

# Light | Philosophy

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**Ankur Mutreja**  
([ankurmutreja.com](http://ankurmutreja.com))

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# Introduction

What is Philosophy? Is it the exclusive domain of those who dream in abstract? Or is it the manifestation of the struggle of those who practice in material? Does it originate in the minds of professors like a Ganges flowing out from the hair-locks of “Lord” Shiva? Or is it rustic and puerile, evolving into maturity through the experiences of common men. I started writing philosophy without actually knowing that I was writing one. To start with, it was an outlet to project my frustration in the form of writings. Pretty often, it carried abuses hurled at none in particular, but at the system through its agents. But I don’t know when those ramblings started getting matured into Philosophy and all puerility and abuses purified themselves on the way – a Ganges doesn’t become pure by its origin but by the treatment people give to it on its way. In my book “Writings @ Ankur Mutreja”, I included a section on my personal philosophy and thought nobody would be interested in reading it. But, fortunately, I have found some kind-hearted people, who have given me their valuable feedback. I am reproducing my philosophy below by selecting those topics which have received positive feedback, albeit without prejudice to the philosophy presented by me in “Writings @ Ankur Mutreja”.

The book is divided into three chapters. First chapter, which I have christened as **Philosophy | General**, starts with my principles on **Privacy**. There is no comprehensive law on privacy in India; therefore, there are no established privacy principles either. I formulated certain principles for self-help, which seem to have found resonance with many; therefore, they are reproduced in the book. The other topics included in the chapter are **New Age Journalism, Terrorism, Internet, Jurisprudence, and Globalization**.

I was pleasantly surprised to find that my philosophical ideas on politics have found audience. I am a completely non-political person in the sense I am not attached to any political party; however, I do have a liberal perspective on politics. In the second chapter, i.e. **Philosophy | Politics**, I have discussed varied topics like **Lokpal, Elections, Violence, Capitalism, Anarchism, Cash Transfers, Maoists, and Gandhism**, with a liberal perspective.

Finally, in a chapter entitled **Philosophy | Relationships**, I have plunged into a controversial arena of man-woman relationship. Though I claim to be discussing philosophy of man-woman relationship, but I think I am at best representing men unless I get substantial endorsement from women – which unfortunately I haven’t got till now. Topics covered: **Marriage, Love, Girlfriend**, etc.

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# **Chapter 1: Philosophy | General**

## **Chapter 1.1: Nine Point Privacy Principles**

1. All information is private unless made public.
2. The natural owner of any information is the one to whom the information pertains; and, unless there is a procedure established by law, it can't be created/recorded by a third party, including in human memory, without the consent of the person concerned.
3. If the information pertains to more than one person, then all to whom it pertains are the joint owners of the information concerned, and there is a presumption of confidentiality between the owners; and, unless there is a procedure established by law, the information can't be created/recorded by a third party, including in human memory, without the individual consents of the persons concerned.
4. A joint owner, in his capacity of a joint owner, can disclose private information pertaining to another joint owner in a court of law in a dispute with the other joint owner in which the private information is a "relevant fact"; and the court shall admit such evidence as confidential information not to be disclosed to the public.
5. The information owned by the government is always public unless made private specifically by a procedure established by law. The acts of public servants while performing public duties is the information owned by the government. Public servants include private persons performing public duties.
6. The information owned by an owner/joint owners can be made public by the owner/the joint owners at his/their discretion subject to the law of the land. The presence of any activity/information of the owner/the joint owners which is clearly, easily and directly visible/audible/perceptible from a public place, which includes private place frequented by public, is deemed to be an application of the discretion to make the private information public by the owner/the joint owners, and the same can be recorded in any form by third parties. The discretion may include making the information public to a specified group only, in which case the members of the specified group become the joint owners of the information, and the information becomes the private information pertaining to the specified group.
7. Any third party can make the information pertaining to any other person public only by a procedure established by law.
8. Unless there is a procedure established by law, there is a rebuttable presumption of non-necessity of recording the private information or of making the private information public by a third party except in a court of law as an evidence of a "relevant fact"; and the court shall admit such evidence as confidential information not to be disclosed to the public. The onus of proof lies on the third party to prove the necessity. The necessity can lie only in public interest or in private defense.
9. If any information pertains to the sexual life of a person/group, unless there is a procedure established by law, there is a non-rebuttable presumption of the non-necessity of recording the private information or of making the private information public by a third party except in a court of law as a "relevant fact"; and the court shall admit such evidence as confidential information not to be disclosed to the public.

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## **Chapter 1.2: New Age Journalism**

The internet is going to cause a paradigm shift in journalism is now a banal statement; however, the statement is not out of fashion yet. In fact, I think, this proposition is worthy of a degree of credibility, but not as simple as it sounds. The internet has by far emerged as an excellent medium to share free information first and to build brands second. Whenever one thinks in terms of brands, it becomes difficult to separate the brand from its worth measured in the terms of financial goodwill it generates to the underlying business/activity. However, the fact remains that brands are all about trust and can't really be quantified in the terms of money. So, I won't enter into the exercise of profitability quotient of journalism on the internet while talking of brands. Rather, I am making a far-fetched presumption that one day journalism as a full-time career will cease to exist, and all journalism will be part-time vocations.

As a layman, I can easily recognize two significant divisions in the present day journalism: News and Opinions. News is generated on the ground, collected by the reporters, transferred to the central agency, processed therein and published or broadcasted in one form or the other. The well recognized news agencies in India are PTI, ANI, IANS, UNI, PIB, etc. Most of the times, a layman doesn't consume news directly from these news agencies but through some better known intermediaries like NDTV, The Hindu, HT, IBN, India Today, Times, IE, etc.; and, of course, these intermediaries also have armies of reporters, who collect news directly, but, I think, the real news is reported through any of the afore-mentioned news agencies only, and the focus of these intermediaries seems more to be that of publishers and broadcasters. These intermediaries are definitely profit centers and have come to be recognized as corporate media. Another focus of these profit centers is to generate opinions, whether through their own ilk or through guests or, for that matter, through their audience and readers. Both individual and group brands have been established in this corporate media.

In reference to journalism, at present, the internet is restricted to promotion of offline brands on the internet especially through SEO promotion. I don't recognize the present social media as any kind of journalism. The present form of news collection through social media is suspicious and even dangerous, and the opinion makers have not yet gained the desired credibility: they are either associated with offline brands or else they are, at the best, amateurs. I am damn sure that the internet can't be used for B2C ecommerce in the case of journalism: nobody will ever pay for consuming news and opinions, though it is quite possible that opinion makers might pay for promoting their opinions, but that would be B2B ecommerce, and, given the ethical resistance to paid news, I don't think B2B commerce/ecommerce can ever become a legitimate business activity in journalism. So, for me, journalism on the internet can prosper only if the individual brands associated with opinion making but without any significant permanent address even on the internet, emerge as credible alternatives to the offline brands promoting themselves online with permanent web addresses, whether individually or collectively. The news collection can't and will never become an internet activity; the off line news agencies and the corporate media will exercise considerable control over news collection and reporting, and the online journalists/opinion makers will have to rely upon these sources, which will always keep the offline journalists at an advantage over the purely online journalists/opinion makers.

However, even after drawing such a sad picture of online journalism, I am sanguine that the new age journalism will be more ethical and professional. The counter from the purely online journalists/opinion makers would be extremely forceful as they will exist and survive only if they are able to build a very high degree of credibility, which will automatically expose the fraudulent character of the corporate media and thus make it a non-profitable proposition. Of course, the ramification could be extensive so far as to make full-time journalism a non-viable vocation, but how soon or how late it will happen is anybody's guess.

Note: The above is subject to an assumption that the state controlled media will cease to exist sooner or later, so I have not even discussed it.

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## Chapter 1.3: Terrorism

When I google the phrase “terrorism definition”, it throws up the following definition:

*The unofficial or unauthorized use of violence and intimidation in the pursuit of political aims.* (Emphasis supplied)

The above definition is applicable comprehensively within the territorial jurisdiction of well-recognized sovereign entities like the US, Russia, the EU, etc. I have deliberately not included India, Pakistan and China in the above definition as these countries don't have comprehensive control over the domestic politics over which they claim territorial jurisdiction. A state would always call any challenge to its sovereign territorial claim as terrorism; however, the voice of a state can't be taken as the final word by a neutral observer; therefore, all the lists released by the State or sovereign bodies listing terrorist organizations are irrelevant as far as the general populace is concerned; these lists are relevant only to the public servants in discharge of their public duties and to the sycophants who accept formal and informal gifts and awards from the State.

The above definition is more or less functional except that I would not like to club intimidation with violence: violence *per se* is enough to qualify as terrorism. The only differentiating factor between terrorism and the state action is the officiality and the authority of the state initiated violence; if the state violence is unofficial and unauthorized, then it should also be called and would be called terrorism. An action may be unofficial if it has not been deliberated enough; for example, if the Indian Army Chief unilaterally enters his combative forces in the Naxalite areas, or the Indian Home Minister directly employs CRPF in the Naxalite areas without involvement of the State Government concerned or, for that matter, of the Union Cabinet. Similarly, if a state police force arrests a person using violence in a non-cognizable offence without an arrest warrant from the magistrate concerned and keeps him arrested even after noting his personal details, it would be unauthorized. So, the possibility of terrorism by the state forces is enormous, and they can't be exempted from the definition of terrorism just because the CrPC exempts them; the purposes are obviously political as the purpose of the criminal law *per se* is to maintain the peace of the King/State.

In light of the above, other than the State, there are many other forces ranging from the Bombay *Mafia* to the IM which would qualify as terrorists in India because their acts of violence are politically motivated and, obviously, unauthorized and unofficial. However, I want to make two exceptions: first, the Kashmir Valley is a disputed territory and is strongly claimed to be in occupation of India not only by many Kashmiris but also by Pakistan, and, if the disputes gets revived in the UN — as it looks like it very soon will — it would also be claimed so under the International Law; secondly, the Naxalite areas, where the Indian Government has a meager presence, thus it doesn't exercise complete sovereign control over the Naxalite areas. The definition of unauthorized and unofficial might be subject to the International Law in these two areas, and some of the actions of the Kashmiri “militants” and the Naxals may not be considered as the acts of terrorism by the International Law, especially if they can prove their actions to be in accordance with the rules and constitution governing themselves — Hamas in Gaza falls in a similar category.

Now coming to Global Terrorism; I fail to recognize it; furthermore, the term itself is an

oxymoron. When there is no global sovereign power, how can there be any global terrorist: the two warring countries would always term each other as global terrorists, and the International Law is not mature enough to arbitrate. Just because some forces operate across borders doesn't mean they are global terrorists; they might get qualified as terrorists in two or more countries, but the qualification stops there and goes no further — if the pirates had any political motives, they would have certainly qualified as global terrorists under the International Maritime Law, and Captain Jack Sparrow would have been their undisputed brand ambassador; or, on second thoughts, probably the MNCs do qualify as global terrorists: they do all that the pirates do albeit, pretty often, with a political motive too.

But, the terrorists who scare me the most are local politicians and other “micro” terrorists: they use violence unauthorizably and unofficially with a clear political motive — the AAP, probably without realizing it, tried regularizing some of the terrorist acts of local politicians through the Nagar Swaraj Bill. While talking of “micro” terrorists, the definition of violence can't be restricted to just physical violence; it should include all kinds of violence: psychological violence, emotional violence, sexual violence, verbal violence, and, of course, physical violence. Given this wide a definition, anybody in the position of power is a potential terrorist, and the most successful people in the society are also those who practice terrorism, so **Go Ahead and Join the Club**.

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## Chapter 1.4: The Internet

I first thought of writing on this topic under my writings on politics, but, I think, the internet hasn't reached that kind of penetration yet; at least not in India. Nevertheless, the world of the internet is fascinating.

A little bit about technology first. The most intriguing feature of technology is its ironical disposition to act both as a medium of individual liberty and a biggest curb on it through infringement of privacy. Therefore, the first thing I look out for before choosing a gadget — which I rarely do — is to look at the ability of the gadget to enhance my liberty without compromising my privacy. And, I think, the best gadget I have chosen so far is my USB hard drive because I know my ISP is constantly monitoring the activities on my internal hard drive — kept lots of porn on my hard disk for some time to entertain them, but then I actually got worried about the privacy of those poor girls who had been shot furtively, and that's the most serious problem of technology. The above should tell something about my disposition: I am an off-gadget guy, but I am enamored by the internet.

The fascinating world of the internet is fast becoming unavoidable. Rather, for a person like me, it has to be a habit. I believe, other than porn, the most visited sites on the internet are the social networking sites with the FB leading the herd, but, I think, the FB will either collapse under its own weight or become irrelevant. And, I have reasons to so believe. The other day, I was watching some interview of Fatima Bhutto, where she made an interesting comment about the FB: she found the addiction of people to the FB very weird as it doesn't serve any useful purpose like addition of knowledge, skills, etc. Though I don't agree with her comment that peeping into the private lives of people is weird as the man has been doing it for ages now, but the way it is being done on the internet is definitely weird: peeping into other people's lives has become so mechanized on the internet. After the initial excitement, I think, it will die down itself. The reason for my belief is funny. There is a small side-show "*chahca ke bathule*" on Red FM; in one of these, the "*chacha*" claims the credit for the creation of the FB, for he was fed up with the daily bickering of his wife with the neighbors and thus invented the FB; and, the rest is history. Well...I believe Zuckerberg also started with something similar but then lost his way; I wonder how people get the same fun in fighting on the FB as they do in *mohallas*; the bickering on the FB can only lead to the *Malini Murmus*. So, I don't think the FBs of this world have any future unless they reinvent themselves, but the FB is trying too hard to justify itself. The Twitter also needs to do something new, the micro blogging concept is cool, but the follower-ship, especially of the celebrities, stinks. The others, including Google Plus, have not yet started picking pace.

However, the internet doesn't start and end with the FB. The real fun on the internet starts with the freebies. Once I found a small dog caged inside a drain; it seems somebody covered him with a stone to prevent him from escaping — yes, the people eat dogs here. I removed the cover, and, on being freed, the dog ran on the road like a mad dog as if he would never get a chance to run again. Something similar happened to me when I first heard of "Download.com". I downloaded everything, just about everything...even a funny software on how to create ghost voices — I hope the dog was not actually mad. But, now I have realized that the real fun lies in the Freedom of Information which the

internet provides, and that may well revolutionize this world. The biggest problem, at present, is the random flow of information. I agree the sincere and hardworking people would have found their ways by now. But, for a lazy person like me, who keeps opening the same Google all the time, this abundance of information is really very difficult to manage. I think the next big idea on the internet would be the one which will do something about this problem, i.e. the random flow of information.

Closely linked to the freedom is piracy. I think those who are fighting piracy, or, should I say, trying to fight piracy, on the internet are wasting their time; they just don't understand the power of anarchy. The anarchy has always failed because people, when in close contact with one another, start thinking of their respective statuses, which creates problems because the status gives power, and the power begets politics, which is always ugly offline. The best thing about the internet is the anonymity it offers, where the power and the statuses may not necessarily be interlinked, and thus the power needn't necessarily lead to ugly politics; and, if practiced religiously, the anonymity, in fact, leads to security and order. I am a firm believer that, both online and offline, the true source of power is knowledge sans infringement of privacy. When online, if one wants, one can protect one's privacy to the most ridiculous levels; but, when offline, in the present times, one can't think of power without infringing someone else's privacy. I think, after saying so much, I don't need to mention that I give a damn about the internet piracy except for authorship protection. I just want free information.

Last but not the least, the security on the internet is a real issue. I have a simple formula: Build a separate drawing room detached from the rest of the house and open its door for all and sundry. So, all the hackers, be my guest; you will not find anything except may be some stupid case laws, which anyways you can download freely on the internet — ok, I admit I can't afford a separate drawing room, so I have created a partition, but sometimes it does create problems. So, going by my formula, the internet can't be used for any confidential work online. In other words, the concepts like cloud computing should fail, but then I am not a geek.

Well...I think I should have never downloaded those porn: Privacy is the most important right of individuals, and no system can substitute for individual morality.

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## **Chapter 1.5: Jurisprudence: Austin, Kelson, and Hart; They All Say the Same Thing**

Jurisprudence, to me, seems to be the never ending trial of the philosophers to justify and reconcile law to the practical, and, in this quest, different schools have defined law in different manner. The most interesting amongst them are the analytical school philosophers. Instead of worrying about WHAT LAW OUGHT TO BE, they have concentrated on WHAT LAW IS. When one does that, one has to identify an evident source of law; and, once so done, the other issues, like the validity of law, become easy.

Austin's method is the simplest and the most frank. He says the law is the command of the SOVEREIGN. The SOVEREIGN is a political superior. If, instead of saying political superior, he had just said superior, his theory would have confirmed to even the present times because today the command of the BOSS has almost become law (or very soon it will). Of course, the BOSS is not a political superior, but he is indeed a superior. However, as many others also do, I even hate to think of any command of a BOSS to be any law. Rather, I even hate to have a BOSS. Then, why shouldn't I, and many like me, hate the presence of SOVEREIGN even because after all the idea is same! So, Austin, and his theory, is rejected outright.

Kelson is more ingenious. He has, instead of attributing the origin of law to a determinate body, identified the source of law in an abstract concept called the BASIC NORM. According to him, the BASIC NORM is that "one ought to behave as the individual, or the individuals, who laid the FIRST CONSTITUTION have ordained". Without worrying about what is the FIRST CONSTITUTION, and who laid it, the only relevant thing to understand is that any law made in accordance with the constitution is valid law. Or, in other words, the origin of law can be identified with the constitution. One will have to just accept the validity of the constitution. For example, In India, the constitution laid down by a minority, who were not even representatives of the people, is a valid constitution. Not only this, our constitution, to a large extent, is inspired from the GOI Act, 1935; in the same manner as the stories of the Bollywood films are inspired from the hit Hollywood films. I, and I hope many like me, wouldn't be willing to accept the validity of the Indian Constitution.

Hart tries providing some solution to the problems by introducing the concept of INTERNAL POINT OF VIEW/INTERNAL STATEMENT. Well, his theory is the most complicated and, by far, the most ingenious too. He says that any INTERNAL STATEMENT about the validity of the primary rule is *per se* relevant to identify it as a valid law, and such statement having been made doesn't require any more justification for the validity of law. Now, the moot question is what is so special about this INTERNAL STATEMENT that we need not ask any further? And, btw, what is the source of law? It's difficult to do justice to his ingenuity over here, so I won't attempt it. Anybody interested in his theory in detail can read it from any standard book on Jurisprudence. However, I should surely state that he has identified the source of LAW in the people themselves. In a complicated legal system, he has introduced the concept of secondary rules, which are presupposed while making INTERNAL STATEMENTS of validity; and, for these secondary rules, he has introduced the concept of effective acceptance of secondary rules as the common public standards of official behavior by

officials — simply speaking, the government officials shouldn't revolt — and once this condition is satisfied, and the officials are able to ensure that the people at large obey the rules which are law, out of fear or for any other reason, the system can be termed as a LEGAL SYSTEM, irrespective of whether the people at large feel obligation towards the rules. This is something which should exist in the communist (in the practical sense of the term) legal systems, and does actually exist in the so-called democratic systems, like India, the USA, the Europe, etc. Very simply speaking, it means that a small coterie of people have laid down some rules for themselves by custom, implied mutual consent, etc., and, on the basis of these rules, they lay down/identify other rules as law for the people at large, which rules are ensured to be followed. I, as a free individual, fail to accept this too.

Then, also the moot question: if law is what this small coterie of people lay down for me, do I need to follow it? And, the answer is yes, and this is not out of any moral obligation or fear but because of a practical necessity. Let me elaborate this point. In the present day context, this small coterie of people is the power house of the system, and they are represented by the politicians. They maintain their power by creating occasions for law violation by the powerless individuals, each in their individual contexts. For example, a small powerless businessman will be but forced to bribe a policeman if he wants to do business, for if he doesn't, he will die of hunger, but if he does, he can aspire to join the power house some day; this is what the AMERICAN DREAM is all about. This is a very simplistic situation. There could be more complicated situations; for example, a young unmarried girl desiring to have outside marriage sex (which is perfectly legal) will not be allowed to do so till she decides to enter the prostitution industry (which is illegal and should remain illegal; solution doesn't lie in making the immoral trafficking legal, as it doesn't lie in making bribery legal). In this situation, the girl has a capability to fight because the need for sex is not as prominent as is the need for food. If she, and others like her in their own particular situations, are able to fight it out, she and the whole system would certainly be better off, and, then, probably a Hart will not have a need to end his note like this:

*In this more complex system, only officials might accept and use the system's criteria of legal validity. The society in which this was so might be deplorably sheep like; the sheep might end in the slaughter-house. But there is little reason for thinking that it could not exist or for denying it the title of a legal system.*

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## Chapter 1.6: Globalisation

Globalization is based on the principle of comparative advantage, which simply speaking states that a country will always benefit from opening up its economy to the world and producing what it has comparative advantage in producing (may it be prostitution/sex tourism). Comparative advantage doesn't necessarily mean absolute advantage: it only means that if Country "A" can only produce product "X" with any relative advantage, whatsoever, and the whole world can produce the same product "X" overall better than Country "A"; i.e., with better absolute advantage but lesser relative advantage; i.e., the world can produce other products with better relative advantage; then it should let Country "A" only to produce the product "X". This will be beneficial for all; of course, Country "A" should be able to produce enough for the whole world or else should share the responsibility.

Isn't the above idea brilliant? Well, it is! It is actually the most idealistic thing that can happen to the world. No one would ever be poor, but only if Country "A" is given a written guaranty that it shall never be affected by speculative currency movements, that it shall not be limited by resource constraints both material and human, that its people shall always feel happy producing product "A" only, irrespective of their talents and aspirations. These guarantees are extremely important because nobody seems to be creating situations for such a scenario to develop. The economic superpowers just want to jump onto the globalization bandwagon. When you ask them why not allow free movement of men along with goods, they say it will disturb the cultural system. When you ask them why not allow a single currency for the whole world so that there is no chance of any speculative currency movement, they say it is impractical. Well, both their arguments are completely adequate, but then Globalization without free movement of men and goods would be partial Globalization.

Let me elaborate upon their arguments a bit further to give them some credit. The first argument is self explanatory. The countries around the world are divided on the basis of strong religious and cultural values. USSR did try forcing common culture throughout the Union but couldn't succeed. The USA seems to be trying the same for the world, and I have no doubt that it will also fail badly; rather, the USA still has a lot to discover. There just can't be a common global culture, and no one can give any direction to the emergence of any cultural interchange either. This is something which has to evolve itself, and any direct or indirect efforts to hasten the process may lead to social unrest. At present, at best, the people with strongly aberrant cultural values to their local culture can migrate to compatible foreign cultures and bring about merger of common attributes.

Similarly, a single currency for the world can not be permitted because it will be inefficient in dealing with local economy level imbalances, which can be handled better in a flexible exchange rate system. The single currency would create problems in handling country level issues without affecting the world at large. It can at best be implemented in a region where the constituent countries have similar economies, and the people are ready to move freely with in the region, for example the European Union. One can even think of combining the currencies of "USA + Canada", Europe, and Pacific Rim at some stage, but clubbing the economies like the Arab League, Central Asia, CIS, Sub-Saharan Africa, Latin America, China, Indian Subcontinent, etc., with the above three

regions is just unthinkable at this stage. These regions have a lot to discover. For that matter, even the merging of culture can happen at some stage, but that would be commanded by precedence to humanistic interests over parochial religious interests, and this doesn't seem to be happening in any perceivable time period.

So, what's the hurry to have free economic borders? Can't it be seen that a small country producing few goods or a large but poor country like India will become extremely dependent upon global events? Can any body stop speculative currency movements and their negative effects on these countries in such a scenario? Moreover, this can lead to growing human dissatisfaction in the local population in absence of finding the work of their choice. Different people have different aspirations; they can't be restricted to the choice of a career by a novel idea called Globalization. Isn't it ironical that the same idea which boasts of economic prosperity fails to answer the basic question of human prosperity? Everything can't be measured in terms of economic gains; it would be prudent not to force Globalization on everybody, and let the weaker nations discover their path to economic and social prosperity (extremely important) before sharing it with others. Till the time it happens, just wait and watch or render help as a disinterested friend.

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# **Chapter 2: Philosophy | Political**

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