B.A. PART-I **POLITICAL SCIENCE**
(SEMESTER-I)

UNIT NO. 2 **SECTION - B**

Department of Distance Education
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Lesson No. :

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STATE : LIBERAL AND MARXIAN VIEW

Structure of the lesson

2.1.1 Objectives of the Lesson The objective of this lesson is to make you familiar with the Liberal and Marxian view of the state. After going through this lesson you will be able to

- explain as to what is the concept of the state according to Liberal and Marxian perspective.
- critically evaluate all the two perspectives of State.

2.1.2 Introduction How the 'state' came into existence and what is its nature and objective? is a question which has been answered variously by different thinkers. **Liberalism** and **Marxism** are two important schools of thought, which try to explain in their own way as to how important the institution of state is. We will take up the ideas of all these schools in detail. We shall take up Liberalism first of all.

2.1.3 Liberal View of State Liberalism includes various philosophical, social, political and economic ideas. As a matter of fact, the history of the past 400 years of the **Western liberal democratic bourgeois countries,** and almost all the socio-economic and political developments in the Western World are closely associated with liberalism. The ideology of liberalism has been enriched by different thinkers and movements of the West. During the past four centuries or so, liberalism has changed with the change in time and circumstances. It has faced many challenges and crisis, ideologies and has changed itself according to the needs of the situation. Hence we witness different shades of liberalism, rather than one Liberalism.

2.1.3.1. Liberalism : Its Definition and Meaning

Liberalism is too dynamic and flexible a concept that it cannot be contained in precise definition. Right from its inception, it has been continuously changing, adding something and discarding the others. Commenting upon the precise meaning of liberalism, **Prof. Harold J.Laski** writes, "It (Liberalism) is not easy to describe, much less to define, for it is hardly less a habit of mind than a body of doctrine." To quote **Andrew Hacker**, "Liberalism has become so common a term in the vocabulary of politics that it is a brave man who will try to give it a precise definition. It is a view of the individual and the State, and of the relations between them." A similar view is expressed by **Grimes**.....Liberalism is not a static creed or dogma.....Liberalism looks ahead with a flexible approach, seeking to make future better for more people. Basically, **Liberalism stands for Liberty**; Liberty is the freedom of the individual from external constraints.

From the above definitions and explanations, the fundamental postulates of Liberalism are discernable. They include the liberties and freedoms of the individual; freedom of speech, expression from politics; secular attitude towards social and political problems and a belief in the capacity of the individual to develop. Liberalism is not merely a political concept but also a socio-economic, cultural and ethical concept. It can be better understood through specific characteristics evolved through its long history. John Hallowell has pinpointed the following characteristics of integrated Liberalism:

(i) A belief in the absolute value of human personality and spiritual equality of individuals;
(ii) A belief in the autonomy of the individual will;
(iii) A belief in the essential rationality and goodness of man;
(iv) A belief in the existence of certain individual rights, such as, right to life, liberty and property;
(v) That state came into existence by mutual consent for the sole purpose of preserving, protecting these rights;
(vi) Social control can best be secured by law rather than command;
(vii) A belief that government has limited negative functions and government which governs least is the best;
(viii) A belief that the individual is and should be free in all spheres of life, such as social, economic, political, intellectual and religious;
(ix) A belief that truth is accessible to man's natural reason.

It, thus, become clear from the above analysis that the basis of classical liberalism is the principle of 'laissez faire' or "leave man alone". It implies that

the interference of State should be as little as possible so that man may enjoy such liberty as possible.

2.1.3.2. Genesis and development of the concept of Liberalism

The basic ideas of liberalism, like so many important political ideas can be traced to ancient Greek political thought. According to Gilbert Murray, "The **Greeks** were the first to establish two important principles of classical liberalism, i.e., political freedom and freedom of thought. However, these liberal principles were only available to Greek citizens and were totally denied to foreigners, slaves, other nations and states. Liberalism as a political theory emerged in the sixteenth century. Liberalism rose as a reaction against the authority of feudal barons, the government by aristocrates and the power of clergy. The stage for the rise of Liberalism was set by **Renaissance, Reformation** and the scientific revolution that overstood the whole western hemisphere. The individual revolution brought into being a new commercial class which designed **political, social, religious and economic freedom** in every sphere. The rise of the new social class in political power in the historical context always brings about radical changes in the social philosophy of the people of that period. In the **16th century and later**, liberalism became the philosophy of the middle class in **Europe** that came into power and prominence after the eclipse of the feudal class. It emerged as an economic, social and political theory to serve the economic interests of the capitalist class. They utilised the body of liberal ideas in their ideological offensive against the land owners and later on against the wage-earners when they feared that their interests were threatened by the proletariat. Thus, it now tended to become **a defence mechanism of the capitalist class against proletarian attacks.**

It may be appropriate to point out that only in **England**, which throughout the 19th century was highly industrialised country in the world, did liberalism achieve the status at once of a national philosophy and a national policy. Liberalism provided the principle for an orderly and peaceful transition, first to complete freedom for industry and enfranchisement of the middle class and ultimately to the enfranchisement of the working class and their protection against the most serious hazards, of industry. For a proper study of liberalism, it is necessary to divide it into two periods, commonly known as Negative and Positive liberalism.

2.1.3.3. Negative Liberalism, Positive Liberalism and Contemporary Liberalism :

It may be recalled that liberalism in its initial stage presented itself as a philosophy of a national community whose ideal was to protect and conserve

the interests of all classes.The early (negative) liberalism was the product of the revolutionary era. It championed the cause of the newly emerged bourgeoise against the absolute monarchical and feudal aristocracy. It was highly individualistic. Individual and social interests were seen as contradictory. On the other hand, the distinctive feature of the latter (Positive) liberalism was a recognition of the reality and the value of social and community interests (along with the individual interests).Its attempt was not only to conserve the political and civil liberties which individualism of the early era had embodied but also to adapt them to the progressive changes of industrialism and nationalism.

(a) Negative Liberalism : The intellectual parentage of Negative Liberalism can be found in the historic movements of Reformation, Renaissance, industrial revolution and enlightenment tradition which found expression in the writings of various thinkers prominent among whom are **Thomas Hobbes, John Locke, Adam Smith, Mathews, Ricardo, Bentham, John Mill, Hebert Spencer, Thomas Paine**. Negative liberalism, also known as **classical liberalism, laisseze faire** liberalism, free market liberalism or individualistic liberalism was the product of the socio-economic, cultural and political changes that emerged in Europe as a result of the above mentioned movements. Born in opposition to the world dominated by monarchy, aristocracy and Christianity, liberalism opposed the arbitrary power of the kings and privileges of the nobility based upon birth. It questioned the whole tradition of a society in which man had a fixed position. By contrast, it favoured open meritocracy when every energetic individual could rise to responsibility and success. Liberalism believed in a contractual and competitive society and economic order.

1. Individual is the basis of all development : Classic liberalism emphasised on the autonomous individual. It considered man as a selfish, egoistic but at the same time rational. It maintained that individual is the basis of all social, economic and political systems. At the core of negative liberalism was the liberty of the individual—liberty from every form of authority—liberty in all spheres of human life. Liberty was viewed as a negative thing—'as absence of restraint.' Early liberalism emphasised that man is endowed with certain inalienable and natural rights such as right to life, liberty and property—rights which are not dependent upon the mercy of the state or society but were inherent in the personality of man. Society was seen as being composed of atoms like autonomous individuals with wills and interests peculiar to themselves. It was an artificial institution meant to serve certain interests of the individuals.

2. Non-intervention of state in the economic affairs :

The economic theory of liberalism—so called policy of laissez faire (meaning non-intervention of the state in the economic affairs) formed the basis of negative liberalism. Private property was central to the definition of individualism—the right to freely own or dispose of to buy or sell, to hire labour and make profit. Free trade, free contract, competition, free economy, free market and market society, natural right to private property were the hallmarks of this theory. It believed that if the individual is left free and alone to follow his own enlightened self-interest, economic prosperity would result.

3. Supreme importance of individual :

At the political level, liberalism emphasised the supreme importance of man and maintained that

(a) State it not created by God but is the creation of man;

(b) State is not a natural institution but an artificial institution;

(c) And the basis of the state and political obligation is the consent of the individual.

According to early-liberalism, state came into being as a result of contract for the purpose of preserving and protecting the rights of the individuals and that when the terms of the contract are violated, individual has not only the right but the responsibility to revolt and establish a new government.

Early liberalism considered the state as a 'necessary evil'. The state was a necessity because only it could provide law and security to life and properly but was an evil because it was the enemy of human liberty. Increase in the functions of the state was looked as a decrease in the sphere of liberty of the individual. The rights and liberties of the individual were considered sacred and the powers of the state as a trust of the people.

4. Theory of Laissez Faire : The **utilitarian school** (represented by the ideas of **Bentham, James Mill** and **J. S. Mill**) during the nineteenth century that dominated liberal thought for more than half a century provided a new theoretical foundation to liberalism. It argued for a "Laissez Faire" state in the name of individual pleasure. The business of the government was considered to be the promotion of the happiness of the individual which could be achieved by minimizing the interference of the state, and leaving the individual free to pursue his own way. "**Minimum state interference and maximum of the individual happiness was their moto.**" Throughout the greater part of the 19th century this formula was carried out. Minimum of

state interference was considered as the precondition of maximum freedom.

Self-Check Exercise-1

Answer the following questions.

Compare your answers with the answers given at the end of your lesson.

(The answer should be in three-four lines or just headings)

(i) Briefly explain the meaning of liberalism.

(ii) What do you understand by negative liberalism?

(iii) Point out the three drawback of negative liberalism.

(b) Positive Liberalism :

Positive liberalism also now called '**Modern Liberalism**' is a doctrine according to which the nature of the state is positive in character and its aim is the promotion of the welfare of the community as a whole. Positive liberalists do not consider state to be a necessary evil. Rather they view that harmony, unity and order in society can only be achieved through the state. Hence they welcome the active participation and involvement of the state in social, political, economic, cultural and other activities so that it would help in increasing and monitoring the welfare of the individual.

It may be noted that a change from negative liberalism to positive liberalism during the latter half of the nineteenth century took place owing to variety of reasons :

The rise of capitalism resulted in extreme exploitation of the working classes; led to concentration of wealth in few hands; sown the seeds of the emergence of monopoly houses, which increased unemployment, poverty and hunger etc. This extreme exploitation, naturally, resulted in extreme reactions from—**idealists, humanists, utopian socialists, Marxists** and from those who believed in positive liberalism.

The idealists did not agree with the theorists of negative liberalism that the state was a necessary evil or an artificial thing. They maintained that the state was not a means but an end in itself. The Humanists wanted to remove the inhuman working conditions and therefore, demanded a positive role for the state. The utopian socialists pointed to the injustices of capitalism and demanded a more humane consideration of the working classes and appealed to the conscience and reason of capitalist. The Marxist challenged all the tenets, beliefs and principles of capitalism. The accumulated effect of all these reactions to negative liberalism was the growth of positive liberalism.

It may be noted that **J.S. Mill, T.H. Green** and **D.G. Ritche** in the nineteenth century and **Hobson, Hobhouse, Lindsay, Cole, Barker, Laski,**

Keynes, MacIver, Galbraith etc. during the twentieth century have played a significant role in expanding the principles of positive liberalism. Positive liberalism is based on the following fundamentals and these are summed up for its proper assessment.

1. Faith in the autonomy of individual :

It has a firm faith in the autonomy, rights and liberties of the individual. It considers man as a part of social whole and believes that the liberties of the individual can be secured only as they reconcile with the social good.

2. Society and State are natural institutions :

Society is not an artificial institution or an aggregate of individuals—but a potentially harmonious and ordered structure in which all social classes work for the "common good". Society has its own interests and an organic unity. It has an ethical and moral dimension and individual good cannot be achieved without social good. The pluralist concept of society became the ideal for liberals.

3. Regulated Capitalist Economy :

Positive liberalism believes in regulated capitalist economy. In the overall interest of the society, the state can check the individual capitalists through social and economic reforms, the conditions of working class can be improved; poverty, illiteracy, unemployment, exploitation can be checked. The gap between the rich and the poor can be bridged through positive actions of the state.

4. State is an agency of moral and material well-being of individuals :

It believes that the state as a social agency is committed to the promotion of moral and natural material well-being of its members. The state is an instrument for the development of individual personality through welfare measures. The state has a positive character and is capable of performing socially useful functions. However, while believing that the state is the chief agency of the community and it is concerned with the function of good life, liberalism believes that state does not have the duty to make man good. Law can create conditions necessary for the moral development of its members, it cannot instil morality because force and morality are contradictory terms. While the sate expands its role and functions it still remains negative in its role i.e. to hinder hindrances.

5. Positive view of Liberty :

Liberty is essential for man's moral and spiritual development and is not to be regarded as empty social ideal. This is a positive view of liberty. Liberty is

not merely 'the absence of restraints' but includes those conditions that are necessary for free and full development of the individual which a state, true of its own moral purpose must ensure.

Positive liberalism affirms that not all restrains are evil and seek to show that restraint in some context is not antagonistic to liberty but is its guarantee. By imposing positive restraints state creates an atmosphere in which individual can develop his potentialities to the maximum.

6. Liberty and Equality are complementary to each other :

According to positive liberalism—liberty implies equality. There can be no liberty without equality. Liberty, when stated in democratic terms, becomes real when it is rooted in equality. Equality provides that basis through which liberty comes to acquire a positive meaning. Liberty and equality are complementary. Equality is not only equality before Law or of more opportunity or of being treated as human being but economic equality commensurable with political liberty—a modification through state action of the excessive disparities of wealth and of opportunities that follow.

7. The form of government it favours is democracy :

The institutional arrangement for achieving the good of the individual and society are democracy, representative government, constitutionalism, parliamentary methods. Universal sufferage organization. The liberal government is one which protects the rights of the individual as well as that of the community. The state is to coordinate the different interests and classes in the society. It does not belong to a particular class but to the society as a whole.

8. Positive Liberalism leads to the development of the theory of welfare state :

It is significant to note that philosophy of positive liberalism during the twentieth century developed as the theory of welfare state. According to the political thinkers supporting the ideal of welfare state, the state is regarded as the servant of the whole community. Some describe the welfare state as a compromise between conservatism and un-bridled individualism. The concern of the state for the welfare of the weaker sections of the state (including coloured minorities) has saved the state from total alienation of minorities and coloured people. The liberal capitalist state continues to operate largely owing to the positive role of the state for protecting the rights and interests of the individuals and the strengthened democracy.

(c) Contemporary Liberalism :

Contemporary liberalism is the outcome of the transformation of liberalism from the status of an ideology of the rising middle class to that of an ideology

speaking for the mankind as a whole. It is the outcome of the merger of two currents more or less opposite into one in modern times. These currents were those of political democracy and the reformist socialist current in the take over movement. It advocates change which is gradual. The state can experiment with new legislative measures aimed at changing the structure of the society, but the process has to be slow, a gradual transition without interfering in the domain of personal liberty and on these values which have be central to the liberal philosophy. However, liberalism is essentially not a theory of social or political change like Marxism. Contemporary Liberalism is positive and its believes in positive liberty, pluralist elitist democracy, plural society and incremental change. Both **John Raws** in his "A theory of Justice" (1971) and **Robert Nozic,** in his "Anarchy, State andUtopia" (1974) made significant contribution in the development of contemporary liberalism.

(d) Neo-Liberalism :

As you already know by now liberalism has always been undergoing changes. Its more recent form may be called neo liberalism. The concepts like **Liberalisation, Privatisation and Globalisation (LPG)** are becoming popular all over the world these days, and the philosophy behind this whole movement is that of neo liberalism. Briefly put, neo liberalism lays more emphasis on the increasing role of 'corporations' and 'non governmental organisations' and also on 'freedom to individual within Liberal Democratic model.'

It also stresses on lesser control of the state in various fields. It is believed by the supporters of this view point that it is not for the state to perform welfare functions or manage industries, because private and non governmental organisations can do all these jobs more efficiently and systematically. The state should restrict itself mainly to the regulatory role. This is the reason that the private organisations are taking over more and more functions and tasks, which were earlier performed by the state and the role of the state in various fields is shrinking.

2.1.3.4 Liberalism—A Critical Evaluation

Many theorists have criticised Liberal—individualistic perspective of the state. First of all, state cannot be considered a necessary evil. It is infact the first condition of any civilised existence. The state not only maintains peace and order in the society, but it also reconciliates the conflicting interests and protects weak and downtroddens against the strong. It is the responsibility of the state to provide training in good citizenship and it must discharge this responsibility fully. Garner has rightly said, "The state emanicipates and promotes as well as restraints."

Secondly, the economic theory of liberalism has been proved wrong historically. The policy of Laissez-Faire leads to exploitation of man by man. Gilchrist rightly states that, 'no better argument exists against the theory of individualism than the practical results which followed its adoption in the political and industrial life of England.' In the beginning of the nineteenth century, it was discovered that the policy of non-interference of state brought miseries and distress to the workers, children and women. **Free Competition** led to monopolies in trade and industry. In recent times many steps are taken to remove or at least minimize the effects of economic liberalisation.

Similarly, the theory of "**survival of the fittest**" is brutal and immoral. It is the duty of the state to protect the weak. The modern state has become a welfare state in which the state is looking after the whole personality of individual. The experience of Japan and India proves that state's regulation of economic activity has resulted in the property for the common man. The results of neo-liberalism, which advocates that the state should perform regulatory functions only and all the economic and welfare activity of the state should now be handed over to private corporations and non government organisations, have not materialised yet. So it is too early to comment on this new trend in liberalism.

Lastly **Marxists** have very strongly criticised the Liberal theory. According to them, the liberal state is a class state where the state is used as a means to promote the interests of the capitalists and to exploit the workers.

With the passage of time, the liberals themselves understood the fallacies of their arguments and made suitable corrections in their theory. The positive liberalism and positive view of the state, contemporary liberalism and more recently neo-liberalism are all the outcome of such corrections.

Self Check Exercises-2

1. Write the answers to the following questions.
2. Compare your answers to the answers given at the end of your lesson.
   (i) What do you understand by positive liberalism?
   (ii) Positive liberalism gave the concept of ..... state.
   (iii) Under positive liberalism state is considered a means of social welfare and custodian of the interests of the society. Yes/No
   (iv) Neo liberalism lays emphasis on the freedom and increasing role of ..... and .....

2.1.4 Marxian View of State

Marxian view of state arose as a reaction to the liberalism and categorically

rejects the liberal view of state. The main views Marxists can be summed up as under :

2.1.4.1 State is a class institution :

The supporters of this view point do not consider state a welfare institution of all the people, but a class organisation created for the protection of the interests of a particular class or group. They firmly believe that in every period of history the supreme power of the state is held by a class which controls the means of production. In the present capitalistic state too, the society has invariably been divided into two mutually antagonistic classes of '**Haves**' and '**Have nots**'. A perpetual struggle goes on between these two antagonistic groups.

2.1.4.2 Dominant, Coercive and Repressive Character of the State :

Marxists also believe that in a capitalist state, the ruling class invariably utilises the supreme power of the state to safeguard its own interests, to exploit the ruled, and to preserve the class antagonism. Police, army, jails, courts and the various other institutions of the state, all aim at the exploitation of the poor people. The right to property is declared sacred in such a state, so that interests of the rich people may be safeguarded.

2.1.4.3 Democracy in such a state is mere eyewash :

In such a state, democracy is just an eyewash. Though democratic rights like right to vote, right to be elected, right to hold public office and right to freedom of expression etc. are given to all, yet these rights cannot be enjoyed by the poor people in practice and the supreme power of the state, thus, remains confined to rich people in that state.

2.1.4.4 State is a man-made institution :

The Marxists believe that state is a man made institution created at a certain stage of evolution to protect the interests of the ruling class against those of the ruled and has always been working for that end. They believe that a man is a social animal by nature but he is a political animal by compulsion. He was compelled to adopt the institution of state by those who wanted to perpetuate conflicts and contradictions, in the society. In a society divided due to conflicting interests, a power becomes necessary, that stands apparently above society and has the functions of keeping the conflict and maintaining 'order'. And this power, which is the outgrowth of the society, but assumes supremacy over it and becomes more and more divorced from it, is the state.

2.1.4.5 Capitalist state can be abolished through revolutionary means only :

Since the state arose with the emergence of classes and since it remains a

class institution no matter what its form, it is destined to doom with the disappearance of classes in the society. Marxist view state simply as a parasite feeding upon and clogging the free movement of the society. With the abolition of classes, this parasite will cease to function. The abolition of the state is to be carried on through three stages. Firstly the overthrow of the capitalistic state by revolution, secondly the establishment of the **dictatorship of proletariat (working classe)** and finally the withering away of the proletariat state. Marxist scholars favour the use of revolutionary methods for doing away the capitalist state. They assert that the capitalist class cannot be deprived of the supreme power of the state through the use of constitutional means; they can be made to do so through violent and revolutionary means only. Marx wrote, "between capitalist and communist society lies a period of the revolutionary transformation from one to another." During this transitional period, the state will be nothing but the revolutionary dictatorship of proletariat. The dictatorship of proletariat will be as ruthless and oppressive as was the dictatorship of the preceeding dominant classes. Capitalist classes would not agree to leave power willingly unlike earlier rule of the capitalist class, the dictatorship of the proletariat aims at the destruction of ramanants of capitalism in socialist state and abolition of classes. By doing so, it prepares grounds for a communist society, which is classless and has no exploitation and oppression and hence the state is not required any more.

Marxism—A Critical Evaluation

Although Marxian view of state has been very popular, still it is not free from shortcomings and has been severely criticised on various grounds.

Historical materialism which forms the basis of Marxian view of state, is according to its critics, an inadequate analysis of history. In history, changes take place not only and because of economic factors but also due to other factors like human passions, sentiments, emotions, religion and personality etc. These factors contribute a lot to shape the history.

Similarly, Marxian theory of class struggle is not true. It is considered by its critics more a piece of propaganda than reality. The working conditions in developed western countries have proved that working and capitalist class can live amicably and without any struggle, if proper facilities are provided to the working class.

Again, critics of the Marxian Theory feel, that state is neither a class institution nor it is a means of perpetuating the class interests. The state belongs to all. It creates such conditions in the society in which the individual can develop his personality. The purpose of the modern state is to achieve the common good. It reconciliates the divergent interests in the society and thus

creates harmony.

The failure of socialist state in Soviet Union and different parts of world proves that Marxian Theory of state is not correct.

The concept of stateless communist society is only a romantic imagination distorted from the realities of the world and the developments taking place therein. The example of erstwhile soviet union is an ample proof of this fact, there state became stronger with time.

Self Check Exercise-3

1. Answer the following questions :
2. Compare your answers to the ones given at the end of the lesson.
   (i) According to Marxist state is a ..... institution. (Artificial/Natural)
   (ii) Marxist believe that State has come into existence as a result of class war and exploitation. (Yes/No)
   (iii) Marxists consider state a super structure constructed on ..... (Economic Structure/Social Structure)
   (iv) According to Marxists means of production or economic forces determine social, political and intellectual processes of the society. (Yes/No)
   (v) Write any two points on in basis of which Marxism is criticised.

2.1.5 CONCLUSION

In this lesson, we have discussed the Liberal, Marxian and Gandhian view of state. Liberalism is a philosophy, which has a history of four hundred years, enriched by various thinkers. It aims at adopting Liberal view of life, so that all round development of individual may be possible. For this they have adopted different stances at the different points of history, thus negative liberalism, positive liberalism and more recently neo liberalism are some of the form in which liberal doctrine has been expressed during its long history. Negative liberalists consider state a 'necessary evil' and favour minimum possible functions to the state, so that individual may have maximum liberty for his all round development. Positive liberalists on the other hand, advocate participation and involvement of state in every sphere of human life. The aim is to provide an atmosphere in which all round development of individual is possible. Neo liberalists want to entrust welfare activities to corporations and non governmental organisations and only regulatory role to the state because they believe that and effort of performing too many functions by the state results into inefficiency and chaos due to which the aim of the welfare of individual can not be achieved. Supporters of the Marxist view of state do not consider state an institution for the welfare of all, but a class organisation created for the protection of the dominant class. It exploits poor and downtrodden. They favour ending the classes by a violent revolution and believe

that once the classless society is established, state will not be required anymore.

2.1.6 Answers to the Self Check Exercises

Self Check Exercise-I

(i) Liberalism is a philosophy which aims at adopting liberal view in every sphere of life, so that all round development of individual may be possible. Over the period of 400 years liberalism has taken different stances to achieve this aim i.e. negative liberalism, positive liberalism and neo liberalism etc.

(ii) According to negative liberalists, state is a 'necessary evil'. 'Necessary' because it provides law and security to life and property, and 'evil' because more the functions of the state, the lesser will be the liberty of the individuals. So they favour lesser functions for the state so that individuals may enjoy maximum possible liberty.

(iii) (a) Exploitation of the working classes (b) concentration of wealth in a few hands (c) increased poverty and unemployment

Self Check Exercise-II

(i) Positive liberalism is a doctrine according to which the nature of state is positive in character. Its aim is the promotion of the welfare of the community as a whole, so they favour active participation and involvement of the state in every sphere of human life. The aim is to provide an atmosphere in which all round development of individual may be possible.

(ii) Positive

(iii) yes

(iv) corporations and non governmental organisations

Self Check Exercise-III

(i) artificial

(ii) yes

(iii) economic structure

(iv) yes

(v) (a) state is not an artificial institution, rather it is a natural institution (b) state less society is not possible.

Self Check Exercise-IV

(i) State

(ii) Yes

(iii) (a) State is an institution based on violence (b) The laws imposed by the state cannot make men moral (c) State is a soulless machine, which rules over individuals who have soul.

(iv) (a) Decentralisation of power (b) authority should be exercised for making the lives of people better, and not for selfish motives. (c) people should have control over authority, for this he favoured democratic form of government.

2.1.8 Suggested Readings

1. Eddy Asirvatham : Political Theory
2. J.C. Johari : Contemporary Political Theory
3. O.P. Gauba : An Introduction of Political Theory
4. R.C. Vermani : Political Thought and Theory
5. Andrew Heywood : Politics
6. Andrew Heywood : Political Theory
7. N.D. Arora : State
8. www.wikipedia.org
9. http://jccc-ugcinfonet.in
10. www.cup.com
11. www. oup.com

LESSON NO. : 2.2 **Author : Prof. J. S. Brar**

LIBERAL THEORY OF THE FUNCTIONS OF THE STATE

Outlines of the Lesson

2.2.1 Objectives of the Lesson

Liberalism is the most popular ideology in the developed Western Countries. In this lesson we shall try to understand the meaning of liberalism and its evolution as an ideology. This lesson has been written with the following objectives in mind :

- What were the historical circumstances in which liberalism became popular and what are its key assumptions.
- What is negative liberalism and how it views the function of the state.
- How negative liberalism gave way to positive liberalism and how this shift reflected in the new functions of the state.

2.2.2 Introduction

Liberalism was a product of the industrial revolution. It was the philosophy of the rising mercantile class which wanted to snatch political power from feudal lords and the King. In a way it represented the popular kings for democratic rule and end of royal absolutism. The main emphasis of liberalism is on the **protection of the interests of the individual.** As such, liberalism regards the state as a means of individual welfare. Its emphasis is on protecting the interests, rights and liberties of the individual. Liberalism has a long history and passed through various phases. In its earliest phase it was known as classical or negative liberalism. The supporters of negative liberalism were of the view that the liberty of the individual authority of the state were as antithetical. The early liberals therefore emphasised that the liberty of the individual could be maximised if the state performed minimum functions and imposed no restraints on the individual. It was taken for granted that all

social progress was possible on the basis of individual initiative. However, in the later half of the 19th century and 20th century a positive shift in liberalism took place and eventually resulted in the philosophy of the **welfare state**. **Positive liberalism** was prepare to impose restrictions on the liberty of the individual for achieving **social goods.** Now we shall take up the functions of the state put forward by the exponents of negative as well as positive liberalism.

2.2.3 Functions of State : Negative Liberalism

As we mentioned earlier too, the earliest phase of liberalism is also known as negative liberalism. During this period, it was intensely individualistic. The view of old liberals was to treat the liberty of the individual and authority of the state as antithetical and thus to identify liberty of the individual with minimum possible restraints. It was taken for granted that all social progress depended upon the unhampered initiative of the individual and that a prudent or enlightened self interest was the dominant motive of human nature. No contradiction was seen between the self interest of the individual and the interest of the community. Liberalism at this stage also believed in the existence of certain inalienable rights like those relating to life, liberty and property or material possessions, commonly known as natural rights. It sought to create the theory of the state upon the subjective claims of the individual. As a result, it advocated limiting the scope of the state activity, "**maximum possible individual freedom and minimum possible state action**", was the guiding principle of liberalism during this period.

Early liberalism saw the **state as 'necessary'** because except the state there was no other agency in the society which could provide security of life and property and **'evil'** because the interference of the state and obedience of the commands of the state were restraints upon the freedom of the individual. The classical liberalists were thus of the view point that the freedom of the individual can only be secured by limiting the sphere of state action. The goal of liberalism was to free the individual from every authority that was arbitrary and capricious. Hence the slogan of liberalism was, "*that government is best, which governs the least.*" The government was conceived as having negative functions i.e. protection of the individual, his rights and his freedoms. The basis of classical liberalism thus is, the principle of 'laissez faire' or leave man alone. It implies that the interference of the state should be little so that many may enjoy as much liberty as possible.

In short, negative liberalism restricted the functions of the state to merely the functions of 'Police State':

1. Protection of the individual from external aggression and internal

violence

2. Protection of property from robbery and damage.
3. Protection of individual from false contracts and breach of contract.
4. Protection of individual from preventable evils such as plague or malaria.
5. Erection and maintenance of certain minimum public works and public institutions.

It justified these minimum functions and the doctrine of non-interference on three grounds : ethical, economic and scientific. Ethically, liberalism places high value in liberty and it believes in the freedom of action for the development of the character of man. The highest development is possible only if he is given opportunity of self-reliance. Only freedom can provide incentive for the exercise of his powers of initiative, enterprise and originality. Interference on the part of the government and society create a pauper mentality, the individual receives no stimulus for the development of the talent and hence man and society both suffer.

From the economic point of view, it was argued that every individual knows his interest best and how to pursue it. The world is governed by certain immutable economic laws which are not susceptible to human regulation. There are miseries in the social state which legislation can not relieve. It is futile to give relief to poor and attempt to raise the wages of workers. Free and uncontrolled economy is necessary for the free development of the individual and the society.

On the scientific basis, early liberalism supported non-interference on the biological arguments of the law of struggle for existence and 'Survival of the Fittest'. It argued that the same laws of nature should be applied in the case of society also, if we are to evolve a race of strong, able and virile human beings. The natural course of progress means that the poor, weak and inefficient must go to wall. It may be unjust for some, but it is good for the health and strength of the society.

The main exponents of the negative liberalism or the negative theory of the functions of the state were political economists like Adam Smith, Ricardo and Malthus and philosophical radicals like Bentham, James Mill, Grote and Joseph Hume etc.

2.2.4 Functions of State Positive Liberalism: The theory of negative liberalism came under heavy attack from many quarters in the second half of the 19th century. The theory of laissez-faire and the idea of non interference in the economic affairs expressed by Bentham, James Mill and others were found extremely inadequate to fulfil the social and economic goals. A marked

change took place after 1860 when even J.S.Mill revised his views in a way that became the basis of the philosophy of English socialism. The assumption of negative liberalism was that politics and economics were independent of each other and that in the good of individual lay the good of society. It also assumed that distribution of wealth, though unequal, was not unjustified and it also justified capitalist economy. Negative liberalism led to economic crises. The theory of laissez-faire prospered, so long as these assumptions did not prove false. However, in the later half of the 19th century just as the capitalist economy nurtured and matured, both these assumptions proved false and inadequate. Concentration of capital into a few hands, the exploitation of working class by aristocracy or capitalists—without caring for any responsibility, inhuman working conditions, low wages, long working hours, unemployment on large scale, poverty, illiteracy were factors which belied the statement of classical liberals that social discontent and discrimination could be ended by a policy of non-interference. Rather, these were the results of non-interference. The increasing gap between rich and poor and the concentration of wealth in a few hands became a curse for the working class. The ideology which began with the absolute value of human personality, seemed to change into monopoly of the capitalist class.

As a reaction to such a state of affairs, the liberal writers attacked the capitalist order on moral and aesthetic grounds and pleaded for a positive role of the state to improve the conditions of the working class. A new awareness developed that desired more and more state interference in the liberty of individual in the name of public interest. Liberalism had to revise its basic tenets and this is what it did. A thorough going revision of liberal theory required a re-examination of the nature and functions of the state, the nature of liberty and the relationship between liberty and legal coercion. The question of the relationship between the individual and society was also opened up once again. For this, self interest, utility or pleasure now proved less convincing. The state was no more regarded as a necessary evil, it was rather considered a positive good, an agency of individual and social welfare and a guardian of the common interest of the society. The writings of **J.S. Mill, T.H. Green, G.D. Ritchie, Barker, Harold Laski, Hobhouse and MacIver**, to quote a few, expressed the revised ideas of liberalism. Mill supported state regulation of private property according to the principle of economic rent and he went to the extent of sanctioning public ownership and control of natural resources of the country. T. H. Green desired positive action of the state in the eradication of the three gigantic social evils—ignorance, intemprence and pauperism. This trend became more manifest in

the present century when **Laski** in England and **MacIver** in the United States desired positive role of the state in rendering socially useful services. Hobhouse and Barker, likewise preferred more and more regulations by action of the state so as to remove great social ills. Britain got the credit of being the home of the positive state as labour government was the first one to render many socially useful services through state action.

The supporters of positive or modern liberalism thus believe that the state should also perform the following functions (may be called welfare functions) in addition to the functions suggested by the supporters of classical or negative liberalism. These are :

2.2.4.1 Spread of Education Bringing education within the reach of every individual is now a days considered the duty of modern liberal state. There was a time when education was the monopoly of a few aristocratic families, because acquiring knowledge at that time was considered a private affair and only rich could afford it. Now it is generally agreed that it is the responsibility of the state to provide education to the citizens to enable them to take enlightened interests in public affairs and to understand their rights and duties.

Modern states establish schools, colleges and universities for their citizens to provide them basic and higher, general and technical education. In all progressive States primary education is provided free and compulsarily to children. States also give liberal grants to the educational institutions established and maintained by various religious and cultural organisations. Liberal schemes of scholarships and stipends are launched in order to enable the deserving few to equip themselves with the right type of education.

2.2.4.2 Economic Security

Providing adequate economic security and eradicating poverty is another important function of the modern liberal and welfare state. It is now firmly believed that wide disparities between rich and poor must end and everybody must be provided with the basic amenities of life like food, clothing and shelter. Employment facilities should be provided to all citizens. A welfare state remains an illusion if people's lot is not bettered economically. Not only their wages need be adequate and minimum wage are fixed, the conditions under which workers work must also be improved. Healthy working environment and fixed hours of work should also be provided. Provision against disability and old age should be made. The exploitation of the working class by the industrialists and big business magnets must end.

2.2.4.3 Public Health and Sanitation

It is the duty of the state to protect the health of its citizens. Only healthy

citizens can perform their duties toward the society and take interest in the public affairs. The state must look after the public health and sanitation. It should open health centres and family planning centres to provide proper medical aid to the people. It is now widely believed that state has a definite responsibility towards looking after the physical welfare of people because upon the physical fitness of the individuals depends the happiness and prosperity of a nation. Every government today spends large amounts on the various health schemes, with an aim of developing the personality of its citizens.

2.2.4.4 Development of Agriculture

Modern liberal welfare state is required to take full care about the development of agriculture, so that people get enough food and essential commodities. It is very important to develop agriculture. Every country must be self sufficient as far as food is concerned. Most of the modern state take keen interest in the sphere of agriculture these days. They not only educate the farmers about the scientific and new methods of farming but also provide them the improved varieties of fertilizers, seeds, instruments and insecticides.

2.2.4.5 Regulation of Trade and Industry

Another important function of the modern liberal state is to regulate trade and industry. Like agriculture, industry too is very important for the economic advancement of the country. Therefore, the state must work for the industrialisation of the country and provide all the facilities and incentives to encourage industrialisation. It should also regulate trade and commerce. It should supervise trade licenses and standardisation of weights and measures. It should also regulate the conditions of work in the factories. There is no denying the fact that the progress of a state depends to a large extent upon its economic condition and industrialisation leads to prosperity.

2.2.4.6 Development and Protection of Natural Resources

To protect and fully utilise all the natural resources of the country like forests, rivers, mines and wild life etc.—with an aim to increase the natural wealth of the country—is another important function of the modern liberal welfare state. The main secret of the prosperity of the U.S.A. and the Arab nations is that they have fully utilised and exploited their natural resources. It is now firmly believed that the duty of exploration and development of natural resources should rest with the state itself. It should not be assigned to private individuals or institutions.

2.2.4.7 Regulation of Labour

Modern liberal and welfare state is making serious efforts to improve the lot of

the workers working in factories. It is done to avoid the exploitation of workers by their employers. Every state is expected to regulate labour by enacting labour laws. It should try to improve the conditions of work and wage level of the workers and thus take proper care to safeguard the interests of the workers.

2.2.4.8 Regulation of Imports and Exports

No state, however big and advanced it may be, is self sufficient in modern times. Every state depends on other states for atleast some of its needs. To regulate imports and exports thus becomes the duty of every modern state. Imports and exports also help a state in improving its financial position, so every state today performs this function in the larger interests of the community.

Along with the above stated functions, every modern liberal state is required to maintain friendly relations with the other countries of the world and work for the world peace.

Providing recreational facilities to its citizens by establishing public parks, museums and theatres etc., encouraging them to pursue various arts and develop their talent by instituting suitable awards and introducing social and moral reforms to eradicate evils in society are some other functions of the modern welfare, state. The aim is to provide such an atmosphere in which full and alround development of the individual is possible.

While concluding, we can say that the functions of the modern state do not end with just protection of life and liberty. It is today considered the duty of state to see to it that the social and economic conditions of the individual's life are such as are, conductive to full and all round development of his potentialities and personality.

There was a time when the functions suggested by the supporters of negative liberalism used to be termed as 'compulsory' and the ones suggested by positive liberalists as 'optional'. Such a differentiation is no more valid as no state nowadays can confine itself to performing just the compulsory functions. It is required to perform a number of welfare services so that alround development of individual may be possible. Not only this, functions of the modern liberal state are increasing with the passage of time, as people expect more and more facilities from the state.

2.2.5 Conclusion

In the foregoing account we have discussed how liberalism became popular as an ideology in the European Countries after the industrial revolution. It was an ideology which laid emphasis on allowing full freedom to the individual in his economic pursuits and was not prepared to tolerate any restriction imposed by the state. It aimed at protecting the interests of the business class against state

interference. In its earlier phase liberalism was negative in orientation because it emphasised the removal of all restraints on the actions of the individual and allowed only limited sphere of activity to the state. The state was supposed to protect the individual from external aggression and maintain internal law and order. It was not supposed to perform any welfare functions for the citizens. But classical or negative liberalism became unpopular after some time because the conditions of the working class deteriorated considers the because of the exploitation of the business class. The wealth acquired by the business class gave rise to many social evils like debauchery, gambling and drinking. These negative trends led to the rise of popular demand for imposing restrictions on the undue freedom given to the business class.

A new brand of liberalism popularly known as positive liberalism replaced the earlier unpopular variety. The credit for bringing this positive shift in liberalism goes to T.H. Green. Later on Barker, Hobhouse and Laski popularised this brand of liberalism. The positive liberals advocated reasonable restriction on the liberty of the individual to attain social good. Instead of restricting the sphere of state activity to the maintenance of law and order, they emphasised that the state should perform welfare functions for the citizens and remove all hindrances in their path. They also advocated state regulation of industries in order to protect the interests of the working class. In this way, liberalism has changed its original colour in its long evolution. It is still the most popular ideology in the developed countries of the West. It attempts to reconcile the interests of the individual with social good. Positive liberalism eventually let to the growth up the concept of welfare state which assigned more functions to the state in order to ensure the wellbeing of citizens in all walks of life.

2.2.6 Self Check Exercise and its Answers

1. Write any three functions of the state according to negative liberalism?
2. What are the main five functions of the state according to positive liberalism ?

Answers

1. (a) Maintenance of internal law and order and protection from external aggression.
   (b) Protection of property from robbery and damage.
   (c) Protection of individual from false contracts and breach of contracts.
   (You can choose any other three from your lesson)
2. You can choose any five e.g.
   (a) Spread of education
   (b) Public Health and Sanitation

(c) Development of agriculture
(d) Regulation of Labour
(e) Regulation of trade and industry.

2.2.7 Suggested Readings

1. J.C. Johari : *Contemporary Political Theory*
2. C.E.M. Joad : *Modern Isms.*
3. J.P. Suda : *Political Thought.*
4. O.P.Gauba : An Introduction to Political Theory.
5. Andrew Heywood : Political Idelogies
6. www.wikipedia.org
7. www.cup.com
8. www.amazon.com/books

LESSON NO. : 2.3 **Author : Prof. J. S. Brar**

SOCIALIST THEORY OF THE FUNCTIONS OF STATE

Structure of the lesson

2.3.1 Objectives of the Lesson :

The socialist theory of the functions of the state is quite different from other theories about the nature and functions of the state. In this lesson we shall discuss the main features of the Socialist Theory of the State and how it looks at the functions of the state. This lesson has been written with the following objectives in mind :

* to explain the main assumptions of the socialist theory and how it looks at the nature of the state.
* to discuss the main functions of the state from the perception of the socialist theory.
* to point out the main shortcomings and positive points of the Socialist theory of the state.

2.3.2 Introduction : The Socialist theory of the state also known as **Marxian Theory** is primarily based on the writings of **Karl Marx** and **other Marxist thinkers**. It is opposed to the liberal theory of the state which holds that the state protects the interests of all citizens and promotes social good. Marxists believe that the liberal view of the nature of state is erroneous. In their view the state is a class institution and protects the interests of the dominant class which controls the means of production and distribution. As such, the socialist theory views the state as an institution of exploitation instead of perpetuating the state as a great reconciliator of interests and protector of common good. The Marxists want to abolish the state in order to end exploitation from the society. In their view the state has relevance only so long as class antagonisms exist. Once a classless society is created

through a socialist revolution, the state will automatically wither away. Socialist or Marxist theory of origin and functions of the state is thus entirely different from the 'liberal view point'. This is so, because, the starting point of the **Marxist view of politics** and state is the categorical rejection of the liberal view that the state is a trustee of the whole society. The Marxists consider society as a class society—a society where the interests of different classes are fundamentally different and always at odds. In such class divided society, the concept of society as a whole is a mystification. They also reject the idea of the state being a welfare state or a permanent institution of the society. The state, according to them, is rather an 'institution of class domination'. Its purpose is to safeguard the existing order and to suppress the resistance of other classes.

According to the Marxian theory, *state is not a permanent institution* rather it originated at a particular juncture of human history, when society was divided into classes after the emergence of property. Secondly, the state has always expressed the will and interests of the dominant class of the society. Thirdly, it is a machine of oppression of one class by another.

Again, every form of state must be judged in a class context, that is we must find out which class uses the machinery of the state to ensure its dominance and which class the state suppresses. The only way to end class conflicts is the violent revolution by the working or proletarian class. The class conflicts can not end by state action because state rather perpetuates them. And finally, if a classless society re-emerges due to the development of the socialistic mode of production, the state will also not be required any more and it will wither away.

2.3.3 Functions of the State according to Socialist Theory

We now proceed on to discuss the functions of the state as envisaged by the Socialists/Marxists. For Marxists, state is an instrument to end class divisions and class struggle and to establish a **classless society**. These functions, Marxism holds, will be performed after the revolution, by the '**Dictatorship of Proletariats**' during the period of revolutionary transformation between the capitalism and the establishment of a **communist society**. Marxists are of the opinion that this transitional period is bound to be characterised by multi-structural economy and a bitter struggle between the proletariat and bourgeoise, between workers and capitalists because 'haves' or rich people would not like to relinquish their power and properly so easily. So when we talk about the functions of the state, we must remember that we are talking about the state which is nothing but the dictatorship of the proletariat, a state which is temporary, a state which is not to contain conflicts (like liberal state) but to finish them

and with the abolition of classes it too will wither away.

As we all know, Marxists believe that class struggle and class domination can end through revolution or uprising by the working class as there is no chance of the rich class voluntarily surrendering their rights or property. So, the first task of the state after the revolution is to *establish the dictatorship of proletariat.* Since the attitude and habits, which are the product of centuries can not be abolished in a day, the socialist dictatorship will be necessary to keep the revolution alive and to consolidate the power of the new political structure. Demonstrating the historical necessity of the dictatorship of proletarian Marxism emphasised that without it "working class can not hold power, suppress bourgeoise, counter revolution, reorganize economy and go over to communist society."

Destruction of Capitalist mode of production and class division and class struggle is the next important function of the state during this transitional period. The revolution has to be social as well as economic, in nature. The citadels of capitalism will have to be attacked because, if the society has to be reconstructed, private means of production must be abolished. It is necessary to strip bourgeoise of its property because so long as it controls the productive process, it remains the ruling class. The whole pattern of capitalistic culture that is law, politics, religion, philosophy and literature can be changed only if the private property is abolished. Likewise, the political and legal institutions are to be smashed and replaced by the socialist institutions.

Political repression and dictatorship will be necessary during this period because the capitalists would not like to surrender without stiff resistance.

The main aim of the state, however, is not the suppression of bourgeoise or capitalistic class. It is rather to build socialism and to create a new socialist economy which is superior to capitalism and is able to re-organise economic life of society in a most satisfactory manner. For this, dictatorship of proletariat is required to perform a number of constructive functions, which can be termed as economic, cultural and social for the sake of clarity.

2.3.3.1 Economic Functions

The economic functions of the State consists of the replacement of the capitalistic mode of production with that of socialist mode of production, socialist economy and a society free from exploitation and inequalities. The economic programme of transition to socialism after the revolution, as expounded by Marx, means 'to wrest by decree', i.e. by law all capital from bourgeoise, abolition of law of inheritance, abolition of property, concentration of all instruments of production in the hands of State,

extension of factories and instruments of production owned by the state, increase in the total production as rapidly as possible, establishment of planned economy, equal obligation of all to work etc. During this period labour will be rewarded in accordance with the work, so there will be differences in pay. Differences in wealth will still exist but they will not lead to exploitation because the means of production will be owned by the State and not by the individuals. Right to work is an important stop in this context.

2.3.3.2 Social and Cultural Functions

The task of socialist reconstruction, however, is inconceivable without a steadfast growth of the awareness and culture of the people and obliteration (destroying) of the survivals of the past in their consciousness. It is only natural, therefore, that the education of the working people, particularly the semi proletarian and peasantry in the spirit of socialism, the promotion of their general education and profession and cultural level is one of the key tasks of the proletarian state. It is all the more important because the exploiters *for* centuries enslaved the working class and in every way suppressed their striving or desire for culture and knowledge. The proletariat State guides the **cultural revolution**, which is an important element of the socialist revolution. The role played by the state in promoting cultural development and the education of the working people finds expression in its cultural and educational functions.

The important task of the dictatorship of proletariat is not coercion but rather **education**. It is to condition the minds of the coming generation in the socialist mould. For this, the state will arrange free education for all children in the state run schools. Education will be on-scientific lines and according to one's own choice and aptitude. It will be combined with the industrial production, i.e. needs and requirements of production will be kept in mind while giving training in various areas.

Similarly, the proletarian state will establish social equality. It will be devoid of all considerations on the basis of caste, region, language, religion or nationality. In the new society based on socialist pattern, the level of cultural and spiritual and communal needs would grow in importance. The most important activities whether they are productive, educational or cultural would be those in which individual’s creative capabilities find expression. In short, the purpose of the dictatorship of proletariat is to extend and complete the socialist revolution and build an entirely different economic system, after the social structure by ridding it of exploiting classes, rear a new force of intelligentsia, work in revolution in people's mind and ensure the triumph of the communist ideology.

2.3.3.3 Functions in the Sphere of Foreign Affairs

In the sphere of foreign policy the activity of the proletarian State is characterised by the function of the struggle for peace between the different countries and the function of the country's defence against imperialist aggression. For this purpose, the State constantly strengthens the country's defence and its armed forces.

2.3.3.4 Withering away of the State

The most typical function of the communist state, however, is to prepare the way for its own withering away, so that "classless society is converted into stateless condition of life." All public affairs in cultural and economic sphere would be managed by the free and voluntary associations (Soviets) of the people. Such bodies would merge with the society and become organs of public government through which all members of society would participate in economic and cultural activities.

2.3.4 Critical Evaluation

The Marxian theory of the origin and functions of State has been severely criticised on numerous grounds.

At the first place, the critics strongly object to the view that State originated to protect the interests of the class to which the material resources belong and continues to protect the interests of the exploiter. It is, they feel, infact an agency of public welfare and its ultimate aim is to make good life possible for its citizens.

Again, critics are of the view that to treat exploitation as the only factor for making and sustaining the entire political system would be rather over simplification of the problem.

Similarly, to treat state as a mere apparatus of coercion is once again a mistake.

Thus the Marxian theory of origin and functions of State has been severely criticised on the following grounds :

2.3.4.1 Force is not the only factor responsible for the origin of the State

At the first place, the critics strongly object to the view that the state originated to protect the interests of the class to which the material resources belong, the element of 'force' has played an important part in its origin and it continues to protect the interests of the exploiters. No doubt, they feel, the element of 'force' has placed its part in the formation of political authority and the fact of class dominance may also be supported by the history, but it cannot be taken as a scientific explanation for the origin of state. Infact, many factors have played their part in the evolution of the State. Hence, like other theories Marxist theory too commits the mistake of dwelling on the single factor of force (or class domination) playing a decisive role in the origin of political authority. State is an instrument of public good. Marxism not only traces the origin of state in the

element of class contradictions but also decries the state as an instrument of class exploitation and oppression. This is quite unconvincing because we should not overlook the positive side of the nature of state authority. State has also been instrument of protection, peace, order, unity and general welfare. Aristotle's dictum that "state came into being for the sake of life and continues to exist for the sake of good life only", holds as good today as it was centuries before.

2.3.4.2 No Freedom of thought and expression in Marxian State

Marxian theory of the functions of state has its own weaknesses. To say that a bourgeoise State has only one function—perpetuation of the system of exploitation of the working class at the hands of the capitalist class is altogether absurd. And if a capitalist state has one function of this kind, then a communist state can also be accused of being a thoroughly dictatorial system of its own kind. No doubt, communist state performs many public welfare services and establishes a new social order by and large free from social and economic evils, but it is equally true that there is no room for dissent or freedom of thought and expression in such a system.

2.3.4.3 Withering away of State is a wishful thinking

Above all, to talk about the final withering away of the state is a wishful thinking. The experience of the communist states like China and Russia (before the democratisation process began and the U.S.S.R. disintegrated totally) shows that instead of doing the job of preparing their own eventual doom, such states converted themselves into highly bureaucratic and concentrated systems of power. Keeping it in view, a critic says, "Although Marxism has developed as one of the most radical anti-statist conceptions, with suitable modifications, it was transformed into a **statist ideology.**"

While concluding we can say that no doubt Marxian theory of the functions of state contains some elements of truth and for more than half century its impact was immense on many countries of the world, but it can not be accepted as the only explanation for the origin of state nor can we be in total agreement with the list of functions prescribed by Marxists.

2.3.5 Let us Sum up

It is evident from the foregoing account that the socialist theory views the state as an evil because it helps the dominant class in perpetuating its rule and in keeping other classes in a subordinate position. Due to its exploitative nature, the socialist theory is not prepared to assign as important a role to the state as is the case with the liberal theory. It is only during the transitory period between the socialist revolution and the ultimate withering away of the state that the state, according to socialist theory, is expected to perform certain tasks. It is expected to smash the capitalist system and do away with the institution of private property. It is expected to create a new socialist economy which protects

the interests of all people living in the state. It is also expected to create socialist awareness among the proletariat and the peasantry through their education. Enrichment of the cultural life of the people is another important task which the state has to accomplish. It has to work for the establishment of social equality and ensure that the needs of all people are satisfied. In the sphere of foreign policy the state is expected to strengthen the defence of the country against imperialist aggression and work for the promotion of world peace. But the Marxist view point about the nature and functions of the state has not been accepted by many scholars. The state is not an instrument of exploitation and coercion but an indispensable institution for the promotion of collective well-being. The Marxist claim that the State will eventually wither away is nothing more than wishful thinking.

2.3.6 Self-Check Exercise and its Answers

1. What is the nature of the State according to the Socialist Theory.
2. Explain how the Socialist viewpoint about the nature of the state is different from the liberal viewpoint (just headings).
3. Explain any two functions assigned to the state by the Socialist Theory.

Answers :

1. State is a class institution and protect the interest of the dominant class, which controls the means of production and distribution.
2. Liberalists hold that state protects the interest of all citizens and promotes soical good but socialist view state as a class institution, which protects the intereste of the dominant class only.
3. (a) Establishment of the dictatorship of proletariat.
   (b) Replacement of the capitalist mode of production with socialist mode mode of production.

2.3.7 Suggested Readings

1. Carew Hunt, *Marxism.*
2. C.L. Wayper, *Political Thought.*
3. G.H. Sabine, *History of Political Theory*
4. O.P. Gauba : *An Introduction to Political Theory*
5. Sushila Ramaswamy : *Political Theory*
6. N.D. Arora : *The State*
7. Andrew Heywood : Political Idelogies
8. www.wikipedia.org
9. http://jccc-ugcinfonet.in

LESSON NO. 2.4 **DR. RAVINDER KAUR**

SOVEREIGNTY : MEANING, DEFINITION, ATTRIBUTES AND TYPES

Structure of the Lesson

2.4.0 Objectives of the Lesson :

The objectives of this lesson are to acquaint you with the concept of Sover eignty. After going through this lesson, you will be able to :

- explain the meaning of the term Sovereignty
- identify its main characteristics.
- describe the history of the Theory.
- acquaint yourself with its various types
- understand as to where it is located.
- assess the importance of the theory of sovereignty in modern times.

2.4.1 Introduction

In this lesson, we will be discussing about one of the essential attributes of the state i.e. sovereignty. In simple words sovereignty means supreme power of the state vis-a-vis people as well as associations therein. Sovereignty is the most im-

portant constituent element of the state. In fact it is the element, which distinguishes the state from all other human association.

The modern theory of sovereignty arose as a reaction to Feudalism prevalent in Europe during medieval age. There was in fact no state in modern sense in the medieval age. Feudalism based upon personal allegiance, was the prevalent form of government of organisation at that time. There is no denying the fact that feudalism gave the idea of the territorial Sovereignty of the king or Prince but it took centuries to throw off feudal confusion of state and government and gradually recognize the sovereignty of state as distinct from the sovereignty of an individual or a part of government.

2.4.2 Meaning and Definition

Sovereignty has been defined in various ways, by different thinkers and scholars. **Jean Bodin** defines it as,"The Supreme power of the State over citizens and subjects unrestrained by law." According to **Grotius** sovereignty is 'The supreme power vested in him whose acts are not subject to any other and whose will cannot be over-ridden'.

Willoughby defines it as the 'Supreme will of the State'. To **Burgess,** 'Sovereignty is the original, absolute and unlimited power of the state, over individual subjects and over all associations of the Subjects.'

Laski maintains that the *Sovereign is, 'leagally supreme over any individual or group and possesses Supreme coercive power.'*

According to **Jenks,** 'Sovereign is an authority which, in the last resort, controls absolutely and beyond appeal, the actions of every individual member of the community.

As is clear from the above definitions, sovereignty is the supreme power of State, both internal as well external. It is unlimited and free from all legal restrictions. The only limitations imposed on it are auto limitations and they are obeyed by the State on its own-will.

Strictly speaking sovereignty is the internal power of the State because the idea of sovereignty emerged from the need to organise state into a unity in onally. Many writers in course of time, however, came to recognise the two aspects of sovereignty-one internal and the other external.

We shall discuss these two aspects in detail now.

(a) Internal Sovereignty

The internal sovereignty means the power of the state to make and enforce law on all persons and associations within the territory of a state. It means that the state issues orders to all men and groups within that area, it also means that it receives orders from none of them. Its will is subject to no legal limitations of any kind. "What it proposes is right by mere announcement of intention."

(b) External Sovereignty

The external sovereignty of the State implies 'the power to carry on relations with

other states including the power to declare war and make peace.' That is, externally the sovereign state is subject to no other authority and is independent of interference on the part of other States. Though the authority of that state is limited by the rules of international Law and provisions of various treaties, these are, however, self-imposed limitations and are observed by the state at its will.
Thus, the Sovereignty of the state is umlimited both internally and externally, it is original and absolute power and it can not be divided. Division of sovereignty means destruction of sovereignty. Sovereignty is a unit, just as each state is a unit. A sovereign state is externally free and internally supreme. **R.G. Gettel** has rightly observed, "If Sovereignty is not absolute, no state exists, if Sovereignty is divided, more than one state exist. There can be no sovereignty if there is a force legally superior to it and there cannot be any legal check on the scope of sovereignty.

2.4.3 Characteristics of Sovereignty

All of us hold all powerful (Sovereign) State in high esteem and awe in our daily life. Why do we have such a feeling, is a question which can be answered by analysing the main attributes of Sovereignty. **According to Garner,** these are permanence, exclusiveness, all comprehensiveness, inalienability, Indivisibility and absoluteness. We will discuss each one of them in detail.

2.4.3.1 Permanence :

Sovereignty is permanent and it continues uninterrupted so long as the state exists. It continues to exist despite the change in government. Government changes but State endures and so does Sovereignty. It does not cease even with the death or temporary dispossession of a particular bearer or reorganisation of the State, but shifts immediately to a new bearer, as the centre of gravity shifts from one part of the physical body to an other, when it undergoes an external changes.

2.4.3.2 Exclusiveness

Exclusiveness implies that there cannot be two Sovereigns in one State. The Sovereign power is exclusive and there is none to compete with it. "To hold otherwise would be to deny the principle of the Unity of the State and to admit the possibility of state within a state. *(an imperium in emperio)*

2.4.3.3 All Comprehensiveness

Sovereignty is all-comprehensive. That is to say that, 'it is universal in character and extends to all persons and associations within its territorial limits.' The Sovereignty of the state applies to every citizen in the state. No person, no union or organisation, however universal, affects the Sovereignty of the state. The only exception to the rule is the grant of legal immunities to the diplomatic and other foreign representatives in accordance with the rules of international law created through international treaties and conventions.

2.4.3.4 Inalienability

The Sovereignty of the State, can no more be alienated, than a tree can

alienate its right to sprout or a man can transfer his life and personality without self-destruction.

The State and Sovereignty are essential to each other, but when the state gives up a part of its territory, it does not imply that it has lost its Sovereignty. It is on the other hand an excellent example of the working of the Sovereignty of the state. As **Gilchrist** puts it, "all that happens is that whereas formerly, there was one state, now with such accession, there are two States."

Also, Sovereignty cannot be lost by mere lapse of time, by the non-exercise of such power. This characteristic of inalienability of Sovereignty is intimately connected with alienability.

2.4.3.5 Indivisibility :

There can be only one Sovereignty in a state. To divide Sovereignty it to destroy it. There must be as many states as there are Sovereigns. "Divided Sovereignty is a contradiction in terms," says Gettel. The exercise of its power may be distributed among various governmental organs, but Sovereignty is a unit like the state. We can not speak of half Sovereignty just as we cannot speak of half square or half triangle. Pluralists and Federalists hold that Sovereignty can be divided but the fact is that they confuse the division of governmental powers with division of Sovereignty.

2.4.3.6 Absoluteness

The Sovereignty of the State is absolute and unlimited. That is to say that there can be no legal power within the state superior to it, and there can be no legal limit. Thus absoluteness of the Sovereignty of the state means (a) that within the state there is no power superior to it. (b) That outside the state there is no power superior to it.

Some writers point out the limitations of Sovereignty such as the International, natural or Divine Law etc, we should not forget, however, that these limitations can be ignored by the state as its will.

Self Check Exercise-I

(i) Use the space below to write brief answers.

(ii) Check your answers at the end of the lesson.

1. Discuss meaning of the term Sovereignty.

_____

_____

_____

2. Briefly explain two characteristics of Sovereignty.

_____

_____

_____

3. Read the following questions carefuly and fill up the blanks.

(a) Sovereignty has two main aspects

1_____2_____

(b) Word Sovereignty has been drawn from the Latin word_____.

2.4.4 History of the Theory of Sovereignty

2.4.4.1 The Middle Ages : The modern theory of Sovereignty arose with the rise of modern nation State. The middle ages knew about the doctrine and practice of concerted authority. The political form prevalent at that time was feudalism, based on personal dependence and allegiance within small groups. Feudalism in fact was antithesis of unified authority. If anybody could claim final authority, it was Church not the State. The authority of Feudalism and belief in the law of God or Nature made the confusion confounded and the emergence of modern idea of unlimited and indivible Sovereignty of the State over all citizens were impossible under such circumstances.

The unity of church was destroyed by the religious wars of sixteenth century and on the ruins of this destruction was built the modern state. The triumphant monarch gradually became Sovereign after either destroying or absorbing all possible rival intermediaries between himself and his subjects (Church included). No doubt all this process took centuries but finally Sovereignty came to be regarded as one of the essential attributes of the State incarnate in the king, the head of the state. His authority was final to define and pronounce the law. The emergence of modern state, thus, gave a new meaning to the term Sovereignty.

We will now briefly take up the view of various thinkers about the concept of Sovereignty.

Jean Bodin :

The new reality of Sovereignty of the state was given its philosophical justification by a Frenchman, Jean Bodin (1530-1596). He defined Sovereignty as **"Supreme power over citizens and subjects unrestrained by law."** He lays stress on the perpetual nature to Sovereignty by saying that there is no limit of time to it though there may be life tenure for supreme power. According to Bodin the Chief function of Sovereign is to make laws. The Sovereign himself is free from laws thus made, but he is under Divine law or law of Nature. He is answerable to God. Thus Bodin deals with legal Sovereignty, which may reside in one person. Bodin is thus absolutist, but he makes the provision that divine law or law of Nature be observed. Bodin's theory laid the foundation for the modern doctrine of Sovereignty making it the attribute of the state in place of a personal attributes of the king and herein lies his contribution.

Hobbes, Locke and Rousseau

It was **Hobbes** (1588-1679) who developed the idea of **legal Sovereignty** to its perfection. He regards the Sovereign as absolute and supreme over everything and able to change all laws. He is under no human power what so ever. The Sovereign,

according to him, has full power of prescribing rules whereby every man may know that goods he may enjoy and what actions he may do without being molested by any of his fellow subjects. The Sovereign is also the sole judge to decide what is necessary for peace and defence of his subjects. In short, the power of Hobbes' Sovereign is unlimited, indivisible, universal, inalienable and permanent. It is the source of all legislative, executive and judicial authority.

While Hobbes gave us the concept of legal sovereignty **Locke** (1632-1704) gave us the doctrine of **political Sovereignty.** Locke uses the phrase supreme power in the place of Sovereignty. He is of the opinion that there are "two supreme powers" in the State i.e. of the community and the organ to which community delegates this power. Of these two community is always the supreme power but his power is exercised only when the existing government is dissolved and a new government is formed. But so long as the government continues to exist, the legislature exercise the supreme power. 'This distinction made by Locke was called 'political Sovereignty' and 'legal Sovereignty' in the 19th century.

It is to **Rousseau** that the modern theory of Sovereignty owes its immediate origin. He agreed with Bodin and Hobbes that Sovereignty was absolute and unlimited, but he located it in the general will of all the people rather than in the monarch. In a way, he combined absolute Sovereignty with **popular sovereignty**. According to Rousseau, Sovereignty resides in the **general will** i.e. 'the will the common good.' This general will cannot be alienated, because power may be transmitted, but not the will'. To him the general will is infallible, absolute and indivisible and its (general wills) acts alone can be called laws.

2.4.4.2 From **Rousseau onwards,** the theory of Sovereignty has gradually developed in its present form. Thinkers like **Bentham, Austin, Green, Bosanquet and Hegal** further developed the theory of Sovereignty. They all justified supreme power of the state. Both lawyers and philosophers have looked on the state as a unity.

A new school of thought arose late in the nineteenth and the early part of the twentieth century, which questioned the traditional view of Sovereignty. According to this school, the society does not represent unity; it is federal or plural. Sovereignty, therefore, must also be shared by the state and various other associations existing within its territorial limits. We shall read about the school thought in our next lesson. **Green and Laski** along with many others support this point of view.

2.4.5 Classification of Sovereignty (Types)

Sovereignty can be of many kinds or types. We shall discuss each one in detail.

2.4.5.1 Nominal and real Sovereignty

Titular or nominal Sovereignty is different from the real Sovereignty, because it means Sovereign power in name only, while real power lies somewhere else. The term is used to designate a king or monarch who has ceased to exercise authority

and has become mere symbol of the state. Such a king or ruler may possess wide powers in theory but in practice these are exercised by a different man or body of men who act on behalf of the Sovereign.

There was a time when the king was Sovereign and exercised absolute powers, but with the growth of democratic ideas, the autocratic powers of the king were limited and defined by law. The King ceased to be a real Sovereign in fact, though the term is still used for him. In theory, the King, for example the monarch of the U.K. may posess all Sovereign powers, which were once enjoyed by him but in actual practice, the supreme authority is enjoyed by the Parliament and the Council of Ministers, who act on the behalf of the Sovereign. Lowell rightly observes, according to early theory of the constitution, the ministers were the councilors of the king. It was for them to advise and for him to decide. Now the parts are almost reversed, the king is consulted but ministers decide.

2.4.5.2 De facto and De jure Sovereignty

Another distinction is sometimes made between **'dejure' (legal)** and **'defacto'** (actual) Sovereignty. A 'dejure' Sovereign is a legal Sovereign. Sovereignty has its foundations in law, its attribute is the right to govern and command obedience. It is established, constitutional and has a legal right to govern. A 'defacto' Sovereign is a person or a body of persons to whom obedience is actually paid. According to Bryce, 'defacto' Sovereign is, "the person or body of person who can make his or their will prevail whether with the law or against the law; he or they are the defacto ruler, the person to who obedience is actually paid."

The distinction between these two types of Sovereignty becomes important in case of war or revolution. Thus the 'defacto' may not be legal Sovereign." He may be a soldier, who by his own army can compel obedience or a priest, whom may so awe the people spiritually that they will obey him whether his claim to obedience is legal or not; or any other agency."

Defacto Sovereignty rests upon physical or spiritual influence rather than legal right. Let us cite a few examples to make this clear. As a result of world war, the defacto governments were set up in Russia, Austria, Hungary and Germany. Similarly, during the Second World War, there were defacto Sovereigns in Italy and Germany.

There can be only one Sovereign in a State. Usually 'dejure' Sovereign is 'defacto' Sovereign as well in a well-governed state. Two coincide and right and might go together. There should not be any conflict between a well-ordered State. If a 'defacto' Sovereign continues in authority based on physical force for an indefinite time. People will rise in revolt. The new Sovereign therefore, tries to get his 'defacto' claim converted into legal right. It is so because only a legal or dejure Sovereign can command spontaneous and enduring obedience.

Some thinkers reject the distinction between 'dejure' and 'defacto'

Sovereignty, R.G., Gettel suggested that is would be more scientific if the terms, 'dejure' and 'defacto' were applied to government. He observes, 'by its definition Sovereignty is a legal concept and there can be but one Sovereign in this sense and the so called 'defacto' Sovereignty does not become Sovereignty until it becomes 'dejure' An unlawful Sovereignty is a contradiction in terms.'

2.4.5.3 Legal, Political and Popular Sovereignty

A distinction is sometimes made between legal an political Sovereignty. "The legal Sovereign is the authority which by law has the power to issue final commands." It is supreme law making authority recognised as such by the law of the state. R.G. **Gettel** defines the legal sovereign as "that authority which is able to express in legal form the supreme command of the state." Legal Sovereign is always a part of the governmental organisation of the state is not restricted to any legal limitation. The laws created by it are those which the courts of the state recognise. In the U.K., Queen in Parliament is the legal Sovereign. An act of parliament cannot be called into question by any court of law nor can it be declared invalid.

(A) Political Sovereignty

Political Sovereignty, according to **Gilchrist,** "is the sum total of the influences in a state which lie behind the law. We might describe, it roughtly as the power of the people in modern, representative government.' The political Sovereign is the power behind the legal Sovereignty. While the legal Sovereignty is definite, organised and can be discovered, the Political Sovereign is vague and indeterminate, yet it is very real. R.G. Gettel is also of the view that the vague and indeterminate influences which create public opinion are the political Sovereign." Whom the 'legal' Sovereign must bow. Thus by political Sovereign we mean the electorate and all those influences, which create public opinion. In democracies the legal Sovereign is controlled through voting, newspapers, radio, meetings, protests, demonstrations, delegations and strikes etc. Therefore, the political Sovereign signifies the electorate and the forces of public opinion.

(B) Relations between Legal and Political Sovereignty

In a direct democracy both the legal and political Sovereign practically coincide. The distinction between the two is well brought out only in modern state. Modern democracies are representative or indirect democracies. In a direct democracy the expression of political Sovereignty is equivalent of the making of a law. In modern representative democracies the concepts of political Sovereignty represents the view of the ordinary citizens who can make their will prevail in the state. In India the president and Parliament, in England Queen-in-parliament and in the U.S.A President and Congress are the legal Sovereigns; but as a matter of fact the legal Sovereignty has to bow before the will of the electrorate and must respect the public opinion. For example a Sovereign parliament can make a law forcing the people to kill each other and legally nothing can prohibit it from doing so, but in

fact, it would never think taking such a step because will of the people must be taken into account. The other words, political Sovereignty conditions and thus limits the legal Sovereign, Though legally speaking the legal Sovereign is omnipotent".....Gilchrist.

The political Sovereign expresses if self by voting, by the press, by speeches and in many other ways which cannot be easily described or defined. It is, however, not organised and only becomes effective when it is organised. "The organisation of political Sovereignty leads to legal Sovereignty of the state. They constantly react on each other. Good government is possible when a proper relation between the political and legal Sovereign exists. That is to say, if existing law conforms to the public opinion properly expressed, good government is ensured.

(C) Popular Sovereignty :

The doctrine of popular Sovereignty is the product of sixteenth and seventeenth centuries. It roughly means, "the power of the masses in contrast to the power of individual ruler or the classes." Thus popular Sovereignty attributes ultimate Sovereignty to the people.

History of Doctrine :

As we have pointed out above, the doctrine of popular Sovereignty came into being in the sixteenth and seventeenth centuries as a reaction against the absolute monarchies. It repudiated the theory of the divine right of kings. In fact the slogan of popular Sovereignty was raised in the middle ages, Thinkers like Marsiglio of Padua, William of Ockam and Althusius deserve special mention in this regard. **John Locke** in England put forward this theory to justify the revolutionary movements of seventeenth century. The writings of **Rousseau** and **Jefferson** gave Chief impetus to the adoption of this theory. As a result, the theory became the basis of the **French and American Revolutions**. Later, it was generally accepted as the, "logical foundation of democratic government."

(D) Distinction between the political and popular Sovereignty

Behind the definite legal Sovereign lies the legal political Sovereign and behind the political lies the popular Sovereign. In the final analysis, the Sovereignty of the state resides in the people, but this popular Sovereignty is not always active. The will of the popular Sovereign is expressed by the political sovereign and the legal sovereign gives it a legal form, but when the legal Sovereignty assumes absolute power and suppresses the political Sovereign, (the press, political parties and other sources of expressing public opinion). The popular Sovereign (i.e. the masses or people) rises in revolt and over throws the absolute ruler and frames a new constitution.

The popular Sovereign has come to mean manhood or adult suffrage with each individual having one vote and the control of the legislature by the representatives of the people. It has also come to mean the control by the lower or 'popularly' elected house on the finances of the nation. As the right to vote is being extended

to more and more people, the distinction between the political Sovereign and popular Sovereign is narrowing down. In a direct democracy it cannot be noticed, but in indirect democracies, political Sovereignty can be manifested through powerful political parties, electrorate, capitalistic and military power while popular Sovereignty resides in the people of the State as a whole, including the young and old, men and women, citizens and non citizens etc. The popular Sovereignty is expressed by people through public opinion.

2.4.6 The Location of Sovereignty

According to Gettel one of the most difficult question in political theory is that of location of Sovereignty in the State. The question is, where within the State, is its Sovereignty located ? various answers to this difficult question have been given.

(1) Sovereignty of the monarch : Originally, Sovereignty was considered to the characteristics of the king and not of the state, sixteenth century authors identified the Sovereignty of the state "with the power of the king. The victorious king like Louis-XIV of France could even say, "I am the State". On the basis of this theory the king came to be regarded as the source of all law and authority. He could do no wrong. All his subjects must render him passive obedience. This theory was destroyed due to revolution created by modern democracies. In modern times, the monarch, for example the queen of England is referred to as Sovereign only in a nominal sense.

(2) Sovereignty of the people : The second viewpoint, which we already examined, is that Sovereignty resides with the people. Difficulties with this would be that people are an indeterminate mass, which is unsuitable for a clear idea of Sovereignty.

(3) Sovereignty as the Constitution making power :

In the nineteenth century a number of jurists put forwards the theory that "Sovereignty is located in that body of persons, who make the Constitution of the State or who once the constitution came into operation; possess the legal power to amend it. The supreme law in a state is its constitution; so Sovereignty creates the frame work of the government, outlines its power and adjusts the relation of the state to its citizens." Therefore, the government is inferior in authority to the body, which creates and changes the constitution or the fundamental law. In some States the national legislature exercises this power, while in some other states a special organ or special procedure is required for making and amending the constitution. The merit of this theory is that it avoids vagueness by locating supreme authority in a definite organ which seems to possess final legal authority. That is why it seems logical and satisfactory at first sight. But it also suffers from some defects. The constitution making power is not permanent, while permanence is an attribute of Sovereignty. The constitution making body acts intermitently. Its power is manifested when the constitution is made or amended. Besides its power is confined only to the constitution, while Sovereignty is unlimited. Thus Sovereignty can not

be dormant in a body that seldom comes into existence. As a matter of fact Sovereignty lies in the organs which express state's will and it does not lie in the constitution making body because the Sovereignty of the state is being constantly exercied. Nor does the constitution-amending organ posess the legally unlimited power which is the essence of Sovereignty.

(4) Sovereignty of the Law making bodies

Some thinkers are of the view that Sovereignty resides in the sum total of all law making bodies. Within the state. The Sovereignty of the state is the highest will of the state. All the law making bodies which express the supreme will of the state exercise Sovereignty power.

2.4.7 Evaluation of the theory of Sovereignty : The proper evaluation of the concept of Sovereignty is not possible if we do not acknowledge the context in which it emerged.

The doctrine of Sovereignty was originally helpful in clarifying the situations of the birth of modern state by facilitating and defending the emergence of the secular monarch from the general confusion created by feudal and religious ambiguities. Sovereignty no doubt, is an important characteristics of the modern state as well, but its meaning has changed drastically. It can now be exercised within certain limits and with restraint.

2.4.8 Let us sum up :

The concept of Sovereignty rose in Europe, as a result of king trying to establish his supremacy over feudal lords and church. Therefore it was defined as the supremacy of the ruler over citizens and associations within the state and independence from the other states. The characteristics of Sovereignty are :

(1) Permanence (2) All comprehensiveness (3) Exclusiveness (4) Inalienability (5) Indivisibility (6) Absoluteness.

Different kinds of Sovereignty are titular or nominal, real, legal, defacto and dejure, political and popular Sovereignty.

We will take up the Monistic and Pluralist Theories of Sovereignty in the next lesson.

Self Check Exercise-II

A Write your answers at the space given below.
Check your answers at the end of the lesson.

1. Bodin defines Sovereignty as supreme power over and subjects unrestrained by.....

2. The doctrine of Popular Sovereignty is the product of..... and.....century.

B Mark ✓ and x answers from the following :

i In the Modern state Sovereignty is considered absolute.

ii. The organisation of political Sovereignty leads to the legal Sover

eignty of the State.

iii. Defacto Sovereign is not always the dejure Sovereign as well.

iv. Hobbes gave the concept of legal Sovereignty.

v. Locke gave the concept of political Sovereignty.

vi. It is possible for the states to exercise unlimited Sovereignty.

2.4.9 Key Words

Sovereignty	-	Unlimited authority of the state vis-a-vis the people within it, and other states.
Defacto Sovereignty	-	Actual exercise of Sovereign power by a person or body of persons.
Dejure Sovereignty	-	Legal basis of Sovereign power.
Divine law	-	Law given by God
Omnipotent	-	All powerful
Indeterminate	-	Vague
Manifest	-	Clear and obvious
Suffrage	-	Vote

2.4.10 Answers to Self Check Exercises

Self check exercise (I)

1. In simple words Sovereignty means supreme power of the state vis-a-vis people as well as associations therein.
2. You can discuss any two of the characteristics e.g.
   (i) Sovereignty is permanent and it continues uninterrupted so long as the state exists.
   (ii) Sovereignty is inalienable-It cannot be alienated from the state because such an act would mean that the state is no more in existence.
3. (i) Two main aspects of Sovereignty are (a) Internal Sovereignty (b) External Sovereignty.
   (ii) The world Sovereignty has been drawn from the Latin word 'Superanus'.

Self Check Exercise II

1. By law
2. 16th and 17th century
3. (i) x (ii) ✓ (iii) ✓ (iv) ✓ (v) ✓ (vi) x

2.4.11 Suggested Readings :

1. Sushila Ramaswamy - "Political Theory"
2. Eddy Asirvatham - "Political Theory"
3. O.P. Gauba-"An Introduction to Political Theory"
4. Andrew Heywood : Politics
5. www.wikipedia.org
6. www.routledge.com/books

LESSON NO. 2.5 **DR. RAVINDER KAUR**

THEORIES OF SOVEREIGNTY - MONISTIC (AUSTIN) AND PLURALISTIC

Structure of the Lesson

2.5.0 Objectives of the Lesson

In this lesson we shall take up two most prominent theories of Sovereignty i.e. Monistic and Pluralistic theory of Sovereignty. After going through this lesson you should be able to

- explain the meaning of monistic and pluralistic theories.
- name the main exponents of both the theories.
- spell out the main arguments of the supporters of each of these two theories.
- explain the basis on which both the theories are criticised.
- relate the knowledge gained to the actual situation prevalent in the modern states.

2.5.1 Introduction

We shall begin this lesson with the discussion about **Monistic theory of Sovereignty, also known as Austin's theory of Sovereignty and legal theory of Sovereignty.** According to this theory of Sovereignty, Sovereign must lies in a determinate person or body, who can issue commands or create laws with in a definite area called 'State' and has absolute and unlimited power to do so. All

persons and bodies with in the State pay habitual obedience to the Sovereign and no out side power can issue orders to that Sovereign.

We will also take up pluralistic Theory of Sovereignty in this lesson. **Pluralism is a raction to Monistic theory of Sovereignty.** In other words, we can say that it is an attack on the sole right of the state to Sovereignty and stresses that since society is federal authority must also be federal.

2.5.2 Austin's statement of the Monistic theory of Sovereignty

John Austin, an English lawyer, gave the best exposition to the legal theory of Sovereignty in his book, **Lectures on Juriprudence** published in **1832.** His views about Sovereignty were criticised practically by every subsequent writers on the subject of political science. The criticism which theory evoked may justly be said to have led to the modern theory of Sovereignty of State and herein lies its importance. Austin's view are largely based on the teaching of Bentham and Hobbes, though they are by no means the same.

Let us now discuss his views, Definition of Sovereignty given by Austin is based on his definition of Law. According to **Austin**, "**Law is a command given by a superior to an inferior"** on this definition of law, he develops his theory of Sovereignty. Like this, "if a determinate human superior, not in a habit of obedience to a like superior, receives habitual obedience from a bulk of a given society, That determinate superior is Sovereign in that society and that society, including the superior, is a society political and independent.

2.5.3 Characteristics of Austin's Monistic Theory of Sovereignty

2.5.3.1 Sovereignty resides in a determinate human Superior :

The Sovereign must be a determine person or body, therefore, the Sovereignty resides neither in general will nor in the mass of people, nor can Sovereignty reside in electrorate or public opinion. A Sovereign must be human, i.e. Sovereignty resides neither in God nor in Gods. Also, it is nowwhere connected with anything like Divine Law. Sovereignty is "concerned with man and every state must have a determinate human superior who can issue commands and create laws. Hence human laws and not divine laws are proper subject of state activity.

2.5.3.2 The Sovereign is the centre of gravity in a State

In every independent and political community there is some person or some body of persons, who exercise Sovereign power? Sovereign power is as essential in every political community as "the centre of gravity in a mass of matter."

2.5.3.3 The Sovereign exercises absolute and unlimited power

The Sovereign must not himself obey any other higher authority. He exercises legally absolute and unlimited power and does not have to obey a like human superior. He is subject to no control direct or indirect. The will of the Sovereign is supreme over all individuals and associations.

2.5.3.4 Sovereignty is indivisible

Sovereignty is a unity and it cannot be divided between two or more persons or bodies of persons acting separately. To divide Sovereignty is to destroy it.

2.5.3.5 Law is the command of the Sovereign :

Whatever the Sovereign wills is law. "Command is the essence of law". Law prescribes to do certain things and not to do others. The command of the Sovereign if not obeyed like a law, brings penalty.

2.5.3.6 The Sovereign receives habitual obedience from the bulk of society :

The Sovereign receives habitual obedience from the bulk of society i.e. obedience must be a matter of habit and not merely and occasional affair. It also means that Sovereignty is not destroyed if a small number not people do not obey the sovereign. The large majority of society (or bulk of society) not necessarily the whole of it, must submit to the Sovereign permanently. Obedience to a Sovereign must be regular continuous, undisturbed and uninterrupted.

It is clear from the analysis of Austin's theory of Sovereignty that the supreme power is determinate absolute, unlimited, inalienable, indivisible, all comprehensive and permanent. It is subject to no command or limtation.

We must point out over here that Austin has given a legal view of Sovereignty, which ignores quite a few things which actually are of great importance. It is for this reason that it has been bitterly criticised.

Self Check Exercise - 1

Use the space below to write your answers.

Check your answers at the end of the lesson.

1. What if the basis of Austin's views about Sovereignty.

   _____

   _____

   _____

2. Write down Austin's definition of Sovereignty

   _____

   _____

   _____

3. Fill in the blanks :

   (i) Austin's view about Sovereignty are discussed in his book titled.....

   (ii) Write down any four characteristics of Austin's Sovereign (just head ings)

   1_____2_____

   3_____4_____

2.5.4 Criticism of Austin's Theory :

2.5.4.1 It ignores political Sovereignty :

Austin's theory of Sovereignty is an attempt of a lawyer to give a lawyer's view of Sovereignty, i.e. legal Sovereignty. He ignores what is known as political Sovereignty. The main fault of his thesis is that he lays too much stress on the legal aspect of Sovereignty. As Gilchrist rightly points out, though the Sovereignty of **King and Queen** in-Parliament (in Britain) is legally absolute, yet actually it is conditioned by the vast majority of influences termed political Sovereignty. The legal Sovereign must bow to the political Sovereign, but Austin failed to accept this fact.

2.5.4.2 It is against the doctrine of Popular Sovereignty :

Austin's theory of Sovereignty also runs counter to the doctrine of popular Sovereignty also propounded by Rousseau and which is the main foundation of democracy. It is thus inconsistent with the well-accepted idea of popular Sovereignty.

2.5.4.3 Law is not the command of the Sovereign :

Sir Henry Maine has bitterly criticised Austin's thesis that 'law is the command of the Sovereign.' He cites the example of Maharaja Ranjit Singh, Who, says Maine, possessed qualities of Austin's Sovereign and yet never in life issued a 'command' which Austin would call a 'law'. The rules which 'regulated the life of Ranjit Singh's subjects were from immemorial usages and these usages were administered by domestic tribunals, in families or village communities." Even an absolute despot like Ranjit Singh, says Maine, could not issue a command compelling an unwilling people to change their deep-rooted habits and customs. No Sovereign power can disregard the "entire history of the community, the mass of its historic antecedents, which is each community determines how the Sovereign shall exercise or restrain himself from exercising his irresistible coercive power." In fact, there exists a vast mass of moral influences which, 'perpetually shapes, limit or forbids the actual direction of forces by its Sovereign. **Clark Sidgwick, T.H. Green, Merriem, Willioughby,** and a large number of others have also rejected Austins' view that law is command of the Sovereign. Austin's view lays too much stress only on one aspect of law and ignores other aspects. **MacIver** has aptly observed, "the State has little power to make customs and perhaps less to destroy them, although indirectly it influences customs by changing the conditions out of which they spring."

- Sociologists are of the view that people obey the law not because it is the command of the sovereign but because it is necessary for social solidarity. Laski holds, that 'individual conscinece is the only true source of law.' Duguit emphatically observes that law is not a creation of the state but vice versa. Laws are more expression of social reality.

2.5.4.4 Sovereignty is not indivisible : Pluralists hold that Sovereignty is divisible. Sovereignty according to them, does not reside in an omnipotent state but in groups and associations, which are, for their purpose as Sovereign as the

state is for its purpose. Therefore, Sovereignty is neither a unity nor absolute. Sovereignty is diffused and limited all round within the state as well as without the state. Internally, it is limited by the groups and associations and externally it is limited by international law.

Therefore, Sovereignty is regarded by pluralists as a mere legal fiction. Also, the notion of an independent Sovereign state is a dangerous dogma. It is fatal to international peace and to the good of mankind. **Laski** rightly says, **"it is impossible to make the legal theory of Sovereignty valid for the political philosophy. It would be a lasting benefit to Political Science if the whole concept of Sovereignty were surrendered."**

2.5.4.5 Sovereignty does not reside with a Determinate Superior : Some critics point to the difficulty of vesting Sovereign power in a determinate person or body in a Federal State. They argue that Sovereign power is distributed between that federal legislature and the legislatures of the states that constitute the federation. In their respective spheres each of these legislature is supreme. Sovereignty does not reside with a determine person or a body. But supporters of the doctrine of Sovereignty maintain that in a Federal State. Constitution is Sovereign. Gilchrist, however, holds that a federal state being unity, only one Sovereignty can reside in it. The view of Gettell is that what is divided in Federal State is the exercise of powers and not Sovereignty. Dicey and other like minded critics are of the view that Sovereignty is a unity, legal and political Sovereign are only two aspects of it. But Laski is of the opinion that "this is at once to imply that notion of Sovereignty is divisible, which is entirely contradictory to the original definition."

2.5.4.6 Sovereignty is not necessary : Many other writers argue that Sovereignty is not essential to statehood. They hold that states may be semi-Sovereign and that the "test of statehood is the right to govern, the power to command not derived from any other authority." According to this theory, Swiss Cantons and the states in the American Union even the states of Indian Union are states even though they are not fully Sovereign. But some jurists do not agree with this view because they regard Sovereignty as an essential attribute of a state.

2.5.4.7 Difficulty in locating Sovereignty : Sovereignty does not reside with a determinate person in a Federal Union. It is very difficult to locate Sovereignty in a Federation. Austin has himself observed that in England Sovereignty resides in King-in-Parliament. But when Parliament is dissolved, it returns to the electorate. This points out to the difficulty of locating Sovereignty.

2.5.4.8 Force is not the only sanction behind laws : Laski says, that "individual conscience is the only true source of law." In fact, force is not the only sanction behind law rather it is based upon the will of the people. Laws based upon force lead to popular revolt.

2.5.4.9 Destructive of Individual Liberty : Austin's theory is further criticised on the ground that it invests the Sovereign with the absolute and unlimited power. In the face of Sovereign with absolute powers, individual liberty cannot exist. Hence, in an age of Democracy, it is bound to be rejected.

It is clear from the above discussion that the legal theory of Sovereignty cannot be made valid for political philosophy because it is fatal to democracy, human liberty and international peace. Besides, as Pluralists argue, state is not absolute. Other groups and associations place restrictions on the powers of the state. That is why the critics say that the importance of the doctrine of Sovereignty is merely academic and hence it would be better if the term 'Sovereignty were eliminated.' But we must remember from the legal point of view, Austin's theory stands justified'. State is a supreme association and in society there is need of a Sovereign who is legally supreme. But such a sovereign should not ignore morality, reason, customs, public opinion and international treaties.

Self Check Excercise - II

1. Write your answer at the space given below :
2. Check your answers at the end of the lesson.

(1) Choose right (✓) wrong (x) from the following :

(i) Austin's theory of Sovereignty ignores Political and popular Sovereignty.

(ii) According to Austin, Law is not a command of a Sovereign.

(iii) Austin's theory of Sovereignty stands justified from the legal point of view.

(iv) Austin's theory is criticised on the ground that it gives Sovereign absolute powers.

(II) Fill in the following blanks :

(i) .....not force is the basis of law.

(ii) According to.....Sovereignty in not indivisible.

(iii) 'Law is command of the Sovereign', this view of Austin has been criti cised by.....

(iv) Austin's theory of Sovereignty is also called.....theory.

2.5.5 Meaning of Pluralism :

Pluralism is a reaction against the Monistic Theory of Sovereignty propounded by political philosophers like Bodin, Grotius, Hobbes and Austin. Thus, it is a reaction against state absolutism. 'While the Monistic theory of Sovereignty endows the state with a unique Sovereign power, **the Pluralistic theory of Sovereignty criticises and discredits the State and seeks to reduce it from its place of honour to servitude.'** The pluralists holds that the state is not superior to other essential institutions of the society. Some of these institutions like some functional associations are older then State. These Institutions whether religious, economic, social or political are not creatures of the state. They grow spontaneously and the source of their function and power is not the state. Hence, they are co-Sovereign with the-

state, Pluralists emphasize that in modern highly developed communities, individuals belong to countless groups, religious, political, professional occupational, commercial etc. In fact in his every day life the individual is more concerned with such group life than with his citizenship of the state. He may be a member of a professional association, or a trade union or of a religious organisation. Many people take an active part in the work of several such groups. Some writers hold that such groups have an existence independent of the state or government. Though the government is the principal of such groups yet it is only 'primus inter pares, or first among equals.' It is not the sole repository of power, or focus of loyalty. It cannot, therefore, be said that it possesses an absolute or all exclusive Sovereignty. Prominent pluralist writers such as **Prof. Laski, Duguit, Krabbe, G.D.H. Cole, Lindsay, Barker, J.N. Figgis, F.W. Maintand, Gicrke etc,** hold that Sovereignty is possessed by many associations. The state is not supreme or unlimited. Sovereignty is divisible. The State is not supreme over all individuals and associations within its territorial limits nor is it externally independent of other states. They regard the Monistic Theory of Sovereignty as dangerous and useless. Lindsay says thus : 'If we look at the facts it is clear enough that the theory of Sovereign State has broken down.' As for Krabbe, he wants to expunge the notion of Sovereignty from political theory. In short, Pluralism stands for Modern individualism which is an individualism of the group rather than of the individual.

2.5.6 Major characteristics of Pluralism

Gettel has beautifully summed up the main idea of Pluralism in these words. "The Pluralists deny that the state is thus a unique organisation; they hold that other associations are equally important and natural; they argue that such associations for their purpose are as Sovereign as the state is for its purpose. They emphasize of certain groups within it. They deny that the possession of force by the state gives it any superior rights. They insist on the equal rights of all groups that command the allegiance of their members and that perform valuable functions in society. Hence Sovereignty is possessed by many associations. It is not an indivisible unit, the state is not supreme or unlimited." We can restate Pluralism as follows:

(1) The Sovereignty in a state is not possessed by the state alone. Man's social nature finds expression in many groups which perform various functions and pursue various ends, religious, social, economic and political. These groups are not created by the state. They arise naturally. These groups should be free or else they cannot fulfill the ends for which they exist.

(2) These groups "compete with the state for man's loyalties and are as Sovereign in their respective spheres as the state is in its sphere." State cannot claim the absolute and undivided loyalty of man, for it is

only one among the various forms of associations. The State has "no superior claims to individual allegiance" though it possesses force.

(3) The State is unable to enforce its will against the opposition of certain groups within it. This shows that the state is not supreme or umlimited.

(4) The state fulfils political needs of man so the Pluralists want to confine to political activities alone. Other groups, such as religious, economic and social should be autonomous within their respective spheres to pursue their respective ends.

(5) Pluralists are opposed to the Monistic Theory of Sovereignty of the state and not to the state. To them, the state is useful like other associations.

(6) Pluralists hold that authority is federal, and not unitary. Man has many wants, social, economic, political and religious. He joins many associations to satisfy them. Each of these associations contributes to the enrichment and development of man's personality. Rights and powers are relative to functions; hence the state cannot claim absolute power as it fulfills only political needs of man. The structure of society should be federal. That is, authority should be distributed among the various associations.

(7) Pluralism is opposed to centralization. It is in favour of decentralization of authority. It believes that the State "is not unitary, it is not absolute, it is not independent. It is pluralistic and constitutional and responsible. It is limited in the force it exercises. It is polarization and constitutional and responsible. It is limited as the state is to coordinate with other groups and associations. There is no Sovereign or determinate human superior.

(8) Pluralism is opposed to the unlimited authority of the state but it is by no means in favour of the unrestricted liberty of the individual. It does not insist on the autonomy of the groups. Group, not the individuals is the unit of the doctrine of Pluralism.

According to **Barker**, the state is "more of an association of individuals, already united in various groups for a further and more embracing common purpose."

(9) Pluralists like Krabbe and Duguit hold that State is not Sovereign as it is itself limited by law. According to Krabbe, the state is a creature of law and law alone is Sovereign.

(10) Pluralists like Laski attack the Monistic Theory of Sovereignty on historical and moral grounds. In 1916, the Congress had to bow to the Railway Labour Unions demand for eight hours work in a day in

the U.S.A. Several other examples can be cited when the governments had to bow to the demands of the trade unions and associations. Austin's theory of Sovereignty is also morally unsound for it will produce a mentality of servitude among the citizens. It will retard the moral development of man.

2.5.7 Genesis of the theory of Pluralism

Pluralism developed in the twentieth century, though its background lies in the middle ages. In the Middle Ages in Europe Church, vocational associations and guilds played an important role in society, as the state was weak in organisation. When the wave of nationalism spread in Europe in the sixteenth and seventeenth centuries, nation states came into being. As a result rulers became very powerful and all the powers became centralized in their hands. As a reaction to it, more popular movements were launched to win democractic rights for the people. The result was the powers of the rulers were transferred to the representatives of the people, but the Government was still as powerful as before. The growth of the ideas of the welfare state further invested the government with more and more powers. That is, powers were further centralized in the government. Now the all-powerful state could invade almost every aspect of life. A fear arose in the minds of the people, that centralisation of power would prove destructive of human liberty and rights. As a reaction to this omnipotent state, the doctrine of pluralism or Modern individualism was born.

Factors, which promoted pluralism : The following factors were responsible for the development of Pluralism.

(1) Individualists emphasized individual liberty and opposed the idea of a state with absolute powers. They opposed the centralization of power and stressed the need of regulating State authority. Though these advocates of Individualism did not demand autonomy for groups, yet they made a significant contribution in this direction.

(2) **Gierke** in Germany and **Maitland** in England stressed the fact that the Church and economic guilds were independent and Sovereign like the state in middle ages. They were free from the interference by the state. These writers argued that various associations would be Sovereign within the state even today. The revival of the study of medieval institutions had led to the growth of political Pluralism during the recent times.

(3) Political theories, like **Anarchism, Syndicalism and Guild's Socialism** also opposed the authority of the state. Anarchists wanted to abolish the state, altogether as it was, according to them, destructive of the real freedom of the individual while Syndicalists wanted to create a society built upon the mutual co-operation of trade unions.

Guild socialists stressed that the state should not interfere in the economic activities of man. All these political theories made a significant contribution to the growth of Pluralism.

(4) Writers like Krabbe and Duguit emphasized that law is superior to the state and not a creature to it. These ideas also promoted the development of Pluralism.

(5) The theory of Internationalism also made an important contribution to the growth of Political Pluralism by pointing out that modern states are dependent upon each other for something or the other. No state can live in isolation. Austin's theory of Sovereignty was rejected as a dangerous and useless dogma, destructive of international peace.

2.5.8 Critical Evaluation of Pluralism : The theory of Pluralism has been criticized on the following grounds :-

2.5.8.1 Pluralism leads to anarchy

The logical conclusion of the theory of Pluralism is anarchy and chaos. If Sovereignty were divided among various associations, chaos would prevail. In middle ages, anarchy reigned following to the struggle between church, state and economic guilds.

2.5.8.2 Destructive of patriotism

Gilchrist says that the doctrine of Pluralism cuts at the roots of national loyalty and patriotism. Some Pluralists held that national loyalty and patriotism are anti-social as they stand in the way of "International Solidarity". But such a view of pluralist writers is unrealistic as "patriotism is the most potent force in civil life."

2.5.8.3 The State is necessary for other associations

The State is necessary for other associations. Unless the state has coercive power over individuals and association, they will clash with one another and there will be breakdown of the law and order in society. There should not be states within the state. Pluralism is wrong in allowing an individual two or more loyalities. This will be a destructive of state and society. It will mean a return to feudal anarchy." Therefore the state with its coercive and regulative power over individuals and associations, is necessary so that it may co-ordinate and regulate their activities.

2.5.8.4 The State is necessary to prevent the tyranny of the associations over their members :

The state should be powerful enough to prevent other associations from tyrannising over their members.

2.5.8.5 Associations with evil designs will claim authority

The idea of group authority will prove dangerous to the good of society. Antipatriotic associations will claim authority, which will harm national interests. Thus, the State is necessary to curb the undesirable activities of such associations.

2.5.8.6 Law is not superior to the State

The contention of the Pluralists that law is superior to the State cannot be accepted. It is true that law is not always the command of the Sovereign, but without legal supremacy the state cannot perform its all-important functions of regulating social life. Gettell rightly observes : "The theory that the State is limited by law confuses the meaning of the terms, "Law by applying it to influences on state and government. The fact is that organs of the Government are limited by law. But this is not a limitation on Sovereignty."

2.5.8.7 State fulfils a large variety of needs

While other associations fulfill only a few specific needs of human life, the State fulfils universal needs of the people. The scope of activities of the modern Welfare State is wider than that of any other associations. Hence, Pluralists are wrong in equating the State with the other associations.

2.5.8.8 The Pluralist position is not logical

The pluralist position is not logical. Though they believe that the state is an association of associations with powers of regulations and co-ordination over them, they deny the Sovereignty to State. It is thus illogical. Besides, they are divided in their opinion and objective. The Pluralist writers are also not successful in expunging the notion of Sovereignty from political theory. Sovereignty is apparent in Krabbe's 'Legal Community' or Cole's "Democratic Supreme Court of Functional Equity".

2.5.8.9 To destroy Sovereignty is to destroy State

While it is true that pluralist writers want to destroy only Sovereignty and not the state, they forget that Sovereignty is essential to the idea of State. If the Sovereignty of the State is abandoned, the state will have to be abandoned as Gilchrist finely observes".....No Sovereignty, no State; no Sovereignty. There is no middle way."

2.5.9 Importance of the theory of Pluralism

Though Pluralism has a dark side, it contains many ideas of value.

(1) It was a reaction against the strong, centralised and paternalistic State of the later ninetienth century and aimed at decentralization of authority and greater individual freedom.

(2) The Pluralists rightly stress that in spite of legal omnipotence, the State should be subject to moral restraints. Pluralism is, thus, a desirable reaction against the idealization and glorification of the state. It rightly rejects the doctrine that the State is an end in itself.

(3) Pluralists rightly point out the growing importance of non-poiltical groups and danger of over interference by the State with the functions of such groups and that they should be given greater legal recognition in the political system. Decentralisation of Government and the principle of group representation in legislative assemblies appeal to many as a possible solutions."

(4) Miss Follet is right in pointing out "Pluralism co-relates theory to fact, reviv-

ing local life against majority rule and majority tyranny. It promotes group and local autonomy. It views the state in terms of service and not of 'coercive power'.

(5) "Pluralism is useful in so far as it denies moral Sovereignty and irresponsibility of the state and emphasizes that State is subject to the limitations of law and morality. It is also very useful in so far as it stresses the federal character of social organization.

(6) Pluralism is also very useful in so far as it points out that the Monistic theory of Sovereignty is fatal to international peace.

To conclude we can say that Monistic Theory of State Sovereignty is wrong in glorifying the State but "in organized social life there must be some where a final authority which exercises social control by means of law. In Modern world such control is exercised by the state. The state may be Sovereign, and still realize that not all social relations need legal control, and that many other institutions may be permitted to exercise a larger degree of a control over their own interests."

2.5.10 Let us sum up

We have studied Austin's and Pluralistic view on Sovereignty. According to Austin, Sovereignty of the state reside in a determinate human superior. He has absolute and unlimited powers. His command is law, which is obeyed naturally by the major part of the society. Opposite to this theory the supporters of Pluralism say that state is neither the only Sovereign body nor should it be...Sovereignty is divided in different associations. Like other associations state is also an association and man is not only the member of state but he is also a member of various associations and institutions. As such he is not loyal to the state only, other associations also demand for his loyalties. Both these theories have been equally criticised, Austin's theory makes the state absolute and all authoritative which individual liberty does not find any place. Contrary to this view, the pluralists describe the Sovereignty of the State in such a way that it can result into anarchy.

Self Check Exercise - III

1. Use the space given below for your answers.
2. Check your answers at the end of the unit.

Briefly explain two characteristics of pluralism

_____

_____

_____

2. Pluralism is a reaction against_____theory of the State.
3. Write down the names of three main supporters of Pluralism

_____

_____

4. Briefly mention any two grounds on which pluralism is criticized.

5. Give any two points due to which pluralism has its importance.

6. Pluralism developed in.....century.

2.5.11 Key words

Monoist conception of Sovereignty : Vesting of supreme power in a single central authority e.g. king as the supreme law making power.

Pluralism : Principle of group personality as a means of limiting the power of the State; Sovereign authority of the state checked and balanced by a number of groups and associations in a given society.

Centralisation : When all the powers are concentrated at one central place.

Federal : When powers are decentralized and shared by more than one authority.

Primus inter pares : First among the equals-pluralists believe that though the State can be considered principal among the groups, existing in the society, it is not the sole repository of power or focus of loyalty.

2.5.12 Some useful Books

1. Ashiravatham, A. : Political theory
2. Gilchrist, R.N. : Principles of Political Science,
3. Kapoor, A.C. : Principles of Political Science,
4. Gettell, R.G. : Political Science,
5. Johari, J.C. : Principles of Modern Political Science
6. Badyal, J.S. : Political Theory
7. Gauba, O.P. : An Introduction to Political Theory
8. Heywood, Andrew : Political Theory
9. Hoffman, John : Political Theory
10. www.wikipedia.org
11. http://jccc-ugcinfonet.in

2.5.13 Answers to Self Check Exercises

Self Check Exercise 1

1. Austin's views about the nature of law form the basis of his view about Sovereignty-Law, according to Austin is, a command given by a superior to an inferior.
2. If a determinate human superior, not in the habit of obedience to a

like superior, receives habitual obedience form the bulk of a given society, that determine superior is the Sovereign in that society and the society including the superior is a society political and independent.

3. (i) Lectures or Jurisprudence published in 1832.
   (ii) You can write any four of the characteristics given in your lesson e.g.
   1. The Sovereign is a determinate human superior.
   2. Law is the command of the Sovereign
   3. The Sovereign is the centre of gravity in a state.
   4. The Sovereign receives habitual obedience, from the bulk of society.

Self Check Exercise II

1. (i) ✓ (ii) x (iii) ✓ (iv) ✓
2. (i) will (ii) pluralists (iii) Henry Maine (iv) Monistic

Self Check Exercise III

1. Here again you can select any two from the various points given in the lesson e.g.
   (a) Man's social nature finds expression in many groups which perform various functions and pursue various ends, religious, social, political and economic. These groups are as important as state, hence state must share its sovereignty with them.
   (b) State fulfils political needs of man so the pluralists want it to confine it to political activities alone.
2. Monistic
3. Laski, Duguit and Barker (you can select any other three as well)
4. Here again you can select any two form the various points given in the lesson e.g.
   (i) To destroy Sovereignty is to destroy state.
   (ii) State fulfills large variety of needs, while other associations fulfil only a few specific needs of human life.
5. (i) It is a reaction against strong and centralized state of 19th century and stresses on decentralization of authority.
   (ii) It rightly stress on the growing importance of non political groups.
6. 20th century.