

The Distinction between Law and Social Norm and the Deprivation of Freedom: Satre's Materialist Approach

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Abstract. This article is dedicated to examining the value of social norms by first distinct the social norms using Satre's understanding of Serial Praxis and Group Praxis and then discussing how the social norm prevents the freedom of human beings. In Satre's more materialist approach, human freedom is achieved only if the basic survival needs of human beings are met. At the same time, the law enables the survival of a specific group by setting limitations on certain behaviors that are harmful to group benefits; the social norm is formed to enable the dominant class's freedom, causing inequality. Sartre, being an existentialist philosopher, demonstrates a distinct inclination towards materialism in his examination of human nature and the concept of freedom. By examining the perspective of the materialist character, people can better understand the relationship between human freedom, law, and social norms. This article analyses various theories of group behaviour and draws initial conclusions about this dilemma based on Sartre's existentialist and materialist perspectives. The stark juxtaposition between law and social norms underscores the imperative for individuals to adhere to the law while simultaneously advocating for the eradication of social norm.

Keywords: Social Norm; Sartre; Serial Praxis; Group Praxis.

1. Introduction

This article makes the argument that human beings should not follow the social pattern because it is a tool that people use to ensure their freedom within a group while appropriating the power of others through objectification. This is despite the fact that it is essential for human beings to follow the law in order to avoid extinction. Because the law can be used as a tool to allow greater power for a specific minority group that holds more power and occupies a leading position in society, some people may argue that it can also lead to the appropriation of power and limit the freedom of humans. This is because the law can be used to allow for greater power for a minority group. In order to provide an answer to this question, it is essential to first elaborate on three prerequisites of law that had been constructed by the government in enough detail. Following the clarification of the fundamental idea, I will use the materialist understanding of freedom as the foundation, and then I will explain how social norms, which are an example of group praxis, differ from the law, which is the most traditional example of group praxis. Explicitly using Satre's critique of dialectical reason as a clue to arrive at a conclusion, it is promising that further research will expand on how social norms deprive human beings of freedom while law enables the greater possibility for freedom by setting reasonable limitations of freedom.

With Satre's materialistic concept of law and freedom serving as a point of departure, this thesis begins by providing a more in-depth explanation of the definitions of several important concepts. It then expands on the argument that, despite the fact that the law is a constructive method for enabling greater freedom for human beings, social norms, which were previously considered to be relatively similar to informal law, restrict and alienate individuals who participate in society. Using the theory that is already in place, this is accomplished by classifying the key concepts. Individuals will deprive others of the right to protect their freedom because individual participation in group praxis can only correspond with a series of rights. This article has classified social norms as a component of Serial Praxis, which results in the alienation and objectification of other people. This is because people will deprive others of the responsibility to protect their freedom. When people who are a part of a group

recognise others as being the same as them, they are able to avoid alienation and objectification. Group Praxis is a type of law that has three essential prerequisites. People, meanwhile, are willing to give up certain freedoms in order to make room for the possibility of greater freedom.

2. Three prerequisites of law

The three prerequisites of the legislative rule are designed to ensure that the law is not an obstruction of human freedom but instead produces the benefit for the survival of communities. First, the law should favor popular justice because law can be useful to the oppressed masses, who find in it a way to struggle or resist against the oppressors [1]. To reach the goal of making the law one way for the disadvantaged people to reject the expropriation of their freedom that the exalted group conducts, the law should be in favor of popular justice, the legal form of resistance to the inappropriate rule (sometimes the law has been established without follow the three prerequisites) that groups with specific sovereignty set up. Secondly, the primary purpose of law should be to protect the survival of the group. Though the law is often referred to as the way that limits the absolute freedom of the ordinary being, it also provides necessities for human survival, such as protection from the military, the shelter provided by the government, the free food for the poor people who struggle to live. Those necessities provided by the law and existed because of group responsibility are the basic standard of freedom since humans are only free if their basic needs as practical organisms are met, to at least make sure the safety of the essential requirement for the freedom, the second prerequisite need to be followed [2]. The final but also the most essential one among the three prerequisites is that the law should be made to enable freedom through certain limits freedom. The freedom enabled by the law is the freedom to use legislation instituted to protect the right to experience freedom; since the recognized law is the tool to enable the survival of the society that provides an indispensable floor for the common individual's sovereignty, the satisfaction of physical needs, the ultimate constituents of reality are material or physical bodies, elements or processes [3].

As the concept of law is clarified, it is essential to elaborate on the concept of social norm here to differentiate between law and social norm. Social norms are often considered unwritten and informal rules that form within the formation of specific societal trends. While the law matches the definition of group praxis Satre mentioned, social norm corresponds more with the definition of serial praxis. The dissimilarity between the primary classification of these two kinds of order-based concepts proved the distinction between the law and social norms.

3. The distinction between law and social norm

To further prove it, it is vital to elaborate on the difference between serial and group praxis. Serial praxis, often defined as the act of one individual when he is engaged in a series and can only act in a way that corresponds with the series act, will lead to the submission to the rule created by the dominant class, lead to the silence of the class that has been oppressed for a long time, discontent is the practice and exist of a group and that the serial statute rules out the possibility of regrouping [2]. Why does the serial statute, in other words, serial praxis, rule out the possibility of the regroupment? The reason is that serial praxis leads to one individual's objectification and alienation of others. A typical individual, who is inborn with the natural right, would also have a natural intention to protect their freedom; however, the seriality would not allow the individual freedom since it must follow the serial praxis. To maximize their freedom, the individual would appropriate others' freedom, and that applies to the formation of social norms since the social norm is the unwritten rule that some of the dominant class or majority group used to enable greater power for their own under the circumstance that the prerequisites of the law eliminating their chance to enable greater power for them using formal law.

For example, when one human being is waiting in line to pay for their commodities, it is easy to meet the situation that people cut into the line because they are in a hurry. When that individual uses the reason that they are in a hurry, people in the line, which is a very classic kind of serial praxis (since

the common individual in the line cannot move because of their own free will), will naturally let this individual cut into the line because there is a social norm: make way for people in a hurry. This social norm deprives the right of others in the line to benefit the individual who is in a hurry. The behavior of taking away others' rights is alienation of others since the individual is not considered the same human being as him, who deserves the right, but the tool he can use to gain more benefit.

On the other hand, group praxis overcomes seriality in that it establishes a freedom project common to the individual constitutive praxis [1]. A group is a gathering of people who hold similar goals and are willing to be limited by certain rules to achieve a common goal. However, unlike an individual who is engaged in a series, human beings participate in a group praxis; they will not use others as tools to enable the greater possibility of their freedom. In a fused group, everyone recognizes his neighbor as himself, this kind of understanding of the group member eliminates the likelihood of alienation and enables the likelihood of facing the external threat within each other [4]. Why does legislative rule can be classified as a group praxis? There are two fundamental reasons. The first is that the tool that enables the survival of a group is the law; it protects the group members and ensures their safety and survival [5]. Therefore, the law is the tool for group members to use against external threats; it will not limit the fundamental freedom of the individual in the group but allows the greater possibility of the group members. For example, the traffic law sets limitations on speed to reduce the number of traffic accidents; while it regulates the individual's freedom to drive according to their free will, it has enabled greater freedom and the essential freedom and right of an ordinary being, the right to live in this world. Secondly, the law does not favor any group and, therefore, will not oppress any spoken right of a certain group or the member of the group, which will not allow the chance for alienation and isolation of any individual. The prerequisites of the establishing of the law have already reduced any single possibility for its tendency to whether the dominant class or the weak group; it is established in favor of popular justice; in other words, the process of the formation of every single law is the combination of every individual's will. Under his circumstance, the law is the fairest and just tool for one group to decide about certain things without violating anyone's freedom and giving them the right to act according to this free choice (including the choice to participate in a group to be protected.)

By classifying the social norm as part of serial praxis, the differentiation between the law and social norm is made, as the law is determined as a component of group praxis. In the previous text, the essential definition of serial praxis and group praxis is made: serial praxis will cause the alienation and objectification of others, which is a deprivation of an individual's freedom and also unfairly allows more fitting for a specific class or individual, as the concept of social norm corresponds with the definition of serial praxis, the social norm is considered as a constituent of the serial praxis, which makes it informal and unwritten rule that despoils individual's freedom and hinders the operation of the group to protect the fundamental right of a human being. On the other hand, the law, as a component of group praxis, allows a more significant possibility of common beings protecting their right and a greater possibility for human freedom using justified and unbiased legislative rule. The contrast between law and social norms clearly shows the reason why human beings need to follow the law while they need to abolish the social norm.

4. Conclusion

Through contrasting Law and social norms, this article has discussed the necessity of survival, the most vital element of one's freedom, and the essentiality of freedom, which, based on Sartre's understanding, is the essential ingredient of human existence. It also discusses pointless participation in the social norm, which only aims to enable greater power and benefits of the dominant class through the unjustified deprivation of others' freedom, in this case, denying others' existence as human beings. Humans are radically free from society and its constraints as individual beings in Sartre's discussion; therefore, social norms violate human freedom since they limit the freedom of human beings. However, although the contrast of the social norm also implements certain limitations, it allows greater freedom for human beings; for example, the limitation on murdering has allowed people's

right to survival, which, as previously discussed, is the essential element of human existence and freedom. In conclusion, the essence of both social norms and Law is a series of rules implemented by individual human beings or society. However, the expansion of these two concepts has differentiated themselves.

References

- [1] G. Rae, Sartre, group formations, and practical freedom: The other in the critique of dialectical reason. *Comp. Cont. Philo.* 3 (2011) 183 - 206.
- [2] E. Arrieta, The law in the philosophy of Jean-Paul Sartre. En Sánchez, Álvaro y Cervi, Jacson *Reflexões contemporâneas sobre direitos humanos*. Santo Angelo (Brasil): FuRi (2016).
- [3] G.J. Stack, Materialism. *Materialism*, Routledge Encyclopedia of Philosophy, Taylor and Francis, 1998.
- [4] K. Chun, Jean-Paul Sartre's Concepts of Praxis and History in his Critique of Dialectical Reason. Master's Thesis, University of Tennessee, 1982.
- [5] B.R. Posen, The security dilemma and ethnic conflict. *Surv.* 35 (1993) 27 - 47.