

UNIT-I

Political Theory

Political theory analyzes and interprets the foundations of political life and evaluates its principles, concepts and institutions. Political theory is the study of the concepts and principles that people use to describe, explain, and evaluate political events and institutions. Traditionally, the discipline of political theory has approached this study from two different perspectives: the history of political thought, and contemporary political philosophy.

Political theory is one of the core areas in Political Science. From ancient Greece to the present, the history of political theory has dealt with fundamental and perennial ideas of Political Science. Political theory reflects upon political phenomenon, processes and institutions and on actual political behavior by subjecting it to philosophical or ethical criterion. In the words of Germino, “Political theory is the most appropriate term to employ in designating that intellectual tradition which affirms the possibility of transcending the sphere of immediate practical concerns and viewing man’s societal existence from a critical perspective.” To quote Sabine, “Political theory is, quite simply, man’s attempts to consciously understand and solve the problems of his group life and organization. It is the disciplined investigation of political problems, not only to show what a political practice is, but also to show what it means. In showing what a practice means, or what it ought to mean, political theory can alter what it is.” The term political theory has been defined in both ‘a broad’ and ‘a narrow’ sense. George Sabine defines it, “as anything about politics or relevant to politics”. This is his broad definition of the term. He also gives a narrow definition as “the disciplined investigation of political problems”. Similarly, Arnold Brecht provides both a broad and a narrow meaning of Political Theory. According to him in the broad sense, the concept political theory means “a thinkers’ entire teaching on a subject,” while in the narrow sense it means only “an expression of a thought”. Hence, to him it means a set of propositions. William T Bluhem

gives a comprehensive definition of political theory. He holds political theory as “an explanation of what politics is all about, a general understanding of the political world, a frame of reference to understand and explain a political phenomenon, to be able to give a value judgment, and also to be able to predict.” Explained thus, political theory is a tool for evaluating what happened, whether it was good or bad, what may happen in the future in the given conditions, and thus enable a serious student of politics to decide his political choices.

Political theory is that branch of political science which attempts to arrive at generalizations, inferences, or conclusions to be drawn from the data gathered by other specialists, not only in political science, but throughout the whole range of human knowledge and experience. Political Theory is a theory about what is ‘political’, the science and philosophy of something that is ‘political’. Political Theory David Held “Political theory is a network of concepts and generalizations about political life involving ideas, assumptions and statements about the nature, purpose and key features of government, state and society, and about the political capabilities of human beings.”

Ancient/Traditional Political theory

Political Problems have been subjected to various kinds of analysis since the beginning of political thought. Various explanatory methods have been adopted to enhance our understanding of things which are political in nature. What we call ‘approaches’ to political analysis constitute a variety of orientations to looking at the world of politics. The approaches are useful in ordering the apparently disorganized and fragmented political phenomena.

One of the most ancient spheres of intellectual enquiry, politics was originally seen as in arm of philosophy, history or law. Its central purpose was to uncover the philosophy upon which human society should be based.

The Philosophical Tradition

The most important aspect of traditional Political theory has been Philosophy. The origins of political analysis date back to Ancient Greece and a tradition usually referred to as 'political philosophy'. This involved a preoccupation with essentially ethical, prescriptive or normative questions, reflecting a concern with what 'should', ought or 'must' be brought about, rather than what 'is'. Plato and Aristotle are usually identified as the founding fathers of this tradition.

According to Stephen L Wasby, "the philosophical approach takes in all aspects of man's political activities, and has as its goal a statement of underlying principles concerning those activities." This approach is comprehensive in scope and imaginative in spirit. This political thinking presents a conception of good society and the means of realizing it. It is prescriptive in nature which aims at improving the existing social structure considered to be unjust. This approach has normative orientation. Statements of preferences or value questions abound and the old masters did not make any distinction between political and ethical questions.

Most of the classical political theories represent this approach which is deductive. It is also known as 'speculative' or a priori method. The deductive method draws the conclusion from a number of general principles. It starts with a preconceived assumption or statement and intends to strengthen or establish the same notion. It is reasoning from cause to effect, from a general principle to its consequence. The conclusions follow a logical reason rather an empirical enquiry. In political system this method of investigation starts from some abstract original idea about human nature and draws deductions from that idea as to the nature of the state, its aims, its functions and its future. It then attempts to harmonize its theories with the actual facts of history. In brief, the philosophical approach is marked by:

1. Speculation, intuition and norms;
2. Use of powerful logic to convince and justify the stand taken;

3. Absence of effort to prove historical basis and verify facts;
4. Partisan attitude (for instance, Locke wrote to justify the new middle class while Hobbes wrote to justify monarchy);
5. Subjectivity; lacking objectivity and universal validity.

The danger of the philosophical method is that it becomes highly imaginative and visionary as in the case of Plato's Republic and More's Utopia. It sinks into empty ideology, as it does not necessarily rely on historical facts. However, it continues to be a part of modern political theory in spite of the behavioural revolution and modern approaches. This can be said with certainty as attempts to construct an ideal type of state have been evident since the time of the ancient Greek philosophers, through the Middle Ages, and down to the present day.

The Historical Tradition

Political Science became a separate branch of intellectual study in the 19th Century and ever since traditional Political Scientists have looked upon History as a primary source of political analysis. They did not recognize any difference between History and Politics. They have regarded history as past politics and politics as present history. Machiavelli, the Italian political thinker of the renaissance period adopted the historical mode of analysis.

Historical approach may denote the process of arriving at the laws governing politics through an analysis of historical events, that is, events of the past. It may also stand for an attempt at understanding politics through a historical account of political thought of the past.

The historical approach can be regarded as a form of the experimental approach. This is also called the genetic or evolutionary method. The approach is inductive, i.e., based on observation and the study of historical facts. This approach, traced to the Aristotelian period, maintained that to understand anything we must study its beginning and

development. The other major exponents of this approach are Montesquieu, Savigny, Seeley, Maine, Freeman and Laski.

The historical approach is best represented by George H Sabine. According to him, the subject-matter of Political Science coincides with the major themes of discussion in the writings of well-known political philosophers like Plato, Aristotle, Hobbes, Locke, Rousseau, Bentham, Mill, Green and Marx. He further says that political theory is advanced in response to a particular situation, and that it becomes imperative for us to understand the circumstances under which a particular theory has evolved in order to understand its relevance in the present situation. Political theories not only are a product of history but also serve as an instrument of moulding history by their ideological force. Thus, all great political theories are valid for all times.

However, the historical approach has certain inadequacies and has been criticized by Sidgwick, James Bryce, Ernest Barker and David Easton among others. Their objection amounts to the fact that problems confronting one generation are different from the problems of another generation and can hardly guide in resolving the crises of a particular generation and or meet future needs. They also hold that history is a mere narration of events without ethical or philosophical judgments.

Notwithstanding these criticisms, the utility of the historical approach cannot be neglected. History, now becoming more objective, has renewed the interest in values and the rich heritage of political thought for evolving guiding principles for our own age. The best example is John Rawls' 'Theory of Justice' which depended on the methodology of Locke and Kant, rejecting utilitarian philosophy. The historical approach is indispensable to the political scientist who studies political institutions because it is related with the peculiar way in which the institutions have been fashioned.

The Legal Approach

Legal approach stands for an attempt to understand politics in terms of law. It focuses its attention on the legal and constitutional framework in which different organs of

government have to function, inquires into their respective legal position, their powers and the procedure which makes their actions legally valid. For example, legal approach to Indian politics will proceed to analyze legal implications of various provisions of the Indian Constitution, duly documented by the judgments of the Supreme Court of India. Similarly, legal approach to Indian politics will largely tend to analyze it in terms of the requirements of international law. Edward Corwin's 'President, His Office, Powers' is an important work, which adopted the legalistic approach. In this work Corwin has made use of the judgements of the Supreme Court to describe the powers of the American President.

But the legal approach fails to explain the role of extra-legal factors in politics. It proves inadequate in understanding the political forces, processes and behaviour which might operate outside of the legal formal framework.

In spite of its drawbacks, the legal approach is not entirely insignificant because all political processes must culminate in legal provisions in order to become effective and stable. The study of international law and constitutional law also plays a vital role in the social and political life of almost every country.

The Institutional Approach

The Institutional approach is another major approach, considered as next only to the philosophical approach. Though it is closely related to the legal approach, it is the only traditional approach which gives an independent identity to the systematic study of politics. The roots of this approach extend to the Aristotelian period, when Aristotle described and classified the constitution of Greek city-states.

Traditionally, politics has been defined as the study of the state and government. Government itself is an institution, and its various organs, such as legislature, executive and judiciary may also be recognized as institutions. This approach has been closely associated with a legalistic orientation to government. This approach proceeds to study the organization and function of the government, its various organs, political parties and

other institutions affecting politics. Classification of governments, identification of levels of government (federal, provincial and local) as well as of government is the main concern of this approach.

The institutional approach emphasizes exclusively the formal aspects of government and politics. It studies the organization and functioning of government, its various organs, and political parties and other institutions affecting politics. It aims at description of facts and its chief concerns include classification of governments, identification of levels of government, branches of government, the compositions and powers of these and their interrelationships.

The drawbacks of this approach are:

1. It neglects the individual while overemphasizing the institutions.
2. It does not assign importance to the study of international politics.
3. It fails to take into account the role of violence, political movements, agitations and revolutions and war.
4. It neglects the role of informal groups and processes in shaping politics.

In spite of these drawbacks, the institutional approach plays an important role in the study of politics, as the institutions form an important part of politics.

Modern Political Theory

Major social sciences comprise the disciplines of political science, economics, psychology, sociology, cultural anthropology etc. Therefore, the contemporary approaches that are employed in political science research are similar that are engaged in other social sciences. Each social science can be approached from various methodologies. A researcher may use a variable-based approach that necessitates statistical analysis. It means he has opted for the positivist research tradition. On the other hand another

researcher may choose a comparative case study approach, “in which the most-common themes are qualitatively compared.”

It is pertinent here to specify the objectives of research. The frequently identified objectives are: 1) to explore a phenomenon or problem to gain insightful and comprehensive knowledge about it; 2) to describe a problem that characteristically includes counting the incidence of one or more phenomena, and 3) to establish and/or measure causation. In social sciences, researchers opt for various approaches to accomplish these objectives. Some of the most significant contemporary approaches that are favoured by social scientists are institutional analysis, behaviouralism and rational choice theory in the category of Positivist research approaches and the feminist, Marxist and post-modern approaches in the broad category of qualitative approaches.

Institutional Analysis:

The approach that is commonly known as institutional analysis was one of most preferred approaches until the end of the first half of 20th century. Its popularity declined only when behaviouralism became the most favoured approach of the social scientists after 1950. Institutional analysis brings into focus social or political institutions and look at the rules, traditions or conventions that helped these institutions to emerge. For instance, a research work in political science based on institutional analysis is mainly concerned with describing formal political institutions such as constitution, legal system and government structure. The researcher may make use of comparative method while dealing with these institutions and may also discuss decisive changes that have taken place in these institutions in due course of time. In the heydays of institutional analysis, the most popular topic of political science research was ‘the concept of the state’. Incidentally other political institutions were explored because they had direct or indirect bearing on ‘the state’. For instance, government was discussed as an institution that had a close alliance with the state. According to Shepsle, “Government for the most part was

conceptualized as the institutional manifestation of the state, and the agenda so set for political science carried on into the early decades of the twentieth century.”

The importance of institutional analysis in the research of political science declined by the middle of the 20th century mainly because its critics pointed out that by focusing majorly on the state and government, the approach has extremely narrowed down the scope of the discipline. Secondly, the institutional analysts would restrict their inquiries to the formal institutions whereas informal institutions and organisations and their significance and role in a polity were altogether ignored. Thirdly, the research scholars wedded to institutional analysis would, more often than not, attempt to identify factors that could help formation of a ‘good government’ rather than investigating good and bad political behaviour.

Despite its low esteem, institutional analysis continues to be a valid approach in contemporary research scenario because in recent years it has made a comeback albeit in a different format. Present day institutional analysts do not concentrate only on discussing political institutions by way of comparison. The contemporary institutional analysts inquire into topics such as power, its acquisition, retention and exercise in political situations and how values are shared and distributed among the members of political groups. They also explore substantive issues of institutions and their structures. According to Vivien Lowndes, new institutional analysis differs from the old one in following respects:

- From an old focus on institutions towards a new focus on rules.
- From attentiveness to formal concepts to informal definitions of institutions.
- From a static view of political institutions to a dynamic view.
- From ignored values to consideration of values as critical to comprehend institutional relationships.
- From holistic view of institutions to focusing on different segments of institutions.

- From institutions as independent bodies to a position that they are embedded in specific societies.

Behavioural Approach:

Behaviouralism became one of the most favoured approaches in the middle of the twentieth century and since then it has held its sway in the research of social sciences. The political scientists, who intend to improve society by bringing about a change for the better in political institutions, ensure more public participation in political affairs and get engaged in researching the social problems that emanate from politics, usually opt for behavioural approach for their research works. The behavioural approach stipulates similar scientific scrupulousness in carrying out research in social phenomena as observed in natural sciences. Psychology and sociology were the first two social sciences that showed increasing preference to behaviouralism since 1920s. A couple of decades later, political scientists too got engaged in data collection exercises by moving out of classrooms and libraries and interacting with the real world. Consequently, by the mid-1960s, behavioural approach came to be recognised as a leading line of research in social sciences.

According to John G. Gunnell, the objectives of behavioural research could be accomplished by “the formulation of systematic concepts and hypotheses; the development of explanatory generalization that would raise inquiry beyond mere factual empiricisms; interdisciplinary borrowing; empirical methods of research; (and) direct observation.” The comprehension of behaviour implies comparing the attitudes of the people in diverse cultural settings. It was because of this comparative method got reinforcement that in turn led to the emergence of comparative politics as a branch of political science. The behaviouralists have shifted the focus of research from political institutions to political behaviour of the people, they are not interested to know the manner people ought to act; instead they pay attention to the manner people do act. It was

David Easton who set forth eight 'intellectual foundation-stones' of behavioural approach. They are:

- 1. Regularities:** It refers to identifiable similarities in political behaviour which help generalisation and explanation of regularities in political theory.
- 2. Commitment to Verification:** It necessitates that the soundness of theoretical statements must be subjected to verification tests with reference to relevant political behaviour.
- 3. Techniques:** It calls for experimental attitude in matter of electing techniques. In other words political behaviour must be observed, recorded and then analysed.
- 4. Quantification:** In order to make a precise expression of conclusions based on collected data it is necessary to quantify the recording of data wherever possible.
- 5. Values:** The behavioural approach demands a clear distinction between ethical assessment and empirical explanations. The behaviouralists insist on this separation to make political inquiry as far as possible value-free or value neutral.
- 6. Systemisation:** It draws attention to establishing linkages between theory and research because research data without the support of theory is likely to become inconsequential while theory in the absence of verifiable data may become an exercise in futility.
- 7. Pure Science:** It recommends postponing the attempts to convert politics into a pure science for the purpose of making it an applied science. It is necessary because on account of the study of political behaviour we can use the knowledge of politics to find practical solutions to the pressing problems of a polity.
- 8. Integration:** It suggests integration of social sciences with their respective values in order to develop an all-inclusive outlook of human affairs.

Rational Choice Theory:

Rational choice theory is perhaps the most established type among the model-based approaches that are used in social sciences in general and in political science in particular. Other model-based approaches include game theory models, psychological models, mathematical models and other-choice based behavioural models. Rational choice theory model has emerged as a significant approach in political science in recent years.

Rational choice theory is also a course of action through which researchers can explain human behaviour. It is widely believed that most people make rational choices and act thereof in order to gain maximum benefits of ensure maximum protection of their interests. The rational choice theory is based on this assumption. This theory is employed more frequently in research works in economics where it is known as the process of 'maximizing utility'. In political science this approach first appeared in 1960s as a reaction to the behaviouralists' contention that human behaviour had nothing to do with personal choice but it was guided by social and psychological factors that had a bearing on human beings. In political science rational choice theory is excessively used as a research approach to explore how groups act in response to challenges in political institutions. It is also employed to the study of public policy and other similar political issues. The contemporary mode of rational choice theory as an approach of social science research seems to be closer to institutional approach than behaviouralism.

In this context it is noteworthy to know how Kenneth A. Shesles distinguishes rational choice theory from behaviouralism. He says: "In place of responsive, passive, sociological man, the rational choice paradigm substitutes a purpose, proactive agent, a maximizer of privately held values. A rational agent is one who comes to a social situation with preferences over possible social states, beliefs about the world around oneself, and a capability of employing these data intelligently. Agent's behavior takes the form of choices based on either intelligent calculation or internalized rules that reflect

optimal adaptation to experience.” The rational choice theorists also hold that human behaviour is directed towards a purpose. A cardinal postulation of the rational choice theory is that human beings evaluate their actions in similar fashion the games are played where the objective is to win. The theory underlines that it is individual who makes political decision and not groups. It is only when a specific political decision may lead to maximum benefit for a group, its individual members make political compromise. Through this reasoning it becomes easier to explain the formation of political pressure groups or political parties. According to Roy Turner there are a few more conceptual keystones of rational choice theory approach which are as under:

- “People are purposive and goal-oriented.
- People prioritize their preferences (utilities).
- People make rational calculations involving their prioritized utilities and the costs of alternative decisions, and make decisions that maximize their utility.
- Political behavior---just another form of social behavior---is ultimately the result of individual utility maximization.”

The Marxist Approach:

The Marxist research approach is often called the first of the critical research approaches to social sciences. The underlying assumption of the approach is that a thorough understanding of the eternal struggle that goes on between the rich and the poor and the workers and the owners or capitalists can reveal the root cause of all actions of man that fall in the category of political behaviour. It is because of this reason the Marxist research approach brings into focus the disparities prevalent in society along with ascertaining the type of economic structures that are instrumental in formation of society as well as determining its level of development. It also concentrates on the research studies that endorse and strengthen the principles that may help create an egalitarian and truly free social order.

Classical Marxism is usually connected with four basic principles that are: economism, determinism, materialism and structuralism. Economism implies that economic forces give shape to social conditions. The principle of determinism refers to the capitalist production methods that apportion the role men play in their life. Materialism entails that the capitalists and operators of major means of production on the basis and for the protection of their material resources always support the ruling classes. The final principle of structuralism suggests that economic and political structures verify the actions of men. It must, however, be emphasized that modern version of Marxism is completely different from the classical one. In the words of David Marsh: “While modern Marxism is characterised by diversity, most of it rejects economism; reject determinacy, emphasizing contingency; rejects materialism, acknowledging an independent role for ideas; rejects structuralism, accepting a key role for agents; no longer privileges class, acknowledging the crucial role of other causes of structured inequality; and, to an extent, privileges politics.”

Political Science: Nature and Scope

Political Science as a study of “all that has to do with the forces, institutions and organizational forms’ in any society that are recognized as having the most conclusive and final authority existing in that society for the establishment and maintenance of order, the effectuation of other conjoint purpose of its member and the reconciliation of their differences.

On the other hand, Political Science is defined as “a study of State and Government”. The Oxford English Dictionary defined it as “the science and art of government, the science dealing with form, organization and administration of the state or part of one with the regulation of its relation with other States”.

This diversity in defining Political Science is due to the varying scope of Political Science in different times. Since its emergence as a scientific study, Political Science has been growing in its scope. Hence the old definitions of Political Science cannot suit the twenty-first century version of Political Science. One may further examine some standard definitions of Political Science, given by eminent political scientists.

Gettell:

“Political Science deals with the associations of human beings that form political units, with the organization of their governments and with activities of these governments in making and administering law in carrying on inter-state relations.”

Bluntschli:

“Political Science is the science which is concerned with the State, which endeavours to understand and comprehend the State in its fundamental conditions, in its essential nature, its various forms of manifestations, its development”.

Paul Janet:

“Political Science is that part of science which treats of the foundations of the State, and principles of government.”

Laski:

“The study of politics concerns itself with the life of man in relation to organized States.”

Lasswell regards political science as ‘policy science’. He gives a positivist and non-normative meaning to the definition of politics. He writes, “The study of politics is the study of influence and the influential. The science of politics states conditions; the philosophy of politics justifies preferences.” Max Weber holds the similar view when he defines politics as “the struggle for power or influencing of those in power.” Further, it includes within its study the struggle between the State and the individuals and between the organized groups and the State.

Garner:

“The meaning of the term “politics” is confined to that of the business and activity which has to do with the actual conduct of affairs of the State.” In short, political science begins and ends with the state.

From these and other definitions, one may conclude that the “STATE” is the central theme of Political Science. Political Science studies about the State, its origin, its nature, its functions and so on. Hence, Political Science may also be defined as “a historical investigation of what the State has been an analytical study of what the State is and a politico ethical speculation of what the State ought to be.” (Gettell)

One may sum up that Political Science, as narrowly conceived, is the science of the State. As it is a study about the State, it makes an enquiry into the origin of the State and political authority. In this sense, it is a historical investigation about the origin of the State. Political Science also studies about the structure and functioning of the State,

governments, interstate organization, etc. In this sense, it is an analytical study of what the State is. It is often said that Political Science 'begins with the State and ends with the State'. But political science does not confine its area to the past and present States only. It also attempts to formulate principles of good government or in other words, it suggests what the State ought to be.

R.G. Gettell rightly observes, "Political Science is a study of the State in the past, present and future; of political organization and political function: of political institutions and political Theories. From this material, it attempts to explain the nature of the state and to deduce the laws of its growth and development as well as to suggest needed reforms in political institutions and activities in a world that is undergoing rapid change."

Political Science not only deals with the State and government, but also deals with law. Men should be ruled by law. Law is necessary to regulate social life and without law there would be chaos and confusion. Law regulates and controls the animal behavior of man. It prevents anarchy. Hence, one may conclude that Political Science deals with "the State, Government and law". Political Science is a social science. As a social science, it deals with relationship of man with man. It also makes an attempt to explore the ideal relationship between man and the State. Aristotle rightly said." The State originates in the bare needs of life and continues for the sake of good life."

How man should adjust himself with society is a major concern of political science. It deals with freedom of individuals. Maximum State intervention leads to loss of liberty. How individual liberty should be safeguarded is an eternal problem in political science. As Rousseau once said, "Man is born free but everywhere he is in chains". How to free man from chains and bondages is also a subject matter of Political Science. Hence, Political Science may be defined as 'a science of liberty'.

Nature of Political Science:

Political Science is a study about the State. It makes an enquiry into the origin of the State and political authority. In this sense, it is a historical investigation about the origin of the State. Political Science also studies the structure and functioning of the State, governments, inter-State organizations, etc.

In this sense, it is an analytical study of what the “State” is. Garner has rightly said that “Political Science begins with the State and ends with the State”. But Political Science does not confine its area to the past and present States only. It also attempts to formulate principles of good government or in other words, it suggests what the State ought to be. It is therefore, a study of past, present and future of the State. However, the study of Political Science is wider than the activities of the State.

Upton writes “More limited than politics is the concept of the state. The point that politics is broader than the state can be easily demonstrated. Wherever the State exists, there is also politics. But the reverse is not true-that wherever politics exists, so does the State. We can rightly speak of international politics but we know that there is not as yet a super national state.

We can talk of politics within churches or municipal corporations or trade unions, although none of these is a state”. Catlin maintains that politics should include all those things which Aristotle included in it such as the “organization of the family, control over slaves, analysis of revolutions, and pure democracy-national, civic and international politics, religious congregations and labour unions and organizations of employees” which are carried on under the auspices of society. He concludes by saying that politics is the study of political aspects of organized human society.

Scope of Political Science:

Political science as having the concern with state and society covers almost all aspects of society, government and human life. It usually consists of the study of all

formal as well as informal institutions of the state and society. In words of Dr. Garner- “Political Science begins and ends with State”. Political science covers almost every activity and every actor of the state. Its scope can be explained in following manner:

1. Study of State and Government: under political science we use to study about the formation and origin of the state, forms and functions of the different types of governments and relationship and participation of the people in the operation of state and development of the society.

2. Study of Associations and Institutions: some institutions are useful to the nation and have their utility in society. This is why we study those institutions along with state under political science. This includes forms and history of the origin of political institutions, informal institutions of the state and society and the laws of political growth and development.

3. Study of National and International Problems: Political science use to study of various national (i.e. political instability, economic fluctuation etc.) and international problems (i.e. terrorism, globalization etc.) as its component or integral part.

4. Study of Man: political science study about the behavior of human beings, relationships of human communities, their role in formation of government, participation in the operation of state, composition of the population and other important activities of human beings.

5. Study of Past, Present and Future Development of the State: Political science as the study of state and government consists the study of the development of state. It looks at the history origin and growth of the state along with the present developmental standards and future assumptions.

6. Study of the concept of Power: Political science is the science of politics and power is what politics is all about. Therefore, political science uses to study the concept

of power. Where the power rests, what is its supreme source, how it's been divided and what it used for, these all aspects of power gets studied under political science.

Political science and History

Politics and history are very closely related to each other. FREEMAN says ‘’history is past politics’’. It may be added that even present politics become instant history. The knowledge of history enables to draw conclusion about the politics. History provides raw-material of politics and analyses the cause of events. Politics uses the historical events and find out the general laws and principles used for political life. History deals with what the state has been. This help to modify the state and political life and create better political condition. The origin and development of politics institution can be grasped with the help of history.

The relationship is of great that the touch each other frequently. SEELEY says ‘’history without politics has no fruit, Political science without history has no root.’’ It means the subject matter of politics is closely related to the history.

Political Science and Economics

Economics is the science of wealth. Economics has regarded as a branch of politics. It was called political economy. Political economy proposes to enrich the people. Political science is the study of study. Politics and economics have closed relationship

1. Economic and politics is concerned with the development of human society. Politics explain how to bring peace and make life happy. Economic tells the method of political anarchy. Political science and economics are closely related to each other.
2. Study has to solve several economic problems. To start with the state has to create an atmosphere where production and distribution of goods become possible. The state regulates industry, finance, trade and commerce.
3. Politics and economics problems act and react on each other. Most of the problems of the nation are economic in nature but they are decided by political agencies.

4. Political power is the root of economic power; Political power is captured in democracy without the necessary legislation.

5. Political science depends upon economics. The people do not enjoy the root of politics without the necessary legislation.

6. Political ideas are influenced by economic condition to reduce the economic inequalities in society.

Political Science and Sociology

Sociology is regarded as a parental science of political science. Since originally it is a study of society so it was think to be only concerned with the society. Politics is the study of state.

Politics gives to sociology facts about the organization and function of state. This is necessary to understand the social problems. It takes from sociology knowledge of origin of political authority and law. This is particularly useful to politics because in the beginning of the state was more a social than the political institution. A sociologist ought to be a political scientist and a political scientist needs to be a sociologist. Political science helps sociology by furnishing the details of the state and government which are essential in understanding sociological problem.

Political science with Ethics

Ethics is concerned mainly with the question of principle of good individual. Good life is justified in grounds of morality .politics is concerned with the study of realization of common good of society as a whole .the greatest good of greatest number is an important aspect of politics. Among all the social science, political science maintains a closest relationship with the ethics.

1. For understanding the political behavior, knowledge of ethical problem is needed.

2. The aim of both is the same. They want to do well to man and promote the common welfare.

3. Ethics is concerned with the elevation of human conduct political science is deal with the state which aims at making people good citizen.

4. Ethics and politics depend upon each other. The government passes several laws. There is a close relationship between laws and morality.

Mahatma Gandhi says “What is morally wrong cannot be politically right”.

Political Science and Law

The law functions in relation to politics in three basic aspects, namely as a goal, a means, or an obstacle. First, politics can define certain predominantly legal values or institutions as its goal. In this case the political understanding of these values or institutions becomes almost identical to an authentic legal understanding of the same values or institutions.

Second, politics can comprehend the law merely as a means for the fulfillment of certain political interests. In this case politics is neutral in its attitude toward the law. Finally, politics can interpret law as an obstacle on the way toward the realization of certain political goals. In this situation either politics prevails over law, or vice versa.

In the first case politics effectuates its solutions at the expense of the rule of law, while in the second case the autonomy of law is preserved through the decisions of the highest courts or by other actions taken by lawyers, intellectuals, associations, organizations, and the public in order to stop illicit acts of political actors. Law and politics create their own particular pictures of reality. Sometimes those pictures overlap, sometimes they differ.

Yet, there is something that the law should never include in its sphere; namely, the differentiation of adversaries according to a purely political criterion. This leads to a strict separation between "ours" and "yours", or, in its most radical expression, to a strict

separation between friend and enemy. When the latter occurs, politics inevitably prevails over the law, and reduces or damages the autonomy of the rule of law.

POLITICAL SYSTEM

Meaning

A system involves government and its politics that includes the members, who possess the power within a country. **Max Weber** says that “A Political System is a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory”.

Each society must have a political system in order to maintain recognized procedures for allocating valued resources. In large complex societies, many decisions must be made about the duties and responsibilities of citizens and also about the rights and privileges.

If the society is to be orderly, people must obey the rules that are made. The political institution determines and enforces the laws and punishes those who disobey them.

Even in stateless societies which had no developed formal central institutions were seen having some kind of decision-making and rule-making processes which were dominated by some members. As societies become wealthier and more complex, political systems develop and grow more powerful.

According to renowned political scientists, Gabriel Almond and James Coleman (1960), ‘Political system is that system of interactions to be found in all independent societies which performs the functions of integration and adaptation by means of legitimate physical compulsion.’

The Concise Oxford Dictionary of Sociology (1994) defines it as, ‘a political system in any persistent pattern of human relationship that involves (to a significant extent) power, rule and authority.’ It is a collectivity of political institutions (e.g., government), associations (e.g., political parties) and organizations performing roles based on a set of norms and goals (like maintaining internal order, regulating foreign relations, etc.).

Sociologically, the term 'political system' refers to the social institution which relies on a recognized set of procedures for implementing and achieving the political goals of a community or society.

Characteristics of Political System:

- 1. Legitimate use of force-** The legitimate use of force is a distinct feature of political systems. It allows the legal authority to use force. It possesses legitimate and rightful power to punish.
- 2. Interactions-** The political system includes interactions between all the formal (like, legislature, executive and judiciary) and informal (like, political parties, pressure groups, media etc.) institutions of state. The process of interaction is divided into three phases- inputs, conversion and output.
- 3. Interdependency-** Another characteristic of political system is the interdependency of parts. It means that when the properties of one organ of the state changes, the other organs or the system as a whole gets affected.
- 4. Comprehensiveness-** The political system is effective in whole of its area and includes all interactions whether those are from formal or informal Institutions.
- 5. Change of boundaries-** political system possesses the power of transforming the roles of formal or informal actors of the state and also the power of changing the boundaries of constitutional units.

Functions of a Political System:

Almond and Coleman (1960) have described the following three main functions of a political system:

1. To maintain integration of society by determining norms.

2. To adapt and change elements of social, economic, religious systems necessary for achieving collective (political) goals.

3. To protect the integrity of the political system from outside threats.

They have grouped these functions into two categories:

1.) **Input Functions**

Inputs are the demands which arise in the environment all the economic, social religious and cultural conditions without which a political system cannot exist. Input functions are prepared by the press; political parties are supported by the people. These functions are discussed below:

i. Political Socialization and Recruitment: These are the functions of citizenship training and recruitment into political roles. They are related to political culture i.e. the culture that influences politics. Political culture consists of cultural values, beliefs, language, life-style etc.

The process of acquiring a desirable culture is called socialisation. Political socialisation is that developmental process through which an individual acquires political orientation and pattern of behavior. The important structures related to political socialisation are the family, the school, the religious bodies, the work groups, voluntary associations, T.V and press etc. Political recruitment takes up when political socialisation leaves off. Political recruitment is the process in which people take interest in political activities and support various political parties.

ii. Interest Articulation: Interest articulation means the formulation and expression of claims and demands by the individuals or groups in the society for a political action. It is the process through which individuals and groups express their claims and demands upon the political decision-makers for political action.

iii. Interest Aggregation: Interest Aggregation is the process through which the expressed claims and demands of the individuals or the groups are combined, accommodated and compromised. Thus they become input of the conversion process. During this process the articulated and expressed demands and claims are presented before the policy makers, some of them are accepted while some are rejected.

iv. Political Communication: Political Communication is the medium through which other functions in the political system are performed. Its role in a Political system is that of the blood in the body. It is the neutral medium which carries claims, demands, protests, etc. through different channels to the decision-makers and from there it carries back the rules, regulations and adjudication in response to the claims or demands. The various channels through which these demands and claims pass through are the bureaucracy, the interest groups i.e. political parties etc. radio, T.V. pamphlets, and so on.

2. OUTPUT FUNCTIONS: The authoritative decision making functions of the governmental structures are called output functions. They are the functions that come out of the system as a response to the claims and demands in the form of laws and policies. They are of the following types.

i. Legislation (law-making): This function is related to the making of law in the light of the desires and needs of the people. The government makes decisions in the light of demands and claims of the public. Their decisions take the form of law and policies which is known as legislature. If the political system is traditional then the decisions made by the authorities will be non-democratic. But in a democratic Political system the decisions are according to democratic principles i.e. according to the wishes of the people. Similarly in a totalitarian system the law-making is according to the desires of the leadership of the party.

ii. Execution (Law application): This is another important output function of the political system. When the legislative body makes laws then there is machinery for the

application and enforcement of these laws and policies. This machinery is known as executive and this process is called execution. Executive may be political such as president, prime minister, Cabinet Ministers, Governors and Chief Ministers or it may be non-political one such as bureaucracy or permanent civil servants.

iii. Judiciary (law-adjudication): In every political system there is machinery for adjudicating the law enforced by the executive. This machinery is known as judiciary. Its function is to punish those who violate the law of the state. This machinery consists of judges etc.

The above-mentioned seven functions of the political system are presented by Almond in this model. They play an important role in comparative politics. This model has made political science a dynamic, scientific and systematic subject. However, there are some flaws and drawbacks of this model. For example, we cannot apply it in a totalitarian political system. The reason is that this model is based on the demands and claims which given importance in a totalitarian form of government.

Eisenstadt (1966) has classified the functions of a political system as:

(i) Legislative,

(ii) Decision-making, and

(iii) Administrative.

Types of Political Systems:

According to Edward Shils, there are three main types of political systems.

These are discussed as under:

Totalitarian system:

A system in which the state controls and regulates all phases of life considered essential for perpetuating its power and for carrying out programmes arbitrarily. It is the most extreme form of authoritarianism. Unlike democracies, where a variety of groups struggle for a voice in government, the government dictates the society's values, ideology, rules and form of government.

Societies having totalitarian system do not permit dissent. The centralized authority always dominates over the autonomy of individual or sub-groups within the society. Mussolini's Italy, Hitler's Nazi Germany and Stalin's Soviet Union are often quoted as examples of totalitarian states.

Totalitarian states are ruled by one political party that organizes the citizens into a unified group. In practice, the state is represented by a politically powerful ruling class or elite that dominates all other interest groups.

Oligarchic system:

Any form of government in which there is a 'rule by a few', for example, by members of a self-regulating elite having domination over a large society is known as an oligarchic political system. It is a system in which a small group (elites) rules and holds supreme power over a larger society.

Democratic system:

In its broadest sense, democracy is a way of life in which an individual feels free to act within accepted boundaries of norms and also equal in respects of his/her rights. In the narrower sense, it is a form of government, a power structure in which people govern themselves.

People participate in the government through their representatives that they elect. In other words, people represent themselves and take their own decisions. It is an imagination of the replica of an equalitarian society.

Unit-II

Theories of Origin of State

Divine Origin Theory of State

This theory was one of the earliest theories of the state. In fact, it is sometimes considered as the oldest theory regarding the origin of the state. The theory of divine origin of the state was used to support the theory of the divine rights of kings.

According to this theory, the state is established by God himself or by some superhuman power. God may rule the state directly or indirectly through some ruler who is regarded as the agent of God. That ruler is known as king on the earth who gets his powers directly from the God and also he is accountable to God only.

By this theory the state is the creation of the god just as god has created the human being. The king was given the power to govern the state in the way he wants to. This theory was very popular in the ancient times.

The divine theory, more and more took the form of the theory of the divine right of the kings. This was particularly true in the 16th and 17th century. This theory supports the monarchy in extreme form. This theory supports the monarchy in a way which can be justified by the statement that, even if the king is wicked, it means God has sent him as a punishment for people's sins and it is unlawful to shake off the burden which God has laid upon them. Patience, earnest prayer and amendments of their lives are the only lawful means to move God to relieve them of that heavy curse.

The divine origin theory of the state believes that, a bad king will be judged by God only not by his subjects or by any human agency for enforcing the law, such as the estates or the courts. The law resides ultimately in kings as kings are the breathing images of God on the earth.

J.N.FIGGS gives the principle of the divine theory of the origin of the states.

1. **The king was given political power by god-** Whatever king do, he is authorized to exercised that by the God himself. King has got his powers to rule the state directly by God and no one can put any check on his powers.
2. **Kingship is hereditary-** It means that, king will be king for life and after his death his son/successor will be the next king.
3. **The king is great source of wisdom and is responsible to god only-** As the king is representative of God on earth, he is full of wisdom and he is answerable to God only.
4. **It is a sin to disobey the king-** King is the breathing image of God on the earth and as he representing the God, disobeying him will be considered as sin because disobey king means to disobey God.
5. **The people must submit and surrender to the authority to the king-** As the king has been sent by the God on earth to rule the people, it is mandatory for subjects to surrender all their rights and decisions to the king.
6. **A bad king will be judged by the god but not by his subjects and by any human agency-** If the king is doing anything wrong or using his powers in wrong way or his actions are against the welfare of the state and people, he can only be judged by the god and not by people or any human law making agency.

Criticism of the Theory

1. This theory is against democracy because the democracy is in present times considered as the most appropriate system of ruling the state and this theory denies the fundamental principle of the democracy i.e. general will.

2. It is far from reality as in contemporary states, governments working on the basis of coordination between organs of the governments and divine theory establish the supremacy of the king.
3. It is not suitable to the modern democratic states where people elect the rulers and the source of authority is general will.
4. It does not give right to the people to change the rulers. It establishes the belief that once a king always a king and people have to tolerate and cannot change him.
5. There is no historical evidence to prove that the state is created by the divine power. It is a religious theory without any base.

The theory of divine rights of the king was originated to support the dictatorship of the ancient European kings. The growth of democratic ideas in 19th century gave a setback to the theory because the theory of divine origin supported the ideas of absolute monarchy. Although this theory has many defects and is no longer accepted today but is regard the state as the work of god brought the morality into the concept. And, this theory also supports the concept of citizen's obedience of the state.

The Evolutionary or Historical Theory

The evolutionary theory regarding the origin of the state was neither created by God nor by force. It was not the outcome of a social or political contract. It has grown gradually and many factors have played their part in its evolution. This is the most acceptable theory of the origin of the state. According to this theory state was a historical growth. The state is a growth and not an artificial product.

Dr. Garner said, “the state is neither the handiwork of God, nor the result of superior physical force, nor the creation of convention or a contract, nor a mere expansion of family.” It is an institution of natural growth. The state is a growth and evolution and not an artificial product. According to Dr. Leacock, the state is “The result of a gradual process running throughout all the known history of man and receding in to the remote and unknown past.”

As the state is an outcome of a slow and gradual process running throughout the history and every outcome carries some factors/ reason behind, there are many factors which played important roles in the origin of the state. The following factors contributed to the origin of the state:

1. KINSHIP- By kinship is meant blood relationship. Kinship creates society and society at length creates the states. The family serves as the prototype of the state. It is admitted by all that the family was the unit of society at the beginning. With the passage of time, the family expanded into clans, clans into tribes and ultimately the state came into existence.

2. RELIGION- Kinship and religion was the two aspect of the same theory. The people who were bound by the bonds of blood were also brought together by the bonds of religion. It colored every act of human life. The worship of a common ancestor and common gods created a sense of social solidarity. The influence of the priest class over the government and politics stayed powerful throughout the history.

Even now religion plays an important part in various parts of the globe. The base of the creation of Pakistan was Islam. Religion is an integral part of human life which cannot be taken away.

3. WAR or FORCE- It has played an important part in the origin of the state. War got the king. A sense of loyalty to the ruler was also established. Struggle and warfare are the historical and most important element of the origin of the state in historical concept.

4. PROPERTY or ECONOMY- Economic system is the key to social behavior. Economy is, at present, playing an important part in almost every sector of the human life and is an important determinant of the contemporary human relationship and behavior. Protection of property is also a matter of concern because property brings a sense of security of future and also the stability in human lives.

5. POLITICAL CONSCIOUSNESS- Political consciousness among the people also brought them together. When primitive people gave up hunting and wandering habits and took to pastoral and agricultural life, many changes took place. Population began to multiply. The concept of property and idea of protection arrived. All this made them feel the requirement of some organization which could give them order and protection and due to that state came into existence.

State is a result of a gradual natural growth over a long period of history. Evolution of the state required some reason and the conditional needs of the human beings provide those reasons and state originated. This theory of the origin of the state is looks most appropriate because it presents a natural view and man is also social by nature.

The Social Contract Theory of the State

What is Social Contract Theory?

The concept of social contract theory is that in the beginning man lived in the state of nature. They had no government and there was no law to regulate them. There were hardships and oppression on the sections of the society. To overcome from these hardships they entered into two agreements which are:-

- 1. “Pactum Unionis”; and**
- 2. “Pactum Subjectionis”.**

By the first pact of **unionis**, people sought protection of their lives and property. As, a result of it a society was formed where people *undertook to respect each other and live in peace and harmony*. By the second pact of **subjectionis**, people united together and pledged to *obey an authority and surrendered the whole or part of their freedom and rights to an authority*. The authority guaranteed everyone protection of life, property and to a certain extent liberty. Thus, they must agree to establish society by collectively and reciprocally renouncing the rights they had against one another in the State of Nature and they must imbue some one person or assembly of persons with the authority and power to enforce the initial contract. In other words, to ensure their escape from the State of Nature, they must both agree to live together under common laws, and create an *enforcement mechanism* for the social contract and the laws that constitute it. Thus, *the authority or the government or the sovereign or the state came into being because of the two agreements*

Analysis of the theory of Social Contract by Thomas Hobbes

Thomas Hobbes theory of Social Contract appeared for the first time in Leviathan published in the year 1651 during the Civil War in Britain. Thomas Hobbes’ legal theory

is based on “Social contract”. According to him, prior to Social Contract, man lived in the State of Nature. Man’s life in the State of NATURE was one of *fear and selfishness*. Man lived in chaotic condition of constant fear. Life in the State of Nature was ‘solitary’, ‘poor’, ‘nasty’, ‘brutish’, and ‘short’ Man has a natural desire for *security and order*. In order to *secure self- protection and self-preservation, and to avoid misery and pain*, man entered into a contract. This idea of self-preservation and self-protection are inherent in man’s nature and in order to achieve this, they voluntarily surrendered all their rights and freedoms to some authority by this contract who must command obedience. As a result of this contract, the mightiest authority is to protect and preserve their lives and property. This led to the emergence of the institution of the “ruler” or “monarch”, who shall be the absolute head. Subjects had no rights against the absolute authority or the sovereign and he is to be obeyed in all situations however bad or unworthy he might be. However, Hobbes placed moral obligations on the sovereign who shall be bound by natural law.

Hence, it can be deduced that, Hobbes was the supporter of absolutism. In the opinion of Hobbes, “law is dependent upon the sanction of the sovereign and the Government without sword are but words and of no strength to secure a man at all”. He therefore, reiterated that civil law is the real law because it is commanded and enforced by the sovereign. Thus, he upheld the principle of “Might is always Right.

Hobbes thus infers from his mechanistic theory of human nature that humans are necessarily and exclusively self-interested. All men pursue only what they perceive to be in their own individually considered best interests. They respond mechanistically by being drawn to that which they desire and repelled by that to which they are averse. In addition to being exclusively self-interested, Hobbes also argues that human beings are reasonable. They have in them the rational capacity to pursue their desires as efficiently and maximally as possible. From these premises of human nature, Hobbes goes on to construct a provocative and compelling argument for which they ought to be willing to

submit themselves to political authority. He did this by imagining persons in a situation prior to the establishment of society, the State of Nature.

Hobbes impels subjects to surrender all their rights and vest all liberties in the sovereign for preservation of peace, life and prosperity of the subjects. It is in this way the natural law became a moral guide or directive to the sovereign for preservation of the natural rights of the subjects. For Hobbes all law is dependent upon the sanction of the sovereign. All real law is civil law, the laws commanded and enforced by the sovereign and are brought into the world for nothing else but to limit the natural liberty of particular men, in such a manner, as they might not hurt but to assist one another and join together against a common enemy. He advocated for an established order. Hence, Individualism, materialism, utilitarianism and absolutions are inter-woven in the theory of Hobbes.

Analysis of the theory of Social Contract by John Locke

John Locke theory of Social Contract is different than that of Hobbes. According to him, man lived in the State of Nature, but his concept of the State of Nature is different as contemplated by Hobbesian theory. Locke's view about the state of nature is not as miserable as that of Hobbes. It was reasonably good and enjoyable, but the property was not secure. He considered State of Nature as a "Golden Age".

It was a state of "peace, goodwill, mutual assistance, and preservation". In that state of nature, men had all the rights which nature could give them. Locke justifies this by saying that in the State of Nature, the natural condition of mankind was a state of perfect and complete liberty to conduct one's life as one best sees fit. It was free from the interference of others. In that state of nature, all were equal and independent. This does not mean, however, that it was a state of license. It was one not free to do anything at all one pleases, or even anything that one judges to be in one's interest.

The State of Nature, although a state wherein there was no civil authority or government to punish people for transgressions against laws, was not a state without morality. The State of Nature was pre-political, but it was not pre-moral. Persons are assumed to be equal to one another in such a state, and therefore equally capable of discovering and being bound by the Law of Nature. So, the State of Nature was a ‘state of liberty’, where persons are free to pursue their own interests and plans, free from interference and, because of the Law of Nature and the restrictions that it imposes upon persons, it is relatively peaceful.

Property

Property plays an essential role in Locke’s argument for civil government and the contract that establishes it. According to Locke, private property is created when a person mixes his labour with the raw materials of nature. Given the implications of the Law of Nature, there are limits as to how much property one can own: one is not allowed to take so more from nature than oneself can use, thereby leaving others without enough for themselves, because nature is given to all of mankind for its common subsistence. One cannot take more than his own fair share. Property is the linchpin of Locke’s argument for the social contract and civil government because it is the protection of their property, including their property in their own bodies, which men seek when they decide to abandon the State of Nature.

John Locke considered property in the State of Nature as insecure because of three conditions; they are:-

1. Absence of established law;
2. Absence of impartial Judge; and
3. Absence of natural power to execute natural laws.

Thus, man in the State of Nature felt need to protect their property and for the purpose of protection of their property, men entered into the “Social Contract”. Under the contract,

man did not surrender all their rights to one single individual, but they surrendered only the right to preserve / maintain order and enforce the law of nature. The individual retained with them the other rights, i.e., right to life, liberty and estate because these rights were considered natural and inalienable rights of men. Having created a political society and government through their consent, men then gained three things which they lacked in the State of Nature: laws, judges to adjudicate laws, and the executive power necessary to enforce these laws. Each man therefore gives over the power to protect himself and punish transgressors of the Law of Nature to the government that he has created through the compact.

According to Locke, the purpose of the Government and law is to uphold and protect the natural rights of men. So long as the Government fulfils this purpose, the laws given by it are valid and binding but, when it ceases to fulfil it, then the laws would have no validity and the Government can be thrown out of power. In Locke's view, unlimited sovereignty is contrary to natural law. Hence, John Locke advocated the principle of -“a state of liberty; not of license”. Locke advocated a state for the general good of people. He pleaded for a constitutionally limited government.

Analysis of the theory according to Rousseau

Jean Jacques Rousseau was a French philosopher who gave a new interpretation to the theory of Social Contract in his work “*The Social Contract*” and “*Emile*”. According to him, social contract is not a historical fact but a hypothetical construction of reason. Prior to the Social Contract, the life in the State of Nature was happy and there was equality among men.

As time passed, however, humanity faced certain changes. As the overall population increased, the means by which people could satisfy their needs had to change. People slowly began to live together in small families, and then in small communities. Divisions of labour were introduced, both within and between families, and discoveries and

inventions made life easier, giving rise to leisure time. Such leisure time inevitably led people to make comparisons between themselves and others, resulting in public values, leading to shame and envy, pride and contempt. Most importantly however, according to Rousseau, was the invention of private property, which constituted the pivotal moment in humanity's evolution out of a simple, pure state into one, characterized by greed, competition, vanity, inequality, and vice. For Rousseau the invention of property constitutes humanity's 'fall from grace' out of the State of Nature. For this purpose, they surrendered their rights not to a single individual but to the community as a whole which Rousseau termed as 'general will'.

According to Rousseau, the original 'freedom, happiness, equality and liberty' which existed in primitive societies prior to the social contract was lost in the modern civilisation. Through Social Contract, a new form of social organisation- the state was formed to assure and guarantee rights, liberties freedom and equality. The essence of the Rousseau's theory of General Will is that State and Law were the product of General Will of the people. State and the Laws are made by it and if the government and laws do not conform to 'general will', they would be discarded. While the individual parts with his natural rights, in return he gets civil liberties such as freedom of speech, equality, assembly, etc.

The "General Will", therefore, for all purposes, was the will of majority citizens to which blind obedience was to be given. The majority was accepted on the belief that majority view is right than minority view. Each individual is not subject to any other individual but to the 'general will' and to obey this is to obey himself.

His sovereignty is infallible, indivisible, un-representable and illimitable. Thus, Rousseau favoured people's sovereignty. His natural law theory is confined to the freedom and liberty of the individual. For him, State, law, sovereignty, general will, etc. are interchangeable terms. Rousseau's theory inspired French and American revolutions and

given impetus to nationalism. He based his theory of social contract on the principle of “Man is born free, but everywhere he is in chains”.

Comparison of the Theory of Social Contract of Thomas Hobbes, John Locke and Jean Jacques Rousseau

1. Hobbes asserts that without subjection to a common power of their rights and freedoms, men are necessarily at war. Locke and Rousseau, on the contrary, set forth the view that the state exists to preserve and protect the natural rights of its citizens. When governments fail in that task, citizens have the right and sometimes the duty to withdraw their support and even to rebel.
2. Hobbes view was that whatever the state does is just. All of society is a direct creation of the state, and a reflection of the will of the ruler. According to Locke, the only important role of the state is to ensure that justice is seen to be done. While Rousseau view is that the State must in all circumstance ensure freedom and liberty of individuals.
3. Hobbes theory of Social Contract supports absolute sovereign without giving any value to individuals, while Locke and Rousseau supports individual than the state or the government.
4. To Hobbes, the sovereign and the government are identical but Rousseau makes a distinction between the two. He rules out a representative form of government. But, Locke does not make any such distinction.
5. Rousseau’s view of sovereignty was a compromise between the constitutionalism of Locke and absolutism of Hobbes.

CRITICAL APPREHENTION

1. Rousseau propounded that state, law and the government are interchangeable, but this in present scenario is different. Even though government can be overthrown but not the state. A state exists even there is no government.

2. Hobbes concept of absolutism is totally a vague concept in present scenario. Democracy is the need and examples may be taken from Burma and other nations.
3. According to Hobbes, the sovereign should have absolute authority. This is against the rule of law because absolute power in one authority brings arbitrariness.
4. Locke concept of State of nature is vague as any conflict with regard to property always leads to havoc in any society. Hence, there cannot be a society in peace if they have been conflict with regard to property.
5. Locke concept of laissez-faire is not of welfare oriented. Now in present scenario, every state undertake steps to form a welfare state.

State

Political science deals with state and government. State is political institution. The word state is derived from the word status which was first used by tuetons. The concept of the state is comparatively modern and owes its origin to Machiavelli who expressed this idea as the power which has authority over men. A **state** is an organized political community living under a government. States may be sovereign and may enjoy a monopoly on the legal initiation of force and are not dependent on, or subject to any other power or state.

However, there is no accepted definition of the state and it has been differently defined by various writers from time to time. According to **Aristotle**, “The state is a union of families and villages having for its end perfect and self-sufficient life.” According to **Bodin**, “The state is an association of families and their common possessions governed by the supreme power and by reason.”

The view of **Willoughby** is that “the state exists whenever there can be discovered in any community of men a supreme authority exercising control over the social action of individuals and groups of individuals and itself subject to no such regulations.” According to **Hall**, “The marks of an independent state are that the community constituting it is permanently established for a political end, that it possesses a defined territory and that it is independent of external control.”

Woodrow Wilson given his view that the state is “a person organized for law within a definite territory”. Burns stated that the state is “that political organization which is not subordinate to any other and which generally unites men of the same race and language.” The supreme court of the United States has defined the state as “a political community of free citizens, occupying a territory of defined boundaries and organized under a government sanctioned and limited by a written constitution and established by the consent of the governed.”

Many writers presented their view on the state and on the basis of above presented statements we can conclude that “The State is a group of people, living on a definite territory or piece of land, governing by a government which is supreme within the territory and independent from any kind of external control.

Definition of state

The state is the most universal and most powerful of all social institutions. The state is a natural institution. Aristotle said man is a social animal and by nature he is a political being. To him, to live in the state and to be a man were indistinguishable. The modern term “state” is derived from the word “status”. It was Niccolò Machiavelli (1469 – 1527) who first used the term “state” in his writings. His important work is titled as “Prince”. The state is the highest form of human association. It is necessary because it comes into existence out of the basic needs of life. It continues to remain for the sake of good life. The aims, desires and aspirations of human beings are translated into action through the state. Though the state is a necessary institution, no two writers agree on its definition.

To **Woodrow Wilson**, “State is a people organized for law within a definite territory.”

Aristotle defined the state as a “union of families and villages having for its end a perfect and self – sufficient life by which it meant a happy and honourable life”.

To **Holland**, the state is “a numerous assemblage of human beings generally occupying a certain territory amongst whom the will of the majority or class is made to prevail against any of their number who oppose it.”

Burgess defines the state as “a particular portion of mankind viewed as an organized unit.”

According to **Bluntschli**, “state is the politically organized national person of a definite country.

Max Weber gave the definition of state in the following way that “A state is a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory”.

Essential Elements of State

The state possesses four essential elements of states:

1. **POPULATION**- The State is a human institution. Hence population is its first and foremost element. No state can be imagined without the people, as there must be some to rule and others to be ruled. The people constitute its "personal basis".

There cannot be a state of animals and birds. Since the state is primarily a human institution. We cannot conceive a state without human being. There must be a number of families before a state can come into existence. One or two families or two or three hundred people cannot make a state.

Though a certain number of people can satisfy this requirement of state, it is their quality upon which the strength of the state depends. Hard working and intelligent people of state is asset of the society.

2. **TERRITORY**- It is the other important feature of the state. People must live permanently on a definite area and on a definite portion of the land. Territory includes the lakes and rivers.

It is not necessary that a state should have a compact territory. A state may have an unconnected territory.

People cannot constitute a state, unless they inhabit in a definite territory. When they reside permanently in a fixed place, they develop a community of interests and a sense of unity. It becomes easy to organize them into a political unit and control them. So the state

requires a fixed territory, with clearly demarcated boundaries over which it exercises undisputed authority. Territory is its "material basis". The territory of a state comprises.

3. **GOVERNMENT**-it is the other important element of the state. The state cannot exist in the absence of the government. Government is constitute of the small number of people.

In actual practice, it is the will and power of the state which is really important for the state. Government is the important- indeed, indispensable machinery by mean of which the state maintains its existence, carries on its functions and realise its policies and objectives. A community of persons does not form a state unless it is organised by an established government.

4. **SOVEREIGNTY**-it is the supreme power of the state. It makes a state Independent and supreme. If we do not obey the government then it will give us punishment it is the internal sovereignty. We can make our laws without the intervention of the state that will be called external supremacy.

Distinction of State from Government

What Is A State

A state is an entity that occupies a definite geographic area, has a certain culture, people, language history and the like. The term state is used to distinguish a certain territory from another one based on these factors. It is an independent and sovereign entity that can be distinguished from the other states and has certain administrative tasks to be carried out for its proper functioning. These administrative tasks are carried out by the government. This entity has the right to exercise power over the territory and the people. State is the territory in which the government can practice its authority. A state is like an organization and the government is like the management team.

The Meaning of Government

Government is a body formally saddled to formulate and execute policies which ensures law and order in the state. The term include the sum total of the legislative, executive and judicial bodies in the state wither the central or subordinate government of all who are engaged in making, administrating and interpreting the law.

In a popular talk the terms 'State' and 'Government' are very often used synonymously. Common people use them in an identical sense.

The political scientists make a clear distinction between the State and government. Some of the difficult problems of political science are solved on the basis of the distinction between the State and government. Some of the difficult problems of political science are solved on the basis of the distinction between the State and government.

Here are some of the important differences between the State and government.

State and Government are two different terms having altogether different meanings. Most of the intricate problems of Political Science are solved on the basis of the distinction between state and the government. The following points bring out the distinction between the two:—

Differences between State And Government

1. The State has four elements like population, territory, Government and sovereignty. Government is a narrow concept and it is an element of the State. It is rightly said the State is an organic concept in which the government is a part. Willoughby writes. "By the term government is designated the organization of the State machinery through which is designated the organization of the State machinery through which its purposes are formulated and executed". Government is an agent of the State. That is why in a democracy, it is considered as servant and the State as master. Government is compared with the brain of the living organism; what the brain is to the man. The government is to the State.
2. The State is more or less permanent and continues from time immemorial. But the government is temporary. It changes frequently. A government may come and go, but the State continues for ever. Death of a ruler or the overthrow of a government in general elections does not mean the change of the State. If the Ajanta Government replaces the Congress Government, it involves no fundamental changes in the structure of the State of India.
3. The State is generally composed of all citizens but all of them are not members of the government. The government consists of only a few selected citizens. The organ of the government consists of only a few selected citizens. The organs of the government are executive, legislature and judiciary. The few selected persons will run these three organs of the government. Thus, the State is a much broader organization than the government. Membership of the State is compulsory but not that of the government.
4. The State possesses sovereignty. Its authority is absolute and unlimited. Its power cannot be taken away by any other institution. Government possesses no sovereignty, no original authority, but only derivative powers delegated by the State through its constitution. Powers of government are delegated and limited.
5. The State is an abstract concept whereas government is a concrete one. Nobody sees the State and the State never acts. The government is a physical manifestation and it acts

for the State. It consists of a definite group of persons who can be seen and known. It is a tangible organization which can be seen and questioned.

6. All States are identical in character and nature. Whether big or small, the characteristics of the State do not undergo changes. But governments are of different types and they may vary from the State to State. Various political scientists have given different classifications of government. Aristotle had classified government into monarchy, aristocracy and democracy. Marriot has classified government into parliamentary or presidential and unitary or federal. Thus, there is no uniform pattern of government. But the State is a universal institution having one single form with its four essential characteristics.

7. Lastly the citizens possess rights to go against, government and not against the State. The State only acts through the government and the government may commit mistakes and not the State. Thus, the citizens have only rights to go against the government. Moreover, the State consists of a citizen, the citizens go against the State, it will mean to go against themselves. This is an impossible proposition. The State is therefore, an indestructible union of citizens having the chief characteristic of permanence and continuity. Government is only a part of the State.

Distinction of State from Society

Meaning of State and Society

State: is a community of persons organized for law within a definite territory. It has a definite scope and limited membership. The state is only concerned with political relation of organized communities.

Society: on the other hand, is comprehensive and covers the whole range of human relations, i.e., social, economic, political, religious etc. all relations between man and man, whether direct or indirect, conscious or unconscious, organized or unorganized, co-operative or antagonistic are covered by society.

Differences between State and Society

1. Society is defined as "a collection of individuals held together by certain enduring relationship in Pursuit of common ends." The State, on the other hand, is defined as "a particular portion of society politically organized for the protection and promotion of its common interests". Thus, the state is a part of society The State is necessarily a political organization but society is not.
2. The society regulates all forms of social conduct the State regulates only the external relationship of men in society. While the State derives its strength mainly from laws, societies derive its strength from traditions, customs and conversions.
3. The State possesses the power of coercion. Disobedience to its law is followed by punishment. Society on other hand does not enjoy the power of coercion Disobedience to its rules may not be followed by any physical punishment. Thus, the only basis of the authority of society is social customs, convention and morality. Society secures the co-operation of its members by persuasion and not by coercion. The State alone possesses sovereignty.
4. The State is a territorial organization. It has well defined territory of its own. But society is not limited to any geographical area. The Jews, for example, constitute a

society as they are spread all over the world. So is the case with the Hindu society or the Christian society. It has thus no territorial jurisdiction as the State always has. Its scope may over the entire world crossing the boundaries of various nations. Within a State, the people may be organized into different societies having different social traditions. Thus, society may be narrower or broader than the State.

5. The State is a compulsory organization where as society is a voluntary organization.

In spite of above differences, the State and Society have some common features as well. The State and society sometimes include practically the same persons and in most cases, an overwhelming majority of the members of a society may be included in the same State.

Hence, the State and Society go hand in hand. They help each other. Progress of society depends upon the progress of the state and the working of the state is in influence by social customs and traditions. Barker has summed up the distinction between the State and Society in the following words. "The State and society overlap, they blend, they borrow from one another. But roughly we may say that the area of the one is voluntary co-operation, its energy that of good will, its method that of elasticity, while the area of the other is that of mechanical action, its energy, forces, its method, rigidity.

Unit-III

Sovereignty

Sovereignty is understood in jurisprudence as the full right and power of a governing body to govern itself without any interference from outside sources or bodies. In political theory, sovereignty is a substantive term designating supreme authority over some polity.^[1] It is a basic principle underlying the dominant Westphalian model of state foundation.

Sovereignty, in political theory, is the ultimate overseer, or authority, in the decision-making process of the state and in the maintenance of order. The concept of sovereignty—one of the most controversial ideas in political science and international law—is closely related to the difficult concepts of state and government and of independence and democracy. Derived from the Latin term *superanus* through the French term *souveraineté*, sovereignty was originally meant to be the equivalent of supreme power. However, in practice it often has departed from this traditional meaning.

Meaning:

The term “Sovereignty” has been derived from the Latin word “Superanus” which means supreme or paramount. Although the term “Sovereignty” is modern yet the idea of “Sovereignty” goes back to Aristotle who spoke of the “supreme power of the state”. Throughout the middle Ages the Roman jurists and the civilians kept this idea in their mind and frequently employed the terms “Summa” potestas and “Plenitudo potestatis” to designate the supreme power of the state.

The terms “Sovereign” and “Sovereignty” were first used by the French jurists in the fifteenth century and later they found their way into English, Italian and German political literature. The use of the term “Sovereignty” in Political Science dates back to the publication of Bodin’s “The Republic” in 1576.

“The word sovereign”, says J.S. Roucek and others, “entered the vocabulary of political theory from the feudal order, wherein it designated a relationship between persons. The term sovereign had been applicable to any feudal overlord with authority over subjects in his own dominions”.

Two Aspects of Sovereignty:

There are two aspects of sovereignty: internal sovereignty and external sovereignty. Internal Sovereignty means some persons, assembly of group of persons in every independent state have the final legal authority to command and enforce obedience.

This sovereignty exercises its absolute authority over all individuals or associations of the individuals within the state. Professor Harold Laski has very aptly remarked in this connection: “It issues orders to all men and all associations within that area; it receives orders from none of them. It is subject to no legal limitation of any kind. What it proposes is right by mere announcement of intention”.

We mean, by External Sovereignty, that the State is subject to no other authority and is independent of any compulsion on the part of other States. Every independent state reserves the authority to renounce treaties and to enter into military agreements. Each estate is independent of other states.

Every independent State is at liberty to determine its foreign policy and to join any bloc of power it likes. Any other state does not reserve any right to interfere with the external matter of an independent state. Thus, by external sovereignty we mean that every state is independent of other states.

In other words, External Sovereignty means national freedom. Professor Laski has very correctly observed in this regard, “The modern state is a sovereign state. It is, therefore, independent in the face of other communities.

It may infuse its will towards them with a substance which need not be affected by the will of any external power". This statement of Professor Laski makes it very clear that the State possesses both external and internal sovereignty.

Definitions of Sovereignty:

(1) "That characteristic of the state by virtue of which it cannot be legally bound except by its own or limited by any power other than itself. -Jellineck

(2) "Sovereignty is the sovereign political power vested in him whose acts are not subject to any other and whose will, cannot be over-ridden". -Grotius

(3) "Sovereignty is the supreme power of the State over citizens and subjects unrestrained by law". -Bodin

(4) Sovereignty is "the common power of the state, it is the will of the nation organised in the state, it is right to give unconditional orders to all individuals in the territory of state". -Duguit (Droit Constitutional Vol. 1, page 113)

(5) Burgess characterised sovereign is the "Original, absolute, unlimited power over the individual subjects and over all associations of subjects".

(6) "Sovereignty is that power which is neither temporary nor delegated, nor subject to particular rules which it cannot alter, not answerable to any other power over earth". - Pollock

(7) "Sovereignty is the supreme will of the state". -Willoughby

(8) "Sovereignty is the daily operative power of framing and giving efficacy to the laws". -Woodrow Wilson

(9) Sovereignty is "the supreme, irresistible, absolute, uncontrolled authority in which the 'jurist summi imperi' reside". -Blackstone

(10) The sovereignty is “legally supreme over an individual or group, says Laski, he possesses “supreme coercive power”.

After closely studying and carefully examining the definitions of sovereignty, given above, we arrive at the conclusion that sovereignty is the supreme political power of the state. It has two aspects: internal and external. Sovereignty is an unlimited power and it is not subject to any other authority.

Kinds of Sovereignty:

Sovereignty can be classified into different kinds. This classification is based on the location of sovereignty.

Titular Sovereignty:

By titular sovereignty we mean sovereignty by the title only. It refers to the sovereign powers of the king or monarch who has ceased to exercise any real authority. In theory he may still possess all the powers but in practice sovereign power is enjoyed by some other person or body of persons. Titular sovereign is only a symbol of authority, a legacy of past. Britain presents a good example of titular sovereign. The king is the titular head and he does not enjoy any real powers. Actual powers are enjoyed by council of ministers and parliament. In India president is a titular sovereign and the cabinet is a real sovereign.

De Facto and De Jure Sovereignty:

De facto sovereignty indicates to a sovereign who without legal support or constitutional support enjoys sovereign power. De jure sovereign is recognized by law or the constitution, but not in position to practice its power. In case of revolutions, that is a successful overthrow of the existing regime in a state there may be de facto and de jure sovereigns. For example when Mussolini came to power in Italy in 1922, de facto sovereignty passed into his hands although Victor Emmanuel was the de jure sovereign.

The military dictatorship of the present world, established after a coup d'état also represents de facto sovereignty until it evolves suitable means to legitimize its authority. Usually de facto and de jure sovereign stay together for a very short period and the de facto sovereign tries to become De Jure sovereign. The de facto and de jure sovereigns should ultimately coincide; otherwise there is danger of conflict between them. New laws are made in order to give him definite status to the de facto sovereign to give it legal support.

Legal and Political Sovereignty:

Distinction is sometimes drawn between legal and political sovereignty. The sovereign is supposed to be absolute and omnipotent. It functions according to its own will. Law is simply the will of sovereign. There is none to question its validity. Legal sovereign grants rights to its citizens and there can be no rights against him. It means rights of citizens depend on the will of legal sovereign and any time he can take away. Legal sovereign has following characteristics-

1. The legal sovereignty is always definite and determinate.
2. Legal sovereignty may reside either in one person or in a body of persons.
3. It is definitely organized, precise and known to law.
4. Rights of citizen are gift of legal sovereign.
5. The will of state is expressed by the legal sovereign only.
6. Legal sovereignty is absolute. It cannot be question.

In Britain King in Parliament is the sovereign. In U.S the legal sovereign consists of the constitutional authorities that have the power to amend constitution. But behind the legal sovereignty there is another power, which is unknown to law. It is political sovereignty. In practice absolute and unlimited authority of the legal sovereignty does not exist anywhere. Even a dictator cannot act independently and exclusively. The will of legal sovereignty is actually sharpened by many influences, which are unknown to law. All these influences are the real power behind the legal sovereign; and this is called political sovereignty. As **Professor Gilchrist** says- "The political sovereign is the sum total of the

influences in the state which lie behind the law.” The political sovereignty is not known to law. In modern representative democracies the political sovereignty is very often identified with either the whole mass of the people or with electorate or with public opinion. The legal sovereign cannot act against the will of political sovereign.

Dicey says that “body is politically sovereign which the lawyers recognize there is another sovereign to whom the legal sovereign bow- that body is political sovereignty; that which is ultimately obeyed by the citizens of the state.”

A lot of confusion arises when we attempt the exact definition of political sovereignty. It is a vague and indeterminate and cannot be located with exactness. It is suggested by some writers that there is no justification for making a distinction between legal and political sovereignty, as that involves the division of sovereignty, which is not possible.

Popular Sovereignty:

When the sovereignty resides in the people of the state it is called as popular sovereignty. This theory was expounded by **Rousseau**, when later became the slogan of French Revolution.

The doctrine of popular sovereignty regards people as the supreme authority. It is people who decide right or wrong. People are not bound by any natural or divine law. Government exists only as a tool for the good of the people. It should be held directly responsible to the people. It can exercise authority only on the basis of the law of land.

Will of the people should not be ignored popular sovereignty is the basis of modern democratic system.

Austin’s Theory of Sovereignty (Monistic View):

In the 19th century the theory of sovereignty as a legal concept was perfected by Austin, an English Jurist. He is regarded as a greatest exponent of Monistic Theory. In his book ‘Province of Jurisprudence Determined (1832) Austin observed’ “if a determinate human

superior, not in the habit of obedience to a like superior, receives habitual obedience from the bulk of a given society, that determinate superior is sovereign in that society and that society (including superior) is a society political and independent.” To **Austin** in every state there exists an authority to whom a large mass of citizen show compliance. This authority is absolute, unlimited and indivisible.

Austin’s theory of sovereignty depends mainly upon his view on nature of law. According to **Austin** “Law is a command given by a superior to inferior” the main tenets of Austin’s theory of sovereignty are as follows-

- Sovereign power is essential in every political society.
- Sovereignty is a person or body of persons. It is not necessary that sovereign should be a single person.
- Sovereignty may reside in many persons also. Austin explains that a “Sovereign is not necessarily a single person, in the modern western world he is rarely so; but he must have so much of the attributes of a single person as to be a determinate.” To Austin state is a legal order, in which there is a supreme authority, which is source of all powers. Sovereignty is concerned with man, and every state must have human superior who can issue commands and create laws. Human laws are the proper subjects of state activity.
- Sovereign power is indivisible. Division of sovereignty leads to its destruction. It cannot be divided.
- The command of sovereignty is superior to over all individuals and associations. Sovereign is not bound to obey anyone’s order. His will is supreme. There is no question of right or wrong, just or unjust, all his commands are to be obeyed.
- Austin’s theory says that the obedience to sovereign must be habitual. It means that obedience should be continuous. He also includes that is not necessary that obedience should come from the whole society. It is sufficient, if it comes from

the lay majority of people. Obedience should come from bulk of the society otherwise there is no sovereign.

In brief we can say that sovereignty according to **Austin** is supreme, indivisible and unquestionable.

Like all other theories of sovereignty Austin's theory is also not free from criticism. The first criticism is regarding sovereignty residing in a determinate superior. Even sovereign's acts are shaped by so many other influences, such as morals, values and customs of the society.

Sir Henry Maine gives the example of Maharaja Ranjit Singh. He pointed out that the Maharaja "could have commanded anything. The smallest disobedience to his command would have been followed by death or mutilation." In spite of this, the Maharaja never "once in all his life issued a command which **Austin** could call a law. The rules which regulated the life of his subjects were derived from their immemorial usage."

Secondly Austin says that the sovereign is possessed of unlimited powers, which is again not acceptable. It is possible only in theory not in practice. **Laski** points out that "no sovereign has anywhere possessed unlimited power and attempt to exert it has always resulted in the establishment of safeguards."

Thirdly **Austin** says that sovereign is indivisible. All powers

Must be centered in the hands of one person or a body of persons called sovereign. But this has been also disproved by Federal system of governments. It is characteristic of federal state that power must be divided between the federal government and its units.

Austin's theory is criticized further on the grounds of his definition of law. Austin defines law as "command given by a superior to inferior". This is also not true. No sovereign can ignore the existence of customary law, which has grown through usage in every country.

It seems to be that Austin's theory may not be accepted as valid for political philosophy. His legal theory of sovereign narrows down "the meaning of vital terms." It should, however be admitted that as an analysis of strictly legal nature of sovereignty. Austin's theory is clear and logical.

Pluralist Theory of Sovereignty:

The pluralist theory of sovereignty was a reaction to monistic or legal theory of sovereignty. To monistic theory state is supreme association and all other associations are the creation of state and their existence depends on the will of the sovereign power.

The pluralist theory rejects this and tries to establish that there is no single source of authority that is all competent and comprehensive.

Laski says that sovereignty is neither absolute nor a unity. It is pluralist, constitutional and responsible. State has no superior claim to an individual's allegiance. It can justify itself as a public service corporation. State exists to coordinate functions of human association in the best interest.

Another exponent of pluralist theory **Robert M. MacIver** propounds that state is one of the several human associations, although it exercises unique functions. Important feature of the state is supremacy of law.

Pluralists believe that state enjoys a privileged position because of its wider jurisdiction, which covers all the individuals and associations within its boundary. This does not mean that it is superior to other associations. It is also true that state has power to punish those who defy its command but that does not mean that it is absolute. The state must justify the exercise of its special powers. Pluralist is divided and limited.

The pluralists demand that the same must justify its claim to allegiance on moral grounds. Actually to them the management and control of society must be shared by various associations in proportion to their contribution to the common goods. This theory stands for the decentralization of authority.

The pluralist also rejects the distinction between state and government. They insist on a realistic political science and consider the distinction between two as artificial.

The pluralists are not against the state but would discard sovereign state with its absolute and indivisible power.

The chief tenets of pluralist theory of sovereignty are as follows-

- a) Pluralist sovereignty deals with political aspects of sovereignty.
- b) State is one of the several human associations catering to various interests of the individuals.
- c) State is arbiter over conflicting interests of different associations.
- d) State should compete with other human associations to claim superior authority.
- e) State was not absolute or supreme legally.
- f) State is not the only source of legislation or law.
- g) Law is very antithesis of command.
- h) The state is both the child and parent of law.
- i) The root of obedience of law isn't coercion but the will to obey.
- j) State and government are not different.

The pluralist theory of sovereignty is also not free from criticism. Critics maintain that without establishment of a classless society, sovereignty can neither be divided nor be limited. In order to limit the sovereignty of the state there must be a classless society.

The demands for freedom from different associations also are criticized. Division of sovereignty among different associations is not only impossible but also improper. The pluralist view will lead to political anarchy and social instability.

The pluralist limits the sovereignty in order to maintain independence of individuals and other associations, however in order to maintain the rights of the individuals and associations, the state must have sovereign power. The interest of individuals and associations, will conflict and the state will be helpless if it does not possess sovereign power.

In spite of all these criticism it cannot be denied that the pluralist theory of sovereignty protested the rigid and dogmatic legalism of the Austin's theory of sovereignty. It supports humanist and democratic ideas. It challenged the concept of unlimited sovereignty.

This theory also pointed out the importance of other associations. Only state is not important but in a society there are also many other associations, which play important role in its development. At last we can say that the greatest contribution of this theory is that it gave state a human face, and checked it from being a threat to the liberty.

Characteristics or Attributes of Sovereignty:

According to Dr. Garner, following are the characteristics or attributes of Sovereignty:

- (1) Permanence.
- (2) Exclusiveness.
- (3) All-Comprehensiveness.
- (4) Inalienability.
- (5) Unity.
- (6) Imprescriptibility.
- (7) Indivisibility.
- (8) Absoluteness or illimitability.
- (9) Originality.

(1) Permanence:

Permanence is the chief characteristics of sovereignty. Sovereignty lasts as long as an independent state lasts. The death of the king, the overthrow of the government and the addition of power does not lead to the destruction of sovereignty.

We should keep in mind the basic fact that the king or the ruler exercises sovereign power on behalf of the state and, therefore, sovereignty lasts as long as the state lasts. The

death of the king or the overthrow of the government does not affect sovereignty. This is the reason why people in England used to say “The King is dead, long live the King”.

Dr. Garner has beautifully summed up this idea in the following manner:

“Sovereignty does not cease with the death or temporary dispossession of a particular bearer or the re-organisation of the state but shifts immediately to a new bearer, as the centre of gravity shifts from one part of physical body to another when it undergoes external change”.

(2) Exclusiveness:

By exclusiveness we mean that there can be two sovereigns, in one independent state and if the two sovereigns exist in a state, the unity of that state will be destroyed. There cannot exist another sovereign state within the existing sovereign state.

(3) All Comprehensiveness:

The State is all comprehensive and the sovereign power is universally applicable. Every individual and every association of individual is subject to the sovereignty of the state. No association or group of individuals, however, rich or powerful it may be, can resist or disobey the sovereign authority.

Sovereignty makes no exception and grants no exemption to anyone. It grants exemptions only in the case of foreign embassies and diplomatic representatives of foreign countries on the reciprocal basis. This does not in any way restrict the sovereignty of the state in the legal sense. The state can abolish and withdraw the diplomatic privileges granted to foreigners.

(4) Inalienability:

Inalienability is another characteristic of sovereignty. Sovereignty is inalienable. By inalienability we mean that the State cannot part with its sovereignty. In other words, we can say that the sovereign does not remain the sovereign or the sovereign state, if he or the state transfers his or its sovereignty to any other person or any other state.

Sovereignty is the life and soul of the state and it cannot be alienated without destroying the state itself. Lieber has very aptly remarked in this connection: "Sovereignty can no more be alienated than a tree can alienate its right to sprout or a man can transfer his life or personality to another without self-destruction".

(5) Unity:

Unity is the very spirit of Sovereignty. The sovereign state is united just as we are united.

(6) Imprescriptibility:

By imprescriptibility, we mean that if the sovereign does not exercise his sovereignty for a certain period of time, it does not lead to the destruction of sovereignty. It lasts as long as the state lasts.

(7) Indivisibility:

Indivisibility is the life-blood of sovereignty. Sovereignty cannot be divided state, American statesman Calhoun has declared, "Sovereignty is an entire thing; to divide it is to destroy it. It is the supreme power in a state and we might just well divide it is to destroy it.

It is the supreme power in a state and we might just well speak of half square or half a triangle as half a sovereignty". Gettell, has also very aptly remarked in this regard, "If sovereignty is not absolute, no state exists. If sovereignty is divided, more than one state exists".

(8) Absoluteness:

Sovereignty is absolute and unlimited. The sovereign is entitled to do whatsoever he likes. Sovereignty is subject to none.

(9) Originality:

By originality we mean that the sovereign wields power by virtue of his own right and not by virtue of anybody's mercy.

Constitution

Constitution is the supreme law of each State. It lays down rules regarding the organisation, powers and functions of government. It also defines the basic features of the State and the relation between the citizens and the State.

Constitution: Meaning and Definition:

In simple words, we can say a Constitution is the constitutional law of the state. Constitutional law enjoys the position of being the supreme and fundamental law of the state. It lays down the organisation and functions of the government of state. The Government can use only those powers which the Constitution grants to it.

1. "Constitution is the collection of principles according to which the powers of the government, the rights of the governed and the relations between the two are adjusted. - Woolsey

2. "Constitution is a body of judicial rules which determine the supreme organs of state, prescribes their modes of creation, their mutual relations, their spheres of action and the fundamental place of each of them in relation to state." -Jellinek

3. " Constitution of a state is that body of rules or laws, written or unwritten which determine the organisation of government, the distribution of powers to the various organs of government and the general principles on which these powers are to be exercised." -Gilchrist

On the basis of these definitions it can be said that the Constitution is the sum total of the constitutional laws of the state.

It lies down:

(1) Organisation and powers of the government;

(2) Principles and rules governing the political process;

(3) Relations between the people and their government; and

(4) Rights and duties of the people.

The government of state gets organised and works in accordance with the provisions of the Constitution. People get their rights protected from the constitution. No one, not even the government, can violate the Constitution.

Types of Constitution:

1. Written Constitution:

A written constitution means a constitution written in the form of a book or a series of documents combined in the form of a book. It is a consciously framed and enacted constitution. It is formulated and adopted by a constituent assembly or a council or a legislature.

Garner writes, "A written constitution is a consciously planned constitution, formulated and adopted by deliberate actions of a constituent assembly or a convention." It provides for a definite design of government institutions, their organisations, powers, functions and inter-relationships.

It embodies the constitutional law of the state. It enjoys the place of supremacy. The government is fully bound by its provisions and works strictly in accordance with its provisions. A written constitution can be amended only in accordance with a settled process of amendment written in the constitution itself. It is a duly passed and enacted Constitution. The Constitutions of India, the USA, Germany, Japan, Canada, France, Switzerland and several other states, are written constitutions.

2. Unwritten Constitution:

An unwritten constitution is one which is neither drafted nor enacted by a Constituent Assembly and nor even written in the form of a book. It is found in several historical charters, laws and conventions. It is a product of slow and gradual evolution. The

government is organised and it functions in accordance with several well settled, but not wholly written rules and conventions. The people know their Constitution. They accept and obey it, but do not possess it in a written form. An unwritten constitution cannot be produced in the form of a book.

However, an unwritten constitution is not totally unwritten. Some of its parts are available in written forms but these do not stand codified in the form of a legal document or a code or a book. According to Garner, "an unwritten constitution is one in which most and not all, rules are unwritten and these are not found in any one charter or document."

The Constitution of the United Kingdom is an unwritten constitution.

Difference between Written and Unwritten Constitutions:

(1) A written constitution is written in the form of a book or document, whereas an unwritten constitution is not written in such a form.

(2) A written constitution is made and enacted by a constituent assembly of the people. An unwritten constitution is the result of a gradual process of constitutional evolution. It is never written by any assembly.

(3) A written constitution is usually less flexible than an unwritten constitution. An unwritten constitution depends mostly on unwritten rules or conventions which do not require any formal amendment.

(4) A written constitution is definite. Its provisions can be quoted in support or against any power exercised by the government. An unwritten constitution cannot be produced in evidence. It has to be proved by quoting its sources and practices.

However, the difference between written and unwritten constitutions is not organic. A written constitution has written parts in majority. Along with these, it also has some unwritten parts in the form of conventions. In an unwritten constitution, most of the parts

are unwritten and are not written in the form of a book. However some of its parts are also found written in some charters and other documents.

3. Flexible Constitution:

A Flexible Constitution is one which can be easily amended. Several political scientists advocate the view that a flexible constitution is one in which the constitutional law can be amended in the same way as an ordinary law. Constitutional amendments are passed in the same manner by which an ordinary law is passed.

British Constitution presents a classic example of a most flexible constitution. The British Parliament is a sovereign parliament which can make or amend any law or constitutional law by a simple majority. Laws aiming to affect changes in a constitutional law or in any ordinary law are passed through the same legislative procedure i.e., by a simple majority of votes in the legislature. Similarly, a Constitution is flexible when the procedure of amending it is simple and the changes can be made easily.

(A) Merits of a Flexible Constitution:

(i) First, a major merit of the flexible constitution is its ability to change easily in accordance with the changes in the social and political environment of the society and state.

(ii) Secondly, it is very helpful in meeting emergencies because it can be easily amended.

(iii) Thirdly, because of its dynamic nature, there are less opportunities for revolt. The constitution has the ability to keep pace with the changing times. The people do not feel the need for revolutionary changes.

(iv) Finally, since the flexible constitution keeps on developing with times, it always continues to be popular and remains up-to-date.

(B) Demerits of a Flexible Constitution:

(i) First, a flexible constitution is often, a source of instability. Flexibility enables the government in power to give it a desired dress and content.

(ii) Secondly, it is not suitable for a federation. In a federation, a flexible constitution can lead to undesirable changes in the constitution by the federal government or by the governments of federating units.

4. Rigid Constitution:

The Rigid Constitution is one which cannot be easily amended. Its method of amendment is difficult. For amending it, the legislature has to pass an amendment bill by a specific, usually big, majority of 2/3rd or 3/4th. For passing or amending an ordinary law, the legislature usually passes the law by a simple majority of its members.

A rigid constitution is considered to be the most fundamental law of the land. It is regarded as the basic will of the sovereign people. That is why it can be amended only by a special procedure requiring the passing of the amendment proposal by a big majority of votes which is often followed by ratification by the people in a referendum.

The Constitution of United States of America is a very rigid constitution.

(A) Merits of a Rigid Constitution:

(i) First, a rigid constitution is a source of stability in administration.

(ii) Secondly, it maintains continuity in administration.

(iii) Thirdly, it cannot become a tool in the hands of the party exercising the power of the state at a particular time.

(iv) Fourthly it prevents autocratic exercise of the powers by the government.

(v) Finally a rigid constitution is ideal for a federation.

(B) Demerits of a Rigid Constitution:

(i) First, the chief demerit of a rigid constitution is that it fails to keep pace with fast changing social environment.

(ii) Secondly, because of its inability to change easily, at times, it hinders the process of social development.

(iii) Thirdly, it can be a source of hindrance during emergencies.

(iv) Fourthly, its inability to easily change can lead to revolts against the government.

(v) Fifthly, a rigid constitution can be a source of conservativeness. It can grow becomes old very soon because it cannot Keep pace with times.

Thus, there are both merits and demerits of Flexible and Rigid Constitutions. The decision whether a state should have a flexible or a rigid constitution, should be taken on the basis of the needs and wishes of society. No hard and fast rule can be laid down as to whether a state should have a flexible or a rigid constitution.

In fact, a constitution must have both a certain degree of rigidity as well as an ability to change for keeping pace with the changing times. An excessive rigidity or excessive flexibility should be avoided. The Constitution of India is partly rigid and partly flexible. In several respects, it is a rigid constitution but in practice it has mostly worked as a flexible constitution.

5. Evolved Constitution:

An evolved constitution is one which is not made at any time by any assembly of persons or an institution. It is the result of slow and gradual process of evolution. Its rules and principles draw binding force from the fact of their being recognised as ancient, historical, time-tested and respected customs and conventions.

Some of these conventions get recognised by law and hence become enforceable while others are followed because these are supported by public opinion, their practical utility and moral commitment in their favour. Evolved Constitutions is the product of historical evolution and of political needs and practical wisdom of the people. The Constitution of Great Britain presents a key example of an evolved constitution.

6. Enacted Constitution:

An Enacted Constitution is a man-made constitution. It is made, enacted and adopted by an assembly or council called a Constituent Assembly or Constitutional Council. It is duly passed after a thorough discussion over its objectives, principles and provisions. It is written in the form of a book or as a series of documents and in a systematic and formal manner. The Constitutions of India the USA, Japan, China and most of other states are enacted constitutions.

Qualities of a Good Constitution:

1. Constitution must be systematically written.
2. It should incorporate the constitutional law of the state and enjoy supremacy.
3. It should have the ability to develop and change in accordance with the changes in the environment and needs of the people.
4. It should be neither unduly rigid nor unduly flexible.
5. It must provide for Fundamental Rights and Freedoms of the people.
6. It should clearly define the organisation, powers, functions inter-relations of the government of the state and its three organs.
7. It must provide for the organisation of a representative, responsible, limited and accountable government.

8. It must provide for:

(i) Rule of Law

(ii) De-centralisation of powers

(iii) Independent and powerful Judiciary

(iv) A system of Local self-government

(v) A Sound Method of Amendment of the Constitution

(vi) Process and Machinery for the conduct of free and elections

9. The Constitution must clearly reflect the sovereignty of the people.

10. The language of the constitution should be simple, clear and unambiguous

The Constitution must empower the judiciary with the power to interpret, protect and defend the Constitution and the fundamental rights and freedoms of the people against the possible legislative and executive excesses. These are the basic features which must be present in every good Constitution.

Importance of Constitution:

Each state has a Constitution which lays down the organisation, powers and functions of the Government of the State. The government always works according to the Constitution, no law or order of the government can violate the Constitution. Constitution is the supreme law and all government institutions and members are bound by it.

Constitution enjoys supreme importance in the state because:

1. It reflects the sovereign will of the people.

2. It lies down of the aims, objectives, values and goals which the people want to secure. .

3. It contains description and guarantee of the fundamental rights of the people.
4. It gives a detailed account of the organisation of the government. The organisation, powers and functions of its three organs of the and their interrelationship.
5. In a federation, the Constitution lays down the division of powers between the central government and the governments of the federating states/provinces. It is binding upon both the centre and the state governments.
6. It specifies the power and method of amendment of the Constitution.
7. It lays down the election system and political rights of people.
8. It provides for independence of judiciary and rule of law.
9. The constitution governs all and no one can violate its rules.

Every democratic Constitution guarantees to the citizens a protection against arbitrary governmental actions. A democratic state, like India, has a written and supreme constitution which binds all people and their government.

Organs of the Government

Government is process of governing. It is the use of power derived from the law that is approved by the legislature. It is means, methods, manners, or system of governing society and organization. Government is one of the most essential attributes of a state. We cannot have a clear idea about a state without it. Burke has said “Government is one of the inventions of human knowledge through which the human being fulfill his desires”. There are three organs of Government: 1.Legislature 2.Executive 3.Judiciary. These three organs of the government are closely related to one another, because legislature makes the law, the executive implements them and the judiciary interprets them. All of these are described below:

Legislature:

Legislature is a law making branch of government. In all most all the countries, legislature is available for making laws. In democracy, the importance of legislature is still more. For law making most of the countries have two houses of legislature, while few countries have one house. Legislature can initial and rescind laws and is the only authority able to approve proposed law. Although the constitution allow persons or agencies of the executive branch to propose law. In a democracy the following are the function of legislature:

- 1 . L a w m a k i n g
- 2.Control over the budget
- 3.Control over the Executive
- 4 . J u d i c i a l
- 5 . E l e c t o r a l
- 6.Amendment of the constitution
- 7.A mirror of constitution
- 8.Right to legislature to remove the judge

Executive:

It is the second administrative arms of government. In ancient times the executive used to make the implement laws and it also awards punishment to the law breakers. It operates implements and enforces all the law created by the legislative branch, from time to time by judiciary. According to Dr. Garner "In a broad and collective sense, the executive organs embraces the aggregate or totality of all the functionaries the state that will has formulated and expressed in terms of law." The functions of the executive are not the same everywhere. The function of the executive are depends on the government. In dictatorship, the functions of the executive are different from those in democracy. Ordinarily, the following are the function of executive:

1. Administrative
2. Legislative
3. Military function
4. Foreign relation
5. Financial functions

Judiciary:

It is the third important administrative of organ government. It mainly award punishment for the violation of the laws, while the laws are made by Legislature & implemented by executive. Today in all democratic countries the independence of judiciary is considered essential so that the fundamentals rights of the people are protected. That is why in democratic countries, judiciary is considered the guardian of the freedom of the people and also of the constitution. A Society without legislature is conceivable and indeed, fully developed legislative organs did not make their appearance in the life of the

state until modern times, but a civilized state without judiciary is hardly conceivable. Thus judiciary is essential. According to Dr. Garner “There is no better test of excellence of a government than the efficiency of its judicial system for nothing more nearly touches the welfare that they can rely on the certain and prompt administration justice”. There will be widespread in justice in the society if the judiciary is not appearing in the society. Therefore, the judiciary is essential for maintaining peace and imparting justice and also for the enjoyment of fundamentals rights. The following re the function of the judiciary:

All the three organs of government legislative, executive, and judiciary are equally important for the people of the society. Among them have an interrelationship about their function, feature or something like that. The relationships among the three organs of the government are given below:

Function of the judiciary:

1. **It interprets the laws:** A number of cases are brought before the judges in which the question of the interpretation of the laws arises, because in such cases the law is not clear. Even such matters are brought before them in which the laws are silent. In these cases or matters the judges give their decisions. Later, these decisions are quoted in similar cases. In this way the courts expand the laws in an indirect manner.
2. **Protector of civil rights:** people are given many rights by the state through the laws of the parliament. The courts protect these rights.
3. **Decides the cases:** many cases relating to the disputes between the citizens or between the government and the citizens are brought before courts. The courts give their decisions on such disputes.
4. **Custodian of fundamentals rights:** In modern times many countries grant fundamentals rights to the people in the constitution. The supreme courts there act as the custodian of these rights. It is the duty of courts to protect the rights of the

government. Our high court and Supreme Court have many cases in which the question of the violation of the fundamentals rights was involved.

5. Guardian of the constitution: If a law passed by the parliament violates the constitution that law shall be declared as void because the custodian is the highest law of the land and it is the duty of the courts to protect it. For the protection of the constitution, many laws have been declared illegal which violated any law or any clause of the constitution.

6. Advisory: the judiciary branch acts as advisory body. The Supreme Court has been given the right in the constitution to render advice on legal matters when asked for by the president

The relationship among the three organs of the government: These three organs of the government are closely related to one another. The legislature makes the law, the executive implements them and the judiciary interprets them and awards punishments for the violation of the laws. In our country a parliamentary form of government has been established. In a parliamentary government the executive is under the control of legislature. Similar is the situation in our country. In our country the executive is responsible to the parliament and the parliament can remove the executive by a non-confidence motion. It can also ask questions and supplementary questions. The executive has also sufficient influence over the parliament because the prime minister begins the leader of the majority party in the parliament. In modern times the most important function of legislature law making. Ordinary bills can be introduced by the members of the parliament and by the minister while money bills can be introduced only by the minister in the lower house. The executive prepares bills and introduced them in the legislature. The legislature can be majority vote accept or reject any bill. The members of the legislature or the parliament enjoy full freedom of speech and also of criticism of the politics of the government. The legislature has control over the budget of the executive and without its

approval the executive cannot spend even a single paisa. In parliamentary government the legislature or the parliament exercises full control over the executive or council of minister.

The parliament has the right to ask question or supplementary question to the cabinet. In certain countries the legislature has to perform certain judicial function. That's way the three organs are related with each other.

Theory of Separation of Powers

Separation of powers refers to the division of the legislative, executive, and judicial functions of government among separate and independent bodies. Such a separation, it has been argued, limits the possibility of arbitrary excesses by government, since the sanction of all three branches is required for the making, executing, and administering of laws.

The doctrine may be traced to ancient and medieval theories of mixed government, which argued that the processes of government should involve the different elements in society such as monarchic, aristocratic, and democratic interests. The first modern formulation of the doctrine was that of the French writer Montesquieu in *De l'esprit des lois* (1748), although the English philosopher John Locke had earlier argued that legislative power should be divided between king and Parliament.

Montesquieu's argument that liberty is most effectively safeguarded by the separation of powers was inspired by the English constitution, although his interpretation of English political realities has since been disputed. His work was widely influential, most notably in America, where it profoundly influenced the framing of the Constitution. The U.S. Constitution further precluded the concentration of political power by providing staggered terms of office in the key governmental bodies.

Modern constitutional systems show a great variety of arrangements of the legislative, executive, and judicial processes, and the doctrine has consequently lost much of its rigidity and dogmatic purity. In the 20th century, and especially since World War II, governmental involvement in numerous aspects of social and economic life has resulted in an enlargement of the scope of executive power. Some who fear the consequences of this for individual liberty have favoured establishing means of appeal

against executive and administrative decisions (for example, through an ombudsman), rather than attempting to reassert the doctrine of the separation of powers.

Montesquieu's Tripartite System


The term **tripartite system** is ascribed to French Enlightenment political philosopher Baron de Montesquieu. In *The Spirit of the Laws* (1748), Montesquieu described the separation of political power among a legislature, an executive, and a judiciary. Montesquieu's approach was to present and defend a form of government which was not excessively centralized in all its powers to a single monarch or similar ruler. He based this model on the Constitution of the Roman Republic and the British constitutional system. Montesquieu took the view that the Roman Republic had powers separated so that no one could usurp complete power. In the British constitutional system, Montesquieu discerned a separation of powers among the monarch, Parliament, and the courts of law.

Montesquieu did actually specify that "the independence of the judiciary has to be real, and not apparent merely". "The judiciary was generally seen as the most important of powers, independent and unchecked", and also was considered dangerous.

Checks and Balances

To prevent one branch from becoming supreme, protect the "opulent minority" from the majority, and to induce the branches to cooperate, government systems that employ a separation of powers need a way to balance each of the branches. Typically this was accomplished through a system of "**checks and balances**", the origin of which, like separation of powers itself, is specifically credited to Montesquieu. Checks and balances allow for a system-based regulation that allows one branch to limit another, such as the power of the United States Congress to alter the composition and jurisdiction of the federal courts. Both bipartite and tripartite governmental systems apply the principles of the separation of powers to allow for the branches represented by the separate powers to hold each other reciprocally responsible to the assertion of powers as apportioned by law.

The following example of the separation of powers and their mutual checks and balances for the experience of the United States Constitution is presented as illustrative of the general principles applied in similar forms of government as well.

Legislative (Congress)	Executive (President)	Judicial (Supreme Court)
<ul style="list-style-type: none"> • Passes bills; has broad taxing and spending power; regulates inter-state commerce; controls the federal budget; has power to borrow MONEY  on the credit of the United States (may be vetoed by President, but vetoes may be overridden with a two-thirds vote of both houses) • Has sole power to declare war, as well as to raise, support, and regulate the military. • Oversees, investigates, and makes the rules for the government and its officers. • Defines by law the jurisdiction of the federal judiciary in cases not 	<ul style="list-style-type: none"> • Is the commander-in-chief of the armed forces • Executes the instructions of Congress. • May veto bills passed by Congress (but the veto may be overridden by a two-thirds majority of both houses) • Executes the spending authorized by Congress. • Declares states of emergency and publishes regulations and executive orders. • Makes executive agreements (does not require ratification) and signs treaties 	<ul style="list-style-type: none"> • Determines which laws Congress intended to apply to any given case • Exercises judicial review, reviewing the constitutionality of laws • Determines how Congress meant the law to apply to disputes • Determines how a law acts to determine the disposition of prisoners • Determines how a law acts to compel testimony and the production of evidence • Determines how laws should be interpreted to assure uniform policies in a top-down fashion via the appeals process, but gives discretion in individual cases to low-

<p>specified by the Constitution</p> <ul style="list-style-type: none"> • Ratification of treaties signed by the President and gives advice and consent to presidential appointments to the federal judiciary, federal executive departments, and other posts (Senate only) • Has sole power of impeachment (House of Representatives) and trial of impeachments (Senate); can remove federal executive and judicial officers from office for high crimes and misdemeanors 	<p>(ratification requiring approval by two-thirds of the Senate)</p> <ul style="list-style-type: none"> • Makes appointments to the federal judiciary, federal executive departments, and other posts with the advice and consent of the Senate. Has power to make temporary appointment during the recess of the Senate • Has the power to grant "reprieves and pardons for offenses against the United States, except in cases of impeachment." 	<p>level judges. The amount of discretion depends upon the standard of review, determined by the type of case in question.</p>
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Governments

A **government** is the system by which a state or community is governed. In the Commonwealth of Nations, the word *government* is also used more narrowly to refer to the collective group of people that exercises executive authority in a state. This usage is analogous to what is called an "administration" in American English. Furthermore, especially in American English, the concepts of *the state* and *the government* may be used synonymously to refer to the person or group of people exercising authority over a politically organized territory. Finally, *government* is also sometimes used in English as a synonym for *governance*.

In the case of its broad associative definition, government normally consists of legislators, administrators, and arbitrators. Government is the means by which state policy is enforced, as well as the mechanism for determining the policy of the state. A form of government, or form of state governance, refers to the set of political systems and institutions that make up the organisation of a specific government.

There are 7 types of government:

- Democracy
- Dictatorship
- Monarchy
- Theocracy
- Totalitarian
- Republic
- Anarchy

DEMOCRACY

Modern governments are complex and are shaped by historical and political events like wars and colonialism. A democracy is governed of the people, by the people and for the people. Here citizens of the country can run for public office. This means the boys in the street get to decide who is in charge of what equipment is in the pile. Of course, each boy will nominate the person who best represents his interests.

Democratic elections could be city-wide for municipal governance, state-wide for state governance or nation-wide for central governance. When the population goes to vote, they vote for a candidate in their area. When the candidate wins, the political party he belongs to also wins. The party with maximum votes forms the government.

DICTATORSHIP

In contrast, a dictatorship where a single individual has gained power through force and everyone has to follow his policies. He's the big bully. The boys have little to no voice in such a system. Oftentimes the advisors who control the equipment kit are his close friends. Examples of dictators are Adolf Hitler in Germany and Fidel Castro of Cuba.

Sometimes you have what is known as a 'benevolent dictatorship.' This is when the dictator maintains his position as the head of the country for the sake of the country instead of self interest. Most dictatorships like to portray themselves in the international community as benevolent but it is not always so.

MONARCHY

A monarchy is another form of government where there is one head of state. In this system a king or queen rules the country for as long as they are alive. The crown is inherited, usually by the first born of the family.

In earlier days, monarchs used to have absolute powers and owned all the public land. Pharaohs for example, claimed to be representatives of the Gods on earth. But nowadays,

even democracies like Great Britain, Sweden, and [Spain](#) have kings who are nominal heads of state. Still it is their signature that turns a bill into a law.

THEOCRACY

In countries where any religious institution holds power over the king, the form of government is called a theocracy. Several Islamic nations fall into this category.

TOTALITARIAN

There are totalitarian governments where a single group of friends have had control of the pile of equipment for decades. It is like dictatorship by a party instead of an individual. The regime maintains complete control of the country by not allowing any other people to form a political party.

They control all aspects of a citizen's public and private life through art, [science](#), and educational propaganda. The former Soviet Union and Vietnam are examples of totalitarian governments.

REPUBLIC

Some nations are republics, such as the USA. It is a democratic model – people are elected to government office by voters. It is however, headed by a single individual whose office is also elected by the people – the President.

ANARCHY

And finally, a country that is usually in the throes of a war or civil unrest and no functioning government is said to be in a state of anarchy.

Democracy and Dictatorship Government

In theory, democracy is the best form of government. It is the government of the people as distinguished from the government of an individual or of a class of people. It makes all the citizens interested in their country by giving them a voice in legislation. It gives them a feeling of importance and a sense of responsibility. It thus gives a meaning to their personality. Another merit of democracy is that it is less liable to revolution than other forms of government. Since people themselves elect the members of government the need of a revolution does not arise. In additions to this, a democratic government usually guarantees freedom of thought and speech. This twofold freedom is a very great advantage as it enables the individual to grow freely. Democracy thus offers the most favorable atmosphere for the development of the human personality.

Democracy literally means the rule of the people. It has been defined as government of the people, by the people for the people. Modern democracy rests on the principle of representation. The people elect their representatives by vote. These representatives attend the legislature and act on behalf other citizens. If the citizens are not satisfied with their representatives, they may not re-elect them in the next elections.

But democracy has its danger. The greatest of which is that it may be the rule of ignorance. "Nine peoel out of every ten", says Carlyle, "are fools" and citizens who are not sufficiently intelligent or educated are likely to commit errors of judgment in the casting of votes. The best men may this fail to get elected. Elections are usually matters of propaganda. However, the voters in countries like Britain and America have not proved so lacking in judgment as many of the opponents of democracy would have us believe, though it is true that our own country the people, being illiterate, rarely give evidence of sound or independent judgment. Another critic of democracy is that it is

wanting in efficiency. For prompt and effective actions, unity of action is essential.

“One bad general”, said Napoleon “is better than two good ones”. In a multitude of minds, much unprofitable discussion takes place, whereas unity of control is needed for a vigorous national life. According to Newman, for example, the British government cannot cope with the emergencies created by war as effectively as a dictator can. This criticism, however, is not very convincing because in times of war the British prime minister usually wields the powers of a dictator. During world wars, for examples, Sir Winston Churchill faced few real difficulties as a result of the system of democracy in England. A sounder criticism of democracy in times of war would be to say that secrecy in military affairs becomes difficult, if not impossible, and that the oppositions usually lowers the morale of people by its loud condemnations of the actions of the Cabinet.

It was thought that the two world wars had made the world safe for democracy, but this forecast proved to be wrong. While democracy worked quite well in France and the English speaking countries, most other countries swung towards dictatorship. So successful and powerful did their dictatorships become, that the days of democracy seemed to be almost over.

Unfortunately, the methods of dictatorship are, and have to be, ruthless. Dictatorship employed force and violence to maintain itself. It resorts to physical compulsion, person, concentrations camps censored, intimidation purges and execution. Both in Russia and Germany countless execution was ordered for the sanity of dictatorship. A dictatorship cannot brook slightest oppositions.

Dictatorship is certainly not without its merits. As carry all points, our society is an organism, and not a machine. Now mechanical system like the ballot-box can, therefore, prove satisfactory. The safer course is to give all power to a dictator. The dictator must, of course, be once who has exceptional ability to organize, direct and administer.

Parliamentary rule usually means by a group of politicians whose purview dictator on the other hand, can concentrate all his energies towards the upliftment and improvement of his country.

Thus, there can be no freedom of thought or speech under such system. Intensive propaganda is employed, as was done in Germany, to retain the support of the people. Dictatorship, therefore by its very nature hampers the free development of the human personality. It does not allow for diversity of political opinion and belief, but tends towards political regimentation or standardization of human beings. The greatest danger of dictatorship, however, is its partiality for war as an instrument of national aggrandizement. Practically every dictator preaches war, partly because he is actuated by personal ambition and partly because he suffers from an exaggerated nationalism.

Unitary and Federal Government

On the basis of relationship between the centre and the units, the governments may be classified as unitary and federal. In a unitary government, all the powers of government are vested in the central government whereas in a federal government, the powers of government are divided between the centre and the units.

Their distinctive feature and comparative merits and demerits are given as follows.

Unitary Government

1. Concentration of Powers:

A unitary government is one in which all the powers of administration are vested in a single centre. The centre is omnipotent. A unitary state may be divided into small units for the sake of administrative convenience but the units do not have any constitutional status of their own.

In other words, the constitution does not confer any powers on the units. It is the central government which delegates certain powers to the units on its own accord. The units are, therefore, subordinate agents of centre.

The powers enjoyed by them are the gifts of the centre and as such these can be taken back at any moment. The units are thus not autonomous and independent in any way.

2. Single Government:

In a unitary government, there is a single set of governmental apparatus. There is a single supreme legislature, single executive body and one supreme judiciary. England, for example, is a unitary state. She has one parliament as her legislature, the King-in-Council

as the executive and the judicial committee of the House of Lords as her supreme judiciary.

3. Written or unwritten Constitution:

A unitary government may or may not have a written constitution. As for example, England and France are unitary states. France has a written constitution but England has none

4. Rigid or Flexible Constitution:

Unlike a federation, a unitary state may or may not have a rigid constitution, e.g., the constitution of England is flexible but that of France is slightly rigid.

5. No Special Judiciary:

There is no need of having a special judiciary with wide powers of judicial veto in a unitary government. Even the highest court of U.K., for example, cannot sit in judgment over the law passed by Parliament.

Federal Government

1. Division of Powers:

In a federal government the powers of administration are divided between the centre and the units. The powers may be distributed in two different ways. Either the constitution states what powers the federal authority shall have, and leaves the remainder to the federating units, or it states what powers the federating units shall possess and leaves the remainder to the federal authority.

The remainder is generally known as residuary powers. The first method was employed in America and the second in Canada. The federal government in U.S.A., for example, is weak in relation to the states whereas the federal government in Canada is more powerful.

In a federation both the federal and state governments are independent and autonomous in the spheres of their powers. 'One is not subordinate to the other. Both derive their powers from the constitution which is the supreme law of the land. The powers enjoyed by the units are, therefore, original and not delegated by the centre.

2. Separate Government:

In a federal form of government both the centre and the units have their separate set of governmental apparatus. America is a federation of states. States have therefore separate legislatures and Separate executives.

3. Written Constitution:

A federal government must have a written constitution. As a federation is a political partnership of various states and consequently there must be a written agreement in the form of a written constitution.

4. Rigid Constitution:

The constitution of a federation should be more or less rigid. It is regarded as a sacred agreement, the spirit of which should not be easily violated. A flexible constitution allows a scope to the central government to curtail the autonomy of the federating states.

5. Special Judiciary:

In a federation, there are possibilities of constitutional disputes arising between the federal centre and the units or between one unit and another. All these disputes are to be adjudicated in the light of the constitution. For this purpose a special judiciary with wide powers must be established.

It should act as the custodian and guardian of the constitution. It should be vested with powers of declaring any law, national or local, ultra vires if it is at variance with the

articles of the constitution. The constitution is thus the supreme law in a federation to which both the centric and the state must adhere to.

Parliamentary and Presidential Government

Many forms of government are used by countries around the world, and very few governments are completely alike, even if they use the same type of system. Presidential and parliamentary systems of government can vary in specific details from one country to another, but certain general aspects typically are the same in countries that have the same type of system. For example, in some parliamentary systems, the national legislative body is called a parliament, and in others, it might be called by a term such as "national assembly," but they generally serve the same purposes, regardless of their names. Likewise, the specific powers or duties of presidents might vary from country to country, but they generally are all elected by the people and are separate from the legislative body.

Presidential Systems

In a presidential system, the president is the head of government and the head of state. As the head of government, he or she oversees the operations of the government and fulfills certain duties, such as appointing officials and advisers to help run the government, signing or vetoing laws passed by the legislature and establishing an annual budget. A president's duties as head of state include tasks such as making speeches, representing the country at public events, hosting or visiting diplomats from other countries, and presenting prestigious national awards.

Parliamentary Systems

The roles of head of state and head of government often are held by different people in a parliamentary system. For example, a country might have a prime minister who acts as its

head of government and a monarch who acts as its head of state. Some countries that have a parliamentary system also have a president instead of a monarch, who acts as the head of state. A country that has both a prime minister and a president is sometimes said to have a semi-presidential system of government, although it is more closely related to a parliamentary system because of the power held by the legislature and prime minister in such a system.

Legislative Efficiency

Another difference between these systems of government is the effects that each system has on things such as efficiency and political acrimony. In a presidential system, because the chief executive and members of the legislature are elected separately, it is possible for the president to be from one political party and the legislature to be controlled by a different political party. This can cause discord at the highest levels of the government and make it difficult for the executive and the legislators to achieve their respective goals. In a parliamentary system, the prime minister is almost always from the political party that controls the legislature, so there is less discord, and it is easier for that party to accomplish its goals.

Removing a Chief Executive

Parliamentary and presidential systems also differ in their abilities to remove the chief executive from power. In a parliamentary system, it is much easier for the legislature to remove the prime minister. Even a disagreement in policy or a lack of effective leadership could be enough reason for this to happen. A president is more difficult to remove from his or her position, and it usually is possible only in extreme cases, such as when the leader is accused of a serious crime.

