior WAAS fellows, is as follows: decision-making functions include intelligence, promotion, prescription, invocation, application, termination and appraisal. In short, when decision-making according to naked power considerations adequately accounts for the functions of decision-making and performs them optimally, you have an extremely efficient and probably effective form of decision-making according to considerations of effective power.

CONTEXTUAL MAPPING OF THE EFFECTIVE POWER PROCESS

ADDRESS THE...	AND SPECIFY...			
Participants	Individual(s)?			
	Group(s)...	Governmental...		National?
				Transnational?
		Non-governmental...		Political parties?
				Pressure groups?
				Global & national civil society?
Perspectives	Demands for...	Participation in the shaping and sharing of power?		
		Maintenance of the processes of authoritative decision-making?		
	Identifications?			
	Expectations?			
Situations/Arenas	Geographic?			
	Temporal?			
	Institutional?			
	Crisis-Centered?			
Base of Power	(all values)			
Strategies	Diplomatic?			
	Ideological?			
	Economic?			
	Military?			
Outcomes	...by Intelligence?			
	...by Promoting?			
	...by Prescribing?			
	...by Invoking?			
	...by Applying?			
	...by Terminating?			
	...by Appraising?			
Effects	Consequences for public order?			
	Changes in participants?			

Table 3: Suggested topics for consideration when producing a contextual map of the effective power process.

Lecture 4: Power of Values and the Process of Value Realization

I. Values and Science:

- The discussion of values in society and in the social sciences in general is always an uneasy business.

- From a scientific point of view, a proper science of society has to be value-free. If the discourse of the science of society is permeated with values, it is permeated with human subjectivity and not scientific objectivity.

- On the other hand, we know that in human society the important stakes about community organization, endurance, and promise seem to be tied up with values in some form or another.

- The traditional limit on the use of values in the discourse of law and the study of society from a scientific point of view remains a problem for the subjectivity of value-toned discourse.

- Let me start with a distinction. Values in the context of both law and social science are used in two distinct ways.

    o First, values are used descriptively. In this sense, the scientific observer is merely observing the value-conditioned behavior of social or legal participators. What does the observer see? He sees individual human beings acting in a community, energized to pursue the things that they desire or value. In this sense, viewed from an anthropological point of view, what we call things that are desired or valued might, in a basic sense, be the human needs that the individual seeks to secure in the social context of his or her life. This is simply a descriptive inquiry into what the individual wants, how the individual goes about getting what he wants, and what he does with the desired thing that he has gotten. This will give us a description of the system of community or public order as it is.

    o There is another sense in which the term values is used. In this sense, the term is vested with normative importance. In other words, the question is not how values *are* produced and distributed but how they *ought* to be produced and distributed. This, therefore, is not a descriptive exercise; it is an exercise of normative judgment.

    o In the case of values used as a description of community order as it is, we are dealing with propositions that can be proved or disproved by observation, creating a hypothesis about what is observed. Further observation may prove or disprove the hypothesis. This is an empirical inquiry. When values are used in a normative sense, we are really evaluating the goodness or badness of their production and distribution.

- The determination of the normative priority or the preference given to a value statement reflecting the "ought" will have to be established by some other criterion of validation. That criterion, at least in the context of moral philosophy, is based on the idea that a statement about a normative preference or "ought" can be validated by reasons external to the statement-maker. In short, there are objective, justifiable reasons that may be formulated to determine the currency, or lack of it, of a moral or value proposition.

- We shall be using the terms value in both a descriptive and a normative sense, but we will attempt to secure a sufficient clarity of exposition that while we discuss them as interrelated matters, we can keep them sufficiently distinct in order to establish different insights into the problems we are discussing about society.

II. Human Needs and Values in the Anthropomorphic Sense:

- The anthropological literature has given us a key to understanding life in a very elementary community. Life revolves around human beings energized to satisfy human needs. Anthropologists also identify the structures that emerge from society which are specialized in whatever degree of efficacy to facilitate securing those needs.

- When we map needs onto institutions, we emerge with a social process that is based on the interaction of energies directed at securing needs through institutions. These institutions direct human energies, in some degree, to the satisfaction of those needs.

- We can now begin to identify basic human needs as the goods, services, honors, and gratifications that people in society desire or need. Moreover, we can classify these desires/needs in terms of the basic values that the individual social participant acts to secure for himself and those dependent on him. Thus, we may emerge with a model of social process in which human beings pursue values through institutions based on resources. Now, this is a purely descriptive inquiry, but it is possible to observe that the needs/values and the institutions specialized to secure them are, generally speaking, identifiable. What are these values and what are the institutions specialized to secure them in any social process?

Table 1: The Social Process of Values, Institutions, Situations, and Outcomes

Values	Institutions	Situations	Outcomes
Power	Governance-Political Parties	Arena	Decision
Enlightenment	Universities- WAAS	Forum	Knowledge
Wealth	Corporations	Market	Transaction
Well-Being	Hospitals, Clinics	Habitat	Vitality
Skill	Labor Unions, Professional Organization	Shop	Performance
Affection	Micro-social Units (Family)	Circle	Cordiality, Positive

	Macro-social Units (Loyalty)		Sentiment, Patriotism
Respect	Social Class	Stage	Prestige
Rectitude	Churches, Temples	Court	Rightness
Aesthetics	Museums, Monuments, Culture	Creative Orientation	Symbols of Cultural Beauty and Aspiration

- In this representation, values and institutions are represented descriptively in order to describe the system of community order as it is. It should, however, be understood that the social process of the community is a dynamic process in which there is an energy flow between the participators, the values, the institutions, and the results.

- Some of the results are generative of conflict. Other results are generative of the success of institutions functioning optimally.

- What is important is that social process is a generator of problems, and these problems are about the acquisition and distribution of values. This means that the dynamism of society requires a decision process that is frequently challenged to produce a solution to the problems of value conflict, value deprivation, or value over-indulgence. Thus, the community response to the problems that values pose for community order invariably must implicate a normative dimension about the optimal allocation of values in society. Indeed, some political scientists describe political science as concerned with the authoritative allocation of values in society.

- In reviewing this map of values and institutions of social process, it is important to keep in mind that it is the human perspective that gives meaning and life to the values and institutions in society. The human perspective comes with the perspective of identity, ego-demands, and the value ideals of expectation. These perspectives are driven by deep drives for self-actualization, self-realization, and psycho-social fulfillment. In this sense, the private motives of personality, even when displaced on public objects and rationalized in the public interests, still represent an underlying force that moves the personality in all social relations. This underlying force may be the force of self-affirmation for self-determination and is the most foundational energizer of the demand for human rights and dignity.

- The relationship between personality and value achievement may itself generate a sense of inner-fulfillment, which, in turn, becomes the driver of still greater levels of value creation and achievement.

III. The Authoritative Allocation of Values:

- The problem of an authoritative allocation of values implicates the idea that there may be different standards, which justify one form of allocation over another.

- Historically, at least in law, there has been an assumption that legal interventions are meant to discriminate between the claims for values that are just and those that are unjust.

- It is this challenge that has given rise to the great traditions of jurisprudence and, most importantly, the jurisprudence of natural law. Natural law, however, could only generate procedures, not substantive rules, to facilitate the use of right reason in the resolution of value conflicts.

- Two of the most enduring of these natural law-based rules have survived and are essentially matters of procedural justice: *audi alteram partem* [the obligation to hear both sides] and *nemo iudex in causa sua* [no one should be a judge in his own cause]. However, we had to await the aftermath of the tragedy of the Second World War before we got a kind of official code of natural law in the form of the Universal Declaration of Human Rights.

- Although couched in the form of rights, the Declaration may be reduced to nine fundamental value-needs categories. The adoption of a code of moral priority, intended to bind all participants in the international system limited the speculation about the role of values in the social process.

- Although most intellectual and scholastic speculation stresses the notion that values are somewhat opaque, difficult to distill, and even more difficult to clarify, the adoption of the United Nations Charter has served as a political impetus for the development and clarification of values.

- As a starting point, therefore, we may reduce the Charter [a legally binding instrument of global salience] into several comprehensible and clearly articulated keynote precepts. We list them as follows:

  1. The Charter's authority is rooted in the perspectives of all members of the global community, i.e. the peoples. This is indicated by the words, '[w]e the peoples of the United Nations.' Thus, the authority for the international rule of law, and its power to review and supervise important global matters, is an authority not rooted in abstractions like 'sovereignty,' 'elite,' or 'ruling class' but in the actual perspectives of the people of the world community. This means that the peoples' goals, expressed through appropriate forum (including the United Nations, governments and public opinion), are critical indicators of the principle of international authority and the dictates of public conscience.

  2. The Charter embraces the high purpose of saving succeeding generations from the scourge of war. When this precept is seen in the light of organized crime syndicates' involvement in the illicit shipment of arms, the possibility that they might have access to nuclear weapons technologies, and chemical and biological weapons, the reference to 'war' in this precept must be

construed to enhance the principle of international security for all in the broadest sense.

3. The Charter references the 'dignity and worth of the human person' The eradication of millions of human beings with a single nuclear weapon or policies or practices of ethnic cleansing, genocide and mass murder hardly values the dignity or worth of the human person. What is of cardinal legal, political, and moral import is the idea that international law based on the law of the charter be interpreted to enhance the dignity and worth of all peoples and individuals, rather than be complicit in the destruction of the core values of human dignity.

4. The Preamble is emphatically anti-imperialist. It holds that the equal rights of all nations must be respected. Principles such as non-intervention, respect for sovereignty, including political- independence and territorial integrity are also issues that remain under constant threat of penetration by alienated terrorists or organized crime cartels.

5. The Preamble refers to the obligation to respect international law (this effectually means the rule of law) based on only on treaty commitments but also on 'other sources of international law'. These other sources of law include values, which complement efforts to promote ethical precepts built into expectations of the universal ideals of morality.

6. The Preamble contains a deeply rooted expectation of progress, improved standards of living, and enhanced domains of freedom and equality for all human beings on the planet.

- Based on the keynote precepts in the UN Charter, the world community also adopted an International Bill of Rights.

- The central challenge to a scholastic understanding of the International Bill of Rights is the need to clarify and distill its basic, underlying values.

- It may now be with confidence stated that we can distill at least nine functional values that underlie the entire international bill of rights. In a general sense, these rights, when considered collectively, represent the integrated, supreme universal value of human dignity.

- The central challenge then, is that those charged with decision-making responsibility must prescribe and apply a multitude of values in concrete instances and hope that their choices contribute to the enhancement of human dignity and do not, in fact, disparage it.

- At an abstract philosophical level, distinguished philosophers such as Sir Isaiah Berlin have maintained that it is futile to attempt to integrate these values with the abstract principle of human dignity because fundamentally, these values are

incommensurable. Not everyone agrees with this. Specialists in decision and policy acknowledge that human dignity based on universal respect represents a cluster of complex values and value-processes.

- Therefore, the challenge requires that ostensibly conflicting values be subject to a deeper level of contextualized social insight and a complete sensitivity to inter-disciplinary knowledge, procedures, and insights. Thus, decisions in these contexts are challenged with the task of broader methods of cognition and a better understanding of abstract formulations of value judgments. Disciplined intellectual procedures have been developed to provide better guidance in particular instances of choice to approximate the application and integration of values in terms of the human dignity postulate.

- Does the ethic of universal respect and human dignity demand absolute, universal compliance at the expense of other universally accepted values?

  o Ensuring that the values of respect, democratic entitlement, and humanitarian law standards are honored requires fine-tuned analysis and great subtlety in the structure and process of decisional interventions.

  o Rules of construction and 'interpretation' are painfully worked out, which hold, for example, that even if a peremptory principle (*ins cogens*) of international law embodies an obligation *erga omnes*. It should be evaluated, appraised, and construed to enhance rather than disparage similar rights, which may also have to be accommodated.

  o The currency behind the universal ethic of essential dignity and respect is that it provides practical decision-makers with goals, objectives, and working standards that permit the transformation of law and practice into a greater and more explicit approximation of the basic goals and standards built into the UN Charter system itself. This prescribes a public order committed to universal peace and dignity for the people of the entire earth-space community.

IV. Values and Public Order:

- It is useful to approach the questions of value in terms of the nature of the public order that the rule of law system seeks to promote and defend.

- The system of public order secures the complex values that it is committed to defend by making an essential distinction between the minimum-order aspects and the optimum-order aspects of the system of public order.

A. Values and the Minimum Order

- We may understand the relationship between community, minimum order, and values by imagining a society without an expectation that agreements and exchanges made in good faith and according to law will be honored, that wrongs (delicts) inflicted upon innocent parties will be compensated, that basic interests and expectations of entitlement [as in fundamental norms of right and wrong] shall be sanctioned by a collective community response, or that basic structures of governance and administration will respect the rules of natural justice such as *nemo judex in sua causa* or *audi alteram partem*, and will in general constrain the abuse of power and thus the prospect of caprice and arbitrariness in governance.

- The necessity of minimum order in a comparative, cross-cultural, historic reality is that human beings interact within and without community lines. In doing so, they commit wrongs intentionally or unintentionally, they require some security over their possessions and entitlements, and their systems of governance aspire invariably to constrain the impulse for abusing power. These are the minimum values of social coexistence.

- It is in this sense that law as minimum order confronts the idea of justice and potentiality.

- It is commonly thought that minimum order is a critical, but not absolute condition of a more just, more decent, more optimistic human prospect. The rule of law precept is uncontroversial in the sense of minimum order and its 'boundaries.'

- Peace, security, and minimal standards of human rights are reflections of these values in international, constitutional, and municipal law.

- Fundamentally, the quest for the maintenance of a minimum order in society would appear to be an essential condition for the individual or aggregate of individuals to evolve toward a social process that maximizes value production and distribution. It is possible to see in this an evolutionary idea of progressive change relating to the production and distribution, optimally for all social participants.

B. Values and the Optimum Order

- This challenge to the public order raises the question of the production and the distribution of values beyond the minimum for social coexistence. This is the challenge of the unequal distribution of opportunities or results.

- Human beings exist not only spatially, but also in terms of the duration of time and events. There is hopefully a tomorrow, a next week, next month, next year, and next century.

- Human beings are also transformative agents who make things happen, and in doing so underline the question embedded in the nature of law and community that we can change things for better or worse, for the common good or the special interests, for the sense of expanding human dignity or the prospect of a negative utopia, the rule of human indignity.

- The central challenge for values posed by the optimum order precept is the problem of the procedures and methods for producing values as well as the procedures methods and normative ideas about the fair distribution of the values that are produced in society.

- At the back of the concern for human values is the belief in human capacity for the essential, energized generation of value at every level of the social process and the human resource as a producer of ideas, insights, and values of exponential salience.

- At the back of the human dignity idea is the belief that widespread human dignity flourishes when the dignity of the individual flourishes and reproduces values of exponential importance for the common interest of all.

- Fellows of the Academy have suggested that the nine values embedded in the International Bill of Rights [power, wealth, respect, rectitude, enlightenment, skill, affection, health and well being, and aesthetics] are the key to the notion of a public order of human dignity. They postulate that the maximal production and distribution of these values on a universal basis is the key to improving the human prospect and approximating a public order of human dignity.

- This means that the prescription, application, and enforcement of the fundamental values behind human rights remain a major professional challenge for the global processes of governance charged with the defense of global public order.

- We may conclude that value needs are a condition and a consequence of focusing and directing the energy of the human perspective into concrete operations that establish institutions concentrated and specialized to value realization. In this sense, values and needs are incentives that generate a self-directed force, which ultimately evolves into institutions of effective power crucial to the allocation of values.

- It is possible to see these generalizations in the evolution of the sovereign authority of the nation-state and its own evolution from state absolutism to sovereignty routed in people's expectations.

- Another insight of this model is found in the notion that the power process itself is energized by human expectations, especially expectations of demand. Without demanding or claiming an aspect of social power, society would be static. Thus, we see in the power process, the social activist. In the United States, Rosa Parks

resented segregation in public transportation, so she staked a claim to repudiate racial discrimination in public transportation. Gandhi was thrown off a train in South Africa because he was not white. He initiated a claim to challenge the power of the state to impose unjust discriminatory laws. His challenges to the power process brought him to India as a leader of the Indian Independence Movement. Nelson Mandela challenged apartheid and indicated in open court that he was committed to human dignity and democracy and that these ideals were ones that he was prepared to die for. Therefore, it is important that we have a clear understanding of the process of effective power, and what the limits and strategies are of mobilizing bases of power, to effect meaningful social change.