



# **KLE LAW ACADEMY BELAGAVI**

(Constituent Colleges: KLE Society's Law College, Bengaluru, Gurusiddappa Kotambri Law College, Hubballi, S.A. Manvi Law College, Gadag, KLE Society's B.V. Bellad Law College, Belagavi, KLE Law College, Chikodi, and KLE College of Law, Kalamboli, Navi Mumbai)

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## **STUDY MATERIAL**

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## **POLITICAL SCIENCE-1: THEORY AND THOUGHTS**

Prepared as per the syllabus prescribed by Karnataka State Law University (KSLU), Hubballi

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**SUBJECT: POLITICAL SCIENCE-I**  
**MAJOR – 01: THEORY AND THOUGHT**

**COURSE OBJECTIVES:**

To Enable Students to in understanding the basic Concepts of political Theory and Thought.

<b>SYLLABUS</b>	
<b>Unit-I</b>	
<ul style="list-style-type: none"><li>• <b>Political Science</b></li><li>• <b>Concept of State</b></li><li>• <b>Origin of the State</b></li><li>• <b>Sovereignty</b></li></ul>	Meaning, Definition, Nature and Scope, Relations with Other Social Sciences, Political Science is a Science? Arguments. Meaning and Definitions and Nature, Elements of State, State and Society, State and Government, State and Associations  Theories of State, Evolutionary theory of state. Meaning, Definitions, Attributes and Kinds
<b>Unit-II</b>	
<ul style="list-style-type: none"><li>• <b>Main Currents of Political Thought and Philosophy</b></li><li>• <b>Western (Ancient and medieval)</b></li><li>• <b>Ancient Indian Thought</b></li><li>• <b>Birth of Islam</b></li></ul>	Contributions of Plato and Aristotle Rise of Rome- Contributions to Political thought, Roman Republic and Empire, Roman Legal System.  Rise of Christianity –Tenets –The church and the Papacy Religion Vs Politics, St. Thomas Aquinas-Philosophy and Contributions. Machiavelli- The Prince and its Philosophy  Pre Vedic, Post Vedic and classic, Spatanga Theory of Kutilya, Monarchy-Functions, Limitations and Control  Islamic Teachings and Contributions to Political thought, Shariat as the Basic Law
<b>Unit-III</b>	
<ul style="list-style-type: none"><li>• <b>Western</b></li><li>• <b>Modern</b></li><li>• <b>Indian Political Philosophy</b></li></ul>	Individualism-Philosophy and Contributions Socialism - Philosophy and Contributions Revolutions and Evolutionary- Types, Marxism – Historical Background, Features and Contributions, Comparison with Modern Communism, Political Thought of M K Gandhi
<b>Unit-IV</b>	

<ul style="list-style-type: none"><li>• <b>Rights</b></li><li>• <b>Duties</b></li></ul>	Meaning and Nature of Rights Human Rights and Fundamental Rights, Meaning, Fundamental Duties, Rights and Duties –Correlative explanation.
<ul style="list-style-type: none"><li>• <b>The Concept of Welfare state</b></li></ul>	Meaning of Welfare state, Principles, Functions, Implications Problems of Welfare state, India as a welfare State
<b>Unit-V</b>	
<ul style="list-style-type: none"><li>• <b>Democracy</b></li></ul>	Meaning, nature and Kinds, Merits and Demerits, Conditions for Success of Democracy, Direct Democracy-Important devices and Practices.
<ul style="list-style-type: none"><li>• <b>Dictatorship</b></li></ul>	Meaning, features, merits and demerits, Totalitarian state, Nazism, fascism and their features.
<ul style="list-style-type: none"><li>• <b>Secularism</b></li></ul>	Secularism and Secular State; Meaning and features, Arguments regarding Secularism; Indian Secularism

## **THEORY AND THOUGHT**

### **UNIT - I**

#### **POLITICAL SCIENCE: MEANING, NATURE AND SCOPE**

##### **Synopsis**

- *Introduction*
- *Meaning of Political Science and Politics*
- *Nature of Political Science*
- *Political Science: Science or Art*
- *Changing Dynamics of the Meaning of Political Science*
- *Scope of Political Science*
- *Conclusion*

##### **INTRODUCTION**

We all are acquainted with the term 'Political Science'. Ever since man started living an organised social life, Politics has come to play a very important role. As we all know, Political Science is concerned with different political activities of human beings. However, at different stages of history Political Science has carried different meanings and its scope is continuously widening. Though Political Science has been discussed by different political thinkers since ancient time, the history of Political Science as an academic discipline is not very old. In this unit, we shall discuss the meaning of Political Science and politics. At the same time, we shall also discuss the nature and scope of Political Science.

##### **MEANING**

While discussing the meaning of Political Science, it is seen that the term "politics" was first used by Aristotle, the famous Greek philosopher. He called it "the master science." Aristotle, in his famous book, Politics has said, "Man is by nature a political animal and he, who by nature and not by mere accident is without state, is either above humanity or below it." From this definition, it becomes clear that human beings, by nature, desire to live in a society because it is only a well-organized society that could help them to meet their needs. As a corollary, for well-organized social existence, what is required is a well governed state which can ensure security of human life and provide for human welfare and progress. At the same time, there needs to be an institutional mechanism in the form of the government for the purpose of exercising political power and governing the state.

Accordingly, in its traditional sense, the subject of Political Science is but a scientific study of the State and Government. As a matter of fact, in ancient Greece, the subject dealing with the activities associated with the city-states or polis was described as politics.

Let us examine some important definitions regarding the meaning of Political Science as it is understood in its traditional sense.

- ❖ **Dr. Garner**, “Political Science begins and ends with the state”
- ❖ **Paul Janet**, “Political Science is that part of social science which treats the foundations of the State and the principles of government.”
- ❖ **Garris**, “Political Science deals with the origin, development, purpose, and all political problems of the State.”
- ❖ **Sir John Seeley**, “Political Science investigates the phenomena of Government as Political Economy deals with Wealth, Biology with life, Algebra with numbers and Geometry with space and magnitude.”
- ❖ **Stephen Leacock**, “Political Science deals with the Government.”

From the above definitions, it becomes amply clear that Political Science has been defined by many scholars from the point of view of the State and Government. However, modern political scientists have shifted their focus from the study of the state to the study of what they describe as the Political System. The term political system brings the study of political science closer to the larger social environment. The political system interacts with other systems such as the economic system, the cultural system, the legal system and other social systems all of which operate within the larger social environment. Accordingly, Political Science today has gone beyond the study of mere formal institutions like the state and government to studying the processes and influences acting upon the political system and vice-versa.

Significantly, one key element in the realm of Political Science today is the concept of Politics. The term “politics” has been gaining much importance in the study of present-day political science. Politics arises out of diversity. Human society is marked by the existence of a wide variety of groups and communities. Each group expresses its own opinions, wants, needs or interests. In situations where there is complete harmony among all regarding the goals and aspirations to be achieved, there can be no politics. Politics arises only when there is disagreement among the various groups and communities with regard to their respective wants or

interests. Each group seeks to achieve its varied legal and constitutional goals to promote different articulated interests at the local, national and international levels.

Politics involves the expression of differing opinions by and competition among opposing groups with regard to their wants and interests. At the same time, politics involves attempts made towards reconciling these competing interests by exploring procedures for the resolution of disagreements among the various contending parties in a way that minimizes disagreements and frictions while creating enough ground for mutual cooperation. Resolution of conflict is, thus, an important objective of politics. Finally, politics is about taking collective decisions (by the government) which are regarded as binding upon a group of people, aimed at the resolution of conflict. In this context, politics becomes an exercise of power that is legitimate in nature. Harold Lasswell, defined political science “as the study of the shaping and sharing of power”. In the final analysis, Political Science has assumed broad connotations or meanings covering the study of not merely institutional mechanisms like the state and government, but the actual dynamics and processes of various political phenomena involving power, influence, rule, authority, bargaining and conflict resolution that take place within the political system in relation to the larger social environment.

### **NATURE OF POLITICAL SCIENCE**

We all know the fact that the nature of social science is not the same as that of other sciences. Political Science is a part of social sciences. Being a part of social sciences, nature of political science is different from that of physical sciences like physics and chemistry. In this section, we shall deal with the nature of Political Science and while discussing the nature of Political Science, we have to look into a few issues, such as whether Political Science is a Science or an Art and how the nature of the discipline has undergone changes in the 20th century.

### **POLITICAL SCIENCE: SCIENCE OR ART**

From the very beginning, there has been a debate among the scholars regarding the status of political science whether political science is a science or an art. French political philosopher, Jean Bodin (1530-96) first used the term ‘political science’. Later, other thinkers namely, David Hume (British political thinker), Sir Frederick Pollock (British political thinker) and Sir John Seeley (British historian) also preferred its use. But there is disagreement among the scholars about the status of the discipline. Aristotle called it the master science through which civilisation

could be saved. American political thinkers like David Easton tried to establish a scientific basis of Political Science. But Earnest Barker (British political thinker), James Bryce (British political thinker), Charles A. Beard (British historian) and others were reluctant to accept Political Science as a science. To examine this debate, first let us try to define science. Science is universal and a systematic body of knowledge, based on accurate and impartial facts, through which observation, comparison and experimentation can be made. Apparently, political science does not have some of these features. Charles A. Beard in 1926 observed that it was neither possible nor desirable that there should be a science of politics. Because Political Science is concerned with society, government, law and human behaviour which vary from place to place.

- The following are some arguments against the notion of Political Science as a Science:
  - Lack of precise and standard definitions of terms and concepts.
  - Complexity of political phenomena due to variation in the nature and habits of people.
  - Diversity of ‘environments’ in which political developments take place.
  - Problems of experimentation to arrive at valid conclusions.
- But efforts are made to systematize the study of Political Science and to acclaim the status of a science. Here are some of the arguments in favour of this claim:
  - Recently, political theory has developed based on facts and verifiable data, e.g., voting behaviour and theories of election.
  - Political experiments are not completely ruled out. The government itself is a continuous experiment.
  - It is possible to make predictions on the basis of social experimentations to a certain extent.
  - Broad conclusions can be drawn in Political Science such as—an independent and impartial judiciary and a free press are essential for democracy.
  - Empirical studies are based on careful observation and classification. Political Science puts a hypothesis or an assumption to empirical verification. Theories are not built on speculation. Political Scientists today, employ survey methods, graphs, charts and other scientific tools to arrive at their research conclusions.

Political Science is thus a science, though not like the physical sciences. It is a social science. American political scientist, Robert Dahl states that Political science is both a Science and an Art. Art refers to practical application of knowledge. Political Science applies the knowledge about political events for creating a good social and political order. Hence it is an art. Whenever students of Political Science test their theories against the data of experience by observation, the political analysis can be regarded as scientific. When this political analysis is applied for the working of political institutions, it becomes an art.

### **CHANGING DYNAMICS OF THE MEANING OF POLITICAL SCIENCE**

In the contemporary time, the meaning and nature of Political Science have assumed a dynamic character. More particularly after the World War II, the meaning and nature of political science have undergone a sea change. Now political science is closely related to all aspects of social relations, rather than an activity centred on the institutions of government. Politics is viewed as a phenomenon found in and between all groups, institutions and societies. It is manifested in the activities of cooperation, negotiation and struggle over the limited resources economic, social or political. So the aims and objectives of political science have changed due to factors such as the rise of the power theory and behaviourist. Politics is portrayed as a process of conflict resolution, in which rival views or competing interests are reconciled for the benefit of all. The new meaning of Political Science includes the dynamics of power and struggle at various levels local, regional, national and international.

### **SCOPE OF POLITICAL SCIENCE**

There is a difference of opinion among the political scientists regarding the scope of Political Science. With the passage of time, the scope of the discipline also keeps on changing. In recent times, political science has ceased to be merely the science of state-craft. Now political science covers a comprehensive field and it has become dynamic in character. Political science deals with each and every aspect of the state and government in relation to their past and present and also focuses upon the probable developments in the future. In simple terms, we could say that the discipline of political science has profound influences on every aspect of our day-to-day life. During the second half of the 20th century, the power theorists and behaviourists also widened the area of study of political science. This trend started to focus upon all facets of power relations and human behaviour having political implications in the society. In the first instance, political science makes a survey of the origin and growth of organised political life. Scholars at



different stages attempt to draw inferences from the past and draw conclusions about the state, government, law and political behaviour.

In this way, various currents of political thought including individualism, socialism and democracy, have emerged which help to understand the present institutions, ideas and processes. Then, political science investigates the prevailing political concepts, political institutions and phenomena. It analyses the groups and organisations like political party, pressure groups, social movements, executive, judiciary, law and courts which seek power and influence the society. Different forms of government and their working, various international organisations and their role in politics are other aspects of political science. Election studies, opinion polls and voting behaviour studies have also become important aspects of the scope of political science.

Moreover, speculation and prediction about the future course of development, and proposals for improvement in the existing political processes and structures have been important aspects of political science since the days of Aristotle. Political science studies the state as it ought to be or the 'ideal form'. Gettell says that political science is a historical investigation of what the state had been, an analytical study of what the state is and a politico-ethical discussion of what the state should be.

In recent times, some writers like Lasswell (American political scientist), Kaplan (American political scientist), Morgenthau (American political scientist), Russell (British scholar) and Foucault (French Scholar) have attempted to make political science the 'study of power'. It is the factor of power that makes the state different from other associations. This new aspect of study enlarged the scope of political science. Apart from this, political science in modern times has become 'policy science', aimed at formulating integrated and comprehensive policies in order to address and solve various problems at different levels. Since the 1990s, the developments in the arena of human rights and human development, new social movements and upsurges in civil society have also widened the scope of political science.

### **CONCLUDING REMARKS**

- In the contemporary time, the meaning of Political Science has become more and more inclusive. Earlier political science had been defined by many scholars from the point of view of the State and Government. But now the term political system brings the study of political science closer to other systems such as the economic system, the cultural system,

the legal system and other social systems all of which operate within the larger social environment.

- One key element in the realm of Political Science is the concept of Politics. Politics arises out of diversity. Human society is marked by the existence of a wide variety of groups and communities. Politics arises only when there is disagreement among the various groups and communities with regard to their respective wants or interests. Each group seeks to achieve its varied legal and constitutional goals to promote different articulated interests at the local, national and international levels.
- Regarding the nature of Political Science, there is a difference of opinion among scholars, whether political science is a science or an art. Political scientists have put forward some arguments in favour of the notion that political science is a science, such as - political theory has developed based on facts and verifiable data, like, voting behavior and theories of election; in political science there is much scope for experiments, for example the government itself is a continuous process of experiment; broad conclusions can be drawn in political science; empirical studies are based on careful observation and classification. Political scientists today employ survey methods, graphs, charts and other scientific tools to arrive at their research conclusions.
- At the same time, another section of political scientists opines that political science is an art and they put forward some argument in favour of this notion, such as—lack of precise and standard definitions of terms and concepts; complexity of political phenomena due to variation in the nature and habits of people; diversity of ‘environments’ in which political developments take place; problems of experimentation to arrive at valid conclusions.
- With the passage of time, the scope of political science also keeps on changing. In recent times, political science has ceased to be merely the science of state-craft. Now political science covers a comprehensive field and it has become dynamic in character. Political science deals with each and every aspect of the state and government in relation to their past and present and also focuses upon the probable developments in the future. Nowadays, factors like the developments in the arena of human rights and human development and new social movements and upsurges in civil society have also widened the scope of political science.

## **RELATIONSHIP OF POLITICAL SCIENCE WITH OTHER SOCIAL SCIENCES**

### **RELATIONSHIP OF POLITICAL SCIENCE WITH SOCIOLOGY**

Sociology is the science of society. It deals with the origin, development and structure of all forms of human associations in the society. Political Science, on the other hand, mainly deals with one form of human association, namely, the state. As such, the scope of Political Science is much narrower than that of Sociology. Moreover, Political Science is restricted to only the political aspect of man's life, while Sociology deals with the social man in all the various aspects of his life, namely, social, ethnic, economic, political, religious, etc.

Sociology deals with all types of social structure and activities of society. Hence it also studies the state structure, which is a fundamental theme of political science. The Behavioural political scientists have taken much from sociological writings of Talcott Parsons (American Sociologist) and Robert K Merton (American Sociologist) to enrich empirical political theory. This popular trend gave birth to a new subject called political sociology. In fact, students of political science must learn the principles of sociology and students of sociology must derive from political science facts about the organisation and activities of the state. Political science studies the state and government while sociology studies nation, tribe, clan, family and all forms of human associations, state being one of them. However, although the spheres of the two sciences have been separated, both Political Science and Sociology are complimentary to each other. For instance, the state which is the subject-matter of Political Science, is also dealt with by Sociology. It studies the evolution of the state from its very birth and tries to analyse the complex social forces which are responsible for bringing the state organization into existence. By presenting these facts, Sociology helps Political Science. Similarly, Political Science also helps Sociology by presenting the details about the state and the government.

### **RELATIONSHIP OF POLITICAL SCIENCE WITH HISTORY**

Political Science is closely related to History. In order to fully understand the origin and development of political institutions, we have to take the help of history. For example, the nature of monarchy in Britain and the functioning of the British Parliament can be appreciated only in the light of a thorough study of the history of Britain. The history of Britain reveals that the

English people continually protested and struggled against the despotic monarchy of their own rulers, resulting in the Glorious Revolution of 1688. It paved the way for the establishment of a limited monarchy and recognition of the rights of the parliament in Britain. Thus, we find that the political institutions that exist today in a particular form have their roots in the past. At the same time, it must be mentioned that History is not merely a record of past events and institutions. The study of History becomes fruitful only when the political significance of various historical events and movements is properly appreciated. Thus, both History and Political Science are complementary and contributory. Political science and its ideas are embedded in particular time and environment in history. So, the two disciplines are closely related and complement each other. For the proper understanding of history, knowledge of political institutions and the principles which govern them is very vital. Again, political scientists draw conclusions from historical events and arrive at principles which govern political life. The relation between History and Political Science has been very aptly described by the British historian, Sir John Seely as follows: “History without Political Science has no fruit, Political Science without History has no root”.

### **RELATIONSHIP OF POLITICAL SCIENCE WITH ECONOMICS**

The relation between Political Science and Economics is very intimate. As a matter of fact, Economics started its career as political economy. The Greeks regarded political economy as the art of providing revenue for the state. The name of the book by the British political economist Adam Smith, the father of modern economics, was Wealth of Nations. He pointed out that economics is a science to enrich people and the state. Writers like Machiavelli (Italian thinker), John Locke (British philosopher), Bentham (British political philosopher), James Mill (British political thinker) and J.S. Mill (British political thinker) discussed political and economic affairs together. According to Karl Marx (German thinker), it is the economic factor alone which determines the politics of a nation. The forms and functions of a government are considerably influenced by economic forces. The concepts of Individualism, Socialism and Communism are primarily based on economic principles. Conversely, the economic activities of a country are largely determined by the existing form of government and its policies. The taxation policy of the government, its Export and Import policy, its exchange rates and the banking system related policies, etc., influence the economy of the country to a great extent. Economic stability accounts for political stability and vice-versa. Modern states are confronted with numerous economic

problems, which cannot be solved except through the political action of the state. The modern state is regarded as a welfare state whose main functions are economic in nature.

### **RELATIONSHIP OF POLITICAL SCIENCE WITH GEOGRAPHY**

Political Science has also some relation with Geography. The character and national life of peoples are influenced by physical conditions of a state such as topography, climatic conditions, insularity, presence or absence of rivers or mountains, proximity to or distance from the sea. The difference in geographical factors largely explains the difference in the trend of political thought, economy and administrative systems of different countries. Various writers have attempted to prove the relationship between geographical environment and political organizations of the people. French political philosopher, Jean Jacques Rousseau, argued that climatic conditions could determine the nature of polity of a nation. French political philosopher Montesquieu emphasised the influence of physical environments on the forms of government and liberty of the people.

### **RELATIONSHIP OF POLITICAL SCIENCE WITH LAW**

Law and politics are deeply intertwined. Law is an essential tool of government action, an instrument with which government tries to influence society. Law is also the means by which government itself is structured, regulated and controlled. It is no surprise, then, that law is an important prize in the political struggle and that law shapes how politics is conducted. “Law is one of the central products of politics and the prize over which many political struggles are waged”. Keith E. Whittington, R. Daniel Kelemen, and Gregory A. Caldeira in their *“The Study of Law and Politics”* book clearly defined the relationship between law and politics. One more philosopher and American jurist James Wilson defined that law is the “great sinew of government.”

### **RELATIONSHIP**

- *Law Making and Law Implementation by Politics*
- *Aspects of Law are studied in Political Science Like Constitutional development, Administrative law and code of Conducts ect...*
- *Political Activities in any System are Carried out within the Frame work of Law*
- *Enforcement of International Law is Completely based on Political Sovereignty.*

### **DIFFERENCE**

- *Laws are for the people, and policies are made in the name of the people*
- *In politics interest and power have a greater role and legitimacy than in law*
- *Normative structure and actual functioning, politics is more adaptable and flexible than law*
- *Politics and the law differ to a considerable degree regarding sanctions.*

### **CONCLUDING REMARKS**

- Political Science is integrally related to other social sciences such as Sociology, History, Economics, Ethics and Anthropology. Political Science helps us to understand other social sciences better and vice-versa.
- Political Science and Sociology are complimentary to each other. For instance, the state which is the subject-matter of Political Science, is also dealt with by Sociology. It studies the evolution of the state from its very birth and tries to analyse the complex social forces which are responsible for bringing the state organization into existence. By presenting these facts, Sociology helps Political Science. Similarly, Political Science also helps Sociology by presenting the details about the state and the government.
- Political Science is closely related to History. In order to fully understand the origin and development of political institutions, we have to take the help of history. The study of History is becoming fruitful only when the political significance of various historical events and movements is properly appreciated. Thus, both History and Political Science are complementary and contributory.
- The relation between Political Science and Economics is very intimate. As a matter of fact, Economics started its career as Political economy. The Greeks regarded Political economy as the art of providing revenue for the state. The forms and functions of a government are considerably influenced by economic forces. The concepts of Individualism, Socialism and Communism are primarily based on economic principles. The modern state is regarded as a welfare state whose main functions are economic in nature.
- The relationship between Political Science and Ethics is very close. Both of them aim at doing good to man and promoting the common welfare. The state was organized for maintaining law, order and morality. In fact, laws should be enacted in such a way as to strengthen the moral beliefs of the people. Ethics is concerned with morality, values and

norms of human behaviour. Concern for human beings and human values is a fundamental aspect of modern-day political science.

- Political Science is closely related to Anthropology. Anthropology has a wealth of material regarding diverse types of social systems in terms of their customs, attitudes, values, patterns of behaviour, leadership, etc. Political Science takes the help of such data for making comparative analysis. The modern system of law has been considerably influenced by ancient usages, customs and religious institutions recorded by Anthropology.
- Political Science has also some relation with Geography. The character and national life of peoples are influenced by physical conditions of a state such as topography, climatic conditions, insularity, presence or absence of rivers or mountains, proximity to or distance from the sea.
- The difference in geographical factors largely explains the difference in the trend of political thought, economy and administrative systems of different countries. Various writers have attempted to prove the relationship between geographical environment and political organisations of the people.
- In modern times, a lot of attention has been given by a number of writers to the influence of geographical factors on political institutions. This has resulted in the emergence of a new stream of thought called “Geo-politics.”
- Political science has an intimate relationship with Psychology, the science of the human mind. Social psychology in particular is of great help in understanding the mind and behaviour of the human groups. The ideas and laws propounded by the state are likely to fail if they ignore the psychological factors of people. Knowledge of psychology is important for realistic and objective public policy in the state.

## **STATE**

### **Synopsis**

- *Introduction*
- *Meaning of the State*
- *Elements of the State*
- *Nature of the State*
- *Evolution of the State*
- *Concluding remarks*

### **INTRODUCTION**

The word “state” is one of the most commonly used terms in Political Science. As citizens, we find ourselves to be in constant touch with the institution of the state. In fact, the state gets reflected in objects like the national flag, the national anthem, the constitution, the legislature, the police, the bureaucracy, public offices and such other aspects of public life. As a most basic consideration of Political Science, it is important that we have a clear understanding of the state as a political organization.

### **STATE**

One of the primary concerns of Political Science is the state. The Greeks used the word “Polis” for “City States” in which they lived. The Romans used the term “Civitas” to imply the idea of citizenship of a city together with the notion of public welfare. The modern term “state” has been derived from the word “status” earlier used by the teutons. It was Niccolo Machiavelli (1469-1527), who in the sixteenth century, introduced the term “State” in the modern literature of Political Science for the first time.

### **MEANING OF THE STATE**

The term “state” has been defined by a number of political thinkers. Some of these definitions are given below:



- ❖ **Aristotle** “a union of families and villages having for its end a perfect and self-sufficing life by which we mean a happy and honourable life”
- ❖ **Bluntschli** “The state is politically organised people of a definite territory”
- ❖ **Burgess** “The state is a particular portion of mankind viewed as an organised unit”
- ❖ **Phillimore** “a people, permanently occupying a fixed territory, bound together by common laws, habits and customs into one body politic, exercising through the medium of an organised government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and entering into all international relations with the communities of the globe.

By summing up all these definitions, we can come to the conclusion that state is a political community which is independent and has a fixed and defined territory and possesses sovereignty over it.

### **ELEMENTS OF THE STATE**

An analysis of the above definitions reveal that the modern state is constituted of four constituent elements, namely, Population, Territory, Government and Sovereignty. Of these, the first two are physical elements, the third is political and the fourth is spiritual. The four constituent elements of the state are discussed below:

### **POPULATION OR THE NUMBER OF PEOPLE**

There can be no state without people or human habitation. While the necessity of population as an essential element of state is recognised, there is no unanimity with regard to its size. Plato was of the view that an ideal state should have a population of 5040. Aristotle opined that the population of a state should be large enough to be self-sufficing and small enough to be well governed. The view of Rousseau was that 10,000 was an ideal number. In today's world, we have states with large populations like India and China on the one hand and those with small populations like Monaco and San Marino.

While considering the population of a state, we have to study not only the number but also the quality of the people inhabiting the state. According to Aristotle, a good citizen makes a good state and a bad citizen, a bad state. Again, the population of a state may be heterogeneous and need not belong to a single race, religion, language or culture. Accordingly, while the size of the

population of a state cannot be fixed, it is important that the people are self-sufficient to meet all their necessary requirements based on the proper utilisation of resources.

### **TERRITORY OR A DEFINITE PLACE OF RESIDENCE**

The second essential constituent of a state is territory. If the people continue to move from one place to another without having any definite territory for their residence, there can be no state. The gypsies and nomads who wander from one place to another, cannot be said to constitute a state. The territorial jurisdiction of a state extends not only over the land but also over rivers, lakes, mountains, marginal sea, subsoil and aerial space above it. However, it is difficult to decide the size of an ideal state. The state of San Marino has an area of 38 Sq. miles only. The Vatican City under the Pope covers 108 acres only. On the other hand, states like the United States of America and China have large territories. It is important to note that more than the size, it is the proper utilisation of the resources in the state which leads to its prosperity and development.

### **GOVERNMENT**

The third essential constituent of the state is the government. Population and territory alone cannot form a state. Unless people of a territory are subject to the control of an organised government, a territory cannot be called a state simply because it is inhabited. The government is the political machinery or organisation through which the collective will of the state is formulated, expressed and executed. As a matter of fact, the state operates through the governmental machinery. It is the agency through which society is politically organised, common policies are determined and by which common affairs are regulated and common interests are promoted. Hence, the government is responsible for the maintenance of law and order and for the provision of common services like defence, issue of currency, foreign relations, roads, bridges, transport and communications, water, electricity, health and education, etc. No particular type of government can be recommended as essential. It varies in kind and complexity from nation to nation.

### **SOVEREIGNTY**

Sovereignty is the most important characteristic of the state. It is what distinguishes a state from other forms of human organisation. There can be no state in the absence of sovereignty. Broadly speaking, sovereignty means supremacy of the state. Sovereignty is of two types-internal sovereignty and external sovereignty. Internal sovereignty means that the state is supreme in all internal matters. It exercises its supremacy over all the institutions and the people of the state and the latter have to obey its commands. External sovereignty implies that a state must be free from foreign control. If a state is controlled by another state, the former will no longer be regarded as a sovereign state and it will become a part of the state which exercises control over it. This is the reason why India before August 15, 1947, could not be regarded as a state, as the country was under the control of Great Britain.

### **NATURE OF THE STATE**

There are various points of view regarding the nature of the state. Accordingly, it is necessary to examine some of the more important views regarding the nature of the state for a clear understanding of the same. These are discussed below:

- ❖ **Legal Notion of the State:** The Roman Empire gave birth to the legal notion of the nature of the state. In the modern period, thinkers like Bodin, Hobbes, Bentham and Austin are the chief exponents of the legal notion of the state. They interpret the state as entirely a legal construction. The state was formed for making, interpreting and enforcing law in order to regulate human behaviour. It is a legal entity. If the law is violated, it has coercive power at its command to punish the violator. The legal notion of the state is criticised as a partial view. It is pointed out by the critics that besides law making, the state is also responsible for promotion of the moral and spiritual life of the people.
- ❖ **Ethical Notion of the State:** The ethical notion regarding the nature of the state was propounded by Plato and Aristotle. The state is necessary for intellectual, moral and material development. It is a natural institution rather than a man-made institution. In their view, the state represented the highest morality. Whatever is done by the state is always justified. Many political philosophers like Rousseau, Kant, Hegel, T.H. Green and others also supported the notion of the state as the supreme ethical institution. This view is criticised on the ground that the state is regarded as an end in itself and not a means for the moral and intellectual development of man. In modern times, such a view has provided a foundation for the totalitarian notion of the state.

- ❖ **State as a Necessary Evil:** The individualists considered the state as a necessary evil. According to them, the state is an evil. However, if each individual is left to himself or herself and allowed to do whatever he or she wants, one will seek one's own selfish interests at the expense of others. There will be no law and order. Accordingly, the state becomes necessary to maintain law and order in the society. Adam Smith, Bentham and Herbert Spencer supported this view. Critics point out that the state is not a negative institution. The state is capable of performing many positive functions for the welfare of society at large.
- ❖ **Anarchist notion of the state as an Unnecessary Evil:** The anarchist view regarding the nature of the state is that the state is an evil and as such the sooner it is abolished, the better it will be for the spontaneous development of a person's personality. They believe that with the gradual perfection of human nature, the state as an agency for regulating human conduct will become less and less necessary.
- ❖ **Pluralist Notion of the state:** According to the Pluralist view of the state, the state is to be accorded a coequal status with other permanent groups like the family, the church, the trade union, the social club, etc. which cater to our various needs. The Pluralists stand for decentralisation of political power and do not consider the state as in anyway superior to other associations which perform their due functions in the society. The important advocates of this view are MacIver and Laski. However, critics are of the view that it is important to have a superior organisation in the form of the state to regulate and coordinate the affairs of the various organisations in the society.
- ❖ **Totalitarian state:** According to the totalitarian view of the state, the state has absolute powers and the individuals have no right against the state. The state exercises exclusive control over the whole life of the individual. Philosophers like Hegel and Nietzsche, writers like Bernhardi and Treitschke and dictators like Mussolini and Hitler supported the totalitarian notion of the state. Critics point out that such a view of the state is highly undesirable as it is undemocratic and it denies the worth and dignity of the human personality.
- ❖ **Power notion of the state:** The advocates of this view interpret the state exclusively in terms of 'might'. The German writers, especially, Berhandi and Treitsche, interpreted the state exclusively as a power system with unlimited authority to make war and peace. When individuals come into contact with each other, conflicts and contradictions arise in

society. This requires the use of power to cope with the demands of various sections of the society and to maintain peace and harmony in society. The power view of the nature of the state is not accepted by many writers. They do not deny that force is an essential part of the state, but they point out that force is not the foundation of the state. Brute power can never justify a state. Power needs to be transformed into authority. In other words, the use of power by the state must be for social ends and based on popular consent.

- ❖ **State as a Welfare System:** The contemporary liberal view of the state is that of a welfare state. The main supporters of this view are thinkers like J.S. Mill, T.H. Green, MacIver and Laski. According to this view, the state is not merely an agency for the maintenance of law and order. The state as a welfare system performs many positive functions besides maintaining law and order. It promotes human welfare. It serves the interests of the whole society. The state is required to regulate the working conditions of workers, spread education, promote the health of the people, run social services and eradicate social evils.
- ❖ **Organic view of the state:** The organic view of the state compares the state with a living organism and the individuals with its organs. As the existence and worth of the organs (hands, legs, etc.) depends on the existence of the organism (the living body as a whole), so also the existence and worth of the individuals depend on the existence of the state. The state is like a living organism and there is complete interdependence among the individuals who constitute it. The state without individuals has no meaning and the individuals separated from the state have no meaningful role to play. Hobbes, Rousseau, Herbert Spencer and Fichte are some of the political thinkers associated with the organic view of the state. German philosopher Fichte was the first to point out the interdependence of society and individual. Bluntchli was of the view that the state is the very image of human organism. Each has its member parts, its organs, its functions and its life processes. Critics are of the view that a comparison between the state and organism is superficial.
- ❖ **Class View of the state:** Some writers have described the state as a class structure. With the emergence of private property, the society came to be divided into two classes-the dominant class possessing ownership of private property and the dependent or oppressed class which is the propertyless class. The dominant class tries to uphold its own interests

at the expense of the dependent or oppressed class. According to Karl Marx, the state is an organisation for the exploitation of the poor by the rich. The critics of this theory point out that there can be no rigid division of society into two classes, the dominant and dependent classes. They argue that a normal state exists for common good and not for serving the interests of the powerful sections.

### **THE ORIGIN OF THE STATE**

The modern state has evolved over a period spanning over thousands of years. The interplay of several factors such as kinship, religion, property, war, technological development and political consciousness have contributed to the emergence of the state. Sociologists have generally identified the following forms of state in the course of its historical evolution: the Tribal State; the Oriental Empire; the Greek City-State; the Roman World Empire; the Feudal State; and finally, the Modern Nation-State.

- ❖ **The Tribal State:** The tribal state was the earliest stage of state organisation. The tribal states were small in size. The head of the tribe, often assisted by an advisory council, wielded authority and governed the state. The head of the tribe dictated and his dictates were obeyed by the members of the tribe. Anyone who disobeyed was punished by the head and punishment was meted out as per the customs and traditions of the tribe. The main purpose of the existence of these tribal states was the preservation of internal order and the waging of war with other tribal states. These states retained strong traces of common birth, common religion and common trade interests.
- ❖ **The Oriental Empire:** In due course of time, tribes settled in places where their basic needs and necessities were fulfilled. They settled in places where they could get food to eat, water to drink and pastures for their cattle. Flourishing civilisations arose in the fertile valleys of the Nile in Egypt, the Euphrates and Tigris in Mesopotamia, the Ganges in India and the Yellow River and Yangtze Kiang in China. The increased prosperity led to the development of the art of war and conquests of territories. As the stronger groups won over the weaker ones, the inhabitants of these valleys were bound together into the empires of Egypt, Babylon, Assyria, India and China. The Oriental Empires were neither strongly centralised nor closely knit together. They were made up of subordinate units which though were practically autonomous in local affairs, were under central supervision. The units were under the obligation to furnish soldiers and to pay tributes.

However, the large size of these empires eroded central authority, led to local revolts and external invasions. As a result, the empires disintegrated in course of time.

- ❖ **The Greek City-State:** The next stage was the Greek city states. The peculiar location of Greece helped in the evolution of a new form of political organisation called the city-state in the ancient days. The mountains and the sea divided this area into small parts in the form of numerous valleys and islands. The different communities inhabiting these small areas developed features peculiar to their own. Accordingly, several city states emerged in ancient Greece with a variety of political institutions. The size of the Greek states was confined to the city which was the centre of all activities. The city-states were the outcome of local patriotism. Athens and Sparta were two such city-states which attained a higher level of political development and individual liberty. Gradually, the Greek city-states disintegrated due to mutual rivalry and frequent wars between themselves and external invasion.
- ❖ **The Roman Empire:** After the downfall of the Greek city-states, the main political development was the emergence of the Roman empire. The Roman state passed through several periods. The first period was that of the monarchical state. During that period, the king was not only the head of the state but also the chief priest of the community. The king was required to consult the Council of Elders and follow their advice. During this period, the nobles known as the Patricians shared political power with a monarch. But the Plebians who included average working citizens of Rome like farmers, bakers, builders or craftsmen enjoyed no political rights. Gradually, monarchy was succeeded by a republic ruled by elected representatives and both Patricians and Plebians got equal political rights. During this period Rome started annexing the neighbouring territories. Consequently, the Republic gave way to the Roman Empire which extended over Austria, Germany, France, Spain, England, the Balkans, Greece, Asia Minor and the whole of the Mediterranean coast and its hinterland. In due courses of time, the Roman Empire began to decay as institutions of democracy and local self-government disappeared.
- ❖ **The Feudal State:** After the fall of the Roman Empire, central authority was eroded and its vast territories fell into the hands of powerful feudal chiefs, i.e., the landlords holding big estates. Each of these nobles created a community of his own based on ownership of big estates. These feudal chiefs began to exercise powers in fifth century A.D. Each



feudal lord gave his land to tenants-in-chief who in turn gave the same to tenants. This led to a hierarchical political organisation upon the basis of landholding, with the king as the supreme lord at the top and serfs or the landless peasants at the bottom. In fact, the king exercised only superficial control over the feudal vassals who enjoyed the real power within their domain. The erosion of the authority of kings, led to the emergence of the Christian church as another symbol of authority. By the beginning of the fourteenth century, when Popes were using their authority arbitrarily, the authority of the church was challenged and power of monarchy restored.

- ❖ **The Modern Nation-State:** The modern state is largely identified as the nation-state. Feudalism was succeeded by nation-states, each one of which was based on the bonds of nationality and language, strengthened by natural boundaries. This process led to the emergence of France, Spain, England, Switzerland, the Netherlands, Russia and later Germany and Italy as nation-states by the sixteenth century. Initially, the nation states were mostly monarchies. However, since the middle of the eighteenth century, there has been a slow transition from the absolute monarchy to constitutional monarchy and democracy in large parts of Europe. With the growth and expansion of democracy, the principles of liberty, equality, popular sovereignty came to be established in a large part of Europe. Beginning in the seventeenth century, many European countries started extending their domination over Asia, Africa and Latin America in search of new sources of raw material, cheap labour and new markets. During the nineteenth century, there came into existence many colonial empires with Great Britain having colonies all over the world. Political awakening and national movements for independence in most of these colonies ultimately led to popular uprisings against the foreign powers, especially after the First World War (1914-18). Subsequently, many of these countries gained independence one after the other from their colonial rulers, especially after the Second World War (1939-45). In this context, mention may be made of countries like India, Pakistan, Burma, Sri Lanka, Egypt, Nigeria, etc. From the above discussion, we find that in the history of mankind, various types of state systems were evolved in different ages leading up to the modern nation-states of today.

### **CONCLUDING REMARKS**



The term state has been defined variously by different thinkers as “a union of families and villages” to a “politically organized people” involving “a definite territory” and “a government” possessing “independent sovereignty”. • The modern state is constituted of four constituent elements, namely, Population, Territory, Government and Sovereignty. Of these, the first two are physical elements, the third is political and the fourth is spiritual. While discussing the nature of the state we have learnt about the various notions of the state like the legal notion of the state, the ethical notion of the state, the power notion, the class view of the state, state as a welfare system, etc. The modern state has evolved over a long period of time through the interplay of several factors like kinship, religion, property, war, technological development and political consciousness. Sociologists have generally identified the following forms of state in the course of its historical evolution: The Tribal state; the Oriental empire; the Greek City-State; the Roman World Empire; the Feudal State; and finally, the Modern Nation-State.

### **THEORIES OF THE ORIGIN OF STATE**

#### **Synopsis**

- *Introduction*
- *Theories of the Origin of the State*
- *Divine Origin Theory*
- *The Social Contract Theory*
- *Evolutionary or Historical theory*
- *Concluding remarks*

#### **INTRODUCTION**

The State constitutes one of the most important topics of the study of political science. Human beings can lead a civilized life only in a well-organized state. In the previous unit, we discussed the meaning, nature and the four constituent elements of the state. Through this unit an effort

will be made to discuss two important theories associated with the origin of the state - the Divine Origin Theory and the Evolutionary or Historical.

### **THEORIES OF THE ORIGIN OF THE STATE**

There are a number of theories regarding the origin of state. Different scholars have expressed different views through their own theories in this context. Two such important theories are the Divine Origin theory and the Evolutionary or Historical theory. Here, we will discuss these two theories with emphasis on their relevance and importance in explaining the origin of the state and criticisms against the theories.

#### **DIVINE ORIGIN THEORY**

The Divine Origin theory is the oldest theory which seeks to explain the emergence of the state. The divine origin theory is as old as the state itself. This theory strongly holds the view that the state is a divine institution created by God. This theory firmly believed that it was the will of God that human beings should live in a political society and therefore, God has created the state to save mankind from destruction. God has created the state for the welfare of all people. According to this theory, the state is governed by God Himself who sends His representative to govern the state. Thus, the theory believes that the King is the divinely appointed agent and the representative of God and that's why he is responsible to God and not to the people. On earth, the King has unlimited power and nobody can limit his power or question his authority.

All actions and orders of the King are supposed to be just and benevolent. The King derives all powers and authority from God and resistance to the authority of the King reflects disobedience to God and thus, it is a sin. According to this theory, obedience of the people towards the King is a religious duty. Another important point to be mentioned here is that the supporters of the Divine Origin theory believed in the hereditary monarchical form of government, and hence all the powers and rights that a King possesses should pass from father to son. Thus, the theory establishes divine sanctity of the state and places the King above all people and law.

In the ancient period, it was strongly believed that the state was the creation of God. During that period, the authority of the state was connected with certain unseen powers and the ruler was a

combination of priest and King. The order of the King was supposed to be supreme and resistance to the King's authority was considered as an act against God. There are many references to this Divine Origin theory in the old religious books, such as the Mahabharata, the Old Testament etc.

### **CRITICISMS OF THE DIVINE ORIGIN THEORY**

The Divine Origin theory of the state was relevant in the ancient period but now, it has lost its relevance. This theory is subject to criticism on many grounds. Some of the criticisms levelled against this theory are mentioned below:

- ❖ Critics have pointed out that the argument of the Divine Origin theory that the state is a divine institution created by God does not find any relevant place in the present context, as the state is essentially a human institution.
- ❖ The Divine Origin theory may give rise to the despotic ruler since this theory tries to justify unlimited and arbitrary powers of the king.
- ❖ This Divine Origin theory stands only for absolute monarchical form of government. But in the present context, such monarchical form of government has lost its relevance.
- ❖ The Divine Origin theory supports absolute power of the King without any say of the people. This reflects that in such a state, people did not have any individual freedom.

Though the Divine origin theory is no longer valid today, it had its utility in the primitive period, when the society was semicivilised and there was no authority to impose rules and regulations. The Divine Origin theory inculcated the belief that the powers and laws of the King had religious sanctions and thus, obedience to the state is a religious duty. Thus, this theory taught people to obey the King when the people were not in a position to govern themselves. In such a context, the Divine Origin theory helped to maintain order which established the belief that the King is the representative of God and people have to obey him.

### **THE SOCIAL CONTRACT THEORY OF OF THE ORIGIN THE STATE**

Regarding the origin of the state, the Social Contract Theory holds that the state is the outcome of a contract or an agreement made by people among themselves. This theory considers the state of nature as the original condition of mankind. In the state of nature, there was no organization or authority to regulate human behaviour and their relation with one another. To escape from such a

deregulated life, people felt the need of some sort of authority or civil society where everyone could lead a life of stability and peace. So, the people entered into contract or agreement which was deliberate and with this, the state came into existence. Thus, according to the social contract theory, the state is a human institution and an outcome of a contract among people. The state is created by the people for their welfare. Thomas Hobbes, John Locke and Jean Jacques Rousseau are the main exponents of the Social Contract theory.

### **THOMAS HOBBS' THEORY OF SOCIAL CONTRACT**

In his book “Leviathan” (1651), Thomas Hobbes, an English political philosopher, discussed the origin of the state through the theory of social contract. According to him prior to the emergence of the state, people lived in the state of nature. According to Thomas Hobbes, the state of nature was both pre-social and pre-political. Thomas Hobbes depicted a very negative picture of human beings living in the state of nature. In the state of nature, human beings by nature were poor, nasty, brutal and selfish. Human beings had no sense of what is right or what is wrong. Principles of law, justice and tolerance were absent and fraud and force were the basic principles in the state of nature. Everyone was an enemy of everyone else and people lived in the fear of constant war. However, with the passage of time, to get rid of such type of miserable life in the state of nature, people themselves entered into a contract to form a civil government. Under this contract, people surrendered their natural rights, except the right to self-preservation, to a person or a group of persons who remained as sovereign.

The sovereign was not a party to the contract. He was not subject to any conditions and possessed unlimited power. The sovereign was responsible for the protection of the lives and rights of the people. And since the people had voluntarily entered into the contract, they had no right to break the terms of the contract. People had no right to revolt against the sovereign. The sovereign was the only source of law and his commands were considered as laws. According to Hobbes, power and authority of the sovereign under this social contract was absolute, inalienable, indivisible and unlimited. Thus, Hobbes was of the view that a contract among people led to the establishment of a state and sovereign authority.

### **JOHN LOCKE'S THEORY OF SOCIAL CONTRACT**

English political philosopher John Locke who was and another exponent of the Social Contract theory, through his book “Two Treatises on Civil Government” (1690) explained the emergence

of the state. Locke was also of the view that people lived in the state of nature prior to the emergence of the state. Locke opined that the state of nature was pre-political. But regarding the nature of human beings, his views were different from those of Hobbes. According to Locke, people lived in peace without any fear of warfare in the state of nature. They enjoyed equal rights and liberties. There was mutual cooperation and understanding among the people. There was the presence of natural laws in the state of nature. But during that time there was no law court or judge to interpret the laws. As a result, people interpreted laws in their own way which ultimately fulfilled their self-interest. This created problems like anarchy in the state of nature. To get rid of this problematic situation people entered into two contracts- one is the civil contract and the other is the governmental contract. The state came into existence as a result of these two contracts.

At the first stage, the people formed the civil society whereby the people agreed to respect one another so as to live in peace and harmony. They did so by surrendering some of the natural rights (except for the right to life, right to liberty and right to property) that they enjoyed against one another in the state of nature. This is the civil contract. At the second stage, people pledged to obey one person or assembly of persons in the form of the king or the sovereign authority indicating the government or the state, which in turn was empowered to protect the right to life, the right to liberty and the right to property of the people. If the sovereign authority failed to protect these rights, the people would have the right to remove the government from power. This is the governmental contract. Thus, according to Locke the sovereign authority was not absolute and it was responsible for ensuring protection of the people.

### **JEAN JACQUES ROUSSEAU'S THEORY OF SOCIAL CONTRACT**

Jean Jacques Rousseau, the great French philosopher, another prominent advocate of the social contract theory, in his book "The Social Contract" (1762) discussed the origin of the state. Like the other advocates of the social contract theory, Rousseau also held that prior to the formation of the state, people lived in the state of nature. In the state of nature, people led their lives peacefully with unlimited liberty. There were no competition and conflict among people. There was equality among the people in the state of nature. The concept of personal property or the

question of right and wrong were absent in such a state of nature. However, with the passage of time, population in the state of nature increased and the idea of private property also came into existence. This led to disputes and conflicts in the state of nature. People became selfish and they began to hate each other. To get rid of such miserable condition of the state of nature, people entered into contract among them and that led to the formation of a civil society. People surrendered all their natural rights to themselves or to the community and not to some other higher person or group of persons to be considered a sovereign authority. So, the people themselves remained sovereign. Thus, according to Rousseau, sovereign authority remained with the community or the common people. This sovereign authority of the community is indivisible and inalienable.

Rousseau used the term general Will to indicate the sovereign power of the people and basically, he emphasized popular sovereignty through his theory of social contract. Rousseau opined that people unconditionally surrendered all their rights to the will of the community. People surrendered all their rights to the community for their own welfare. The majority will is reflected in the General Will. So General Will is for the general welfare. The General Will is indivisible, inalienable and permanent. By discussing the above-mentioned views of Hobbes, Locke and Rousseau, it can be said that the social contract theory firmly holds that state came into existence as a result of a contract concluded between the people and the sovereign at a particular period in history.

### **CRITICISMS OF THE SOCIAL CONTRACT THEORY**

The social contract theory has been criticised on various grounds. In this regard, the following can be mentioned:

- According to the critics, the social contract theory is unhistorical. There is no evidence in history that the state had come into existence as a result of mutual agreement among the people.
- Criticizing the social contract theory, the supporters of the evolutionary theory said that the state is not an artificial institution. It is a product of evolution and has natural growth.
- The critics have pointed out that Hobbes has presented a one-sided picture of human nature. He described human nature very negatively by stating that human beings were

poor, nasty, brutal and selfish. But critics have said that Hobbes ignored the positive virtues of human being, such as- human sympathy, love and cooperation.

- At the same time, critics have also criticized the views of John Locke and Rousseau regarding the nature of human beings. They opined that in the state of nature, human beings were full of all positive values and attributes. But in reality, both positive virtues and negative elements are found in human beings.
- The social contract theory has considered all people as equal in the state of nature. But according to the critics, this assumption is not correct and inequality, instead of equality, was the common feature in the state of nature.

Though there are criticisms against the social contract theory, this theory has its own significance in explaining the origin of the state. This theory has put forward the concept that the state is a human institution, created by people for their own welfare and well-being. It has also established the fact that people's consent is the foundation of the state.

### **CONCLUDING REMARKS**

Regarding the origin of the state, the Social Contract theory holds that the state has come into existence as a result of a contract or agreement among people. This Social Contract theory is mainly associated with three thinkers- Thomas Hobbes, John Locke and Jean Jacques Rousseau. The Social Contract theory considers the state of nature as the original condition of mankind. In the state of nature, there was no organization or authority to regulate human behaviour and their relation with one another. To escape from such deregulated life, people entered into contract or agreement which was deliberate and with this the state came into existence.

Thomas Hobbes was one of the chief exponents of the social contract theory. According to him in the state of nature, the life of human beings was miserable. In the state of nature, human being by nature was poor, nasty, brutal and selfish. In simple words, we can say that Thomas Hobbes presented a very negative picture regarding human nature. Thomas Hobbes opined that to get rid of such a type of miserable life in the state of nature, people themselves entered into a contract by surrendering their natural rights, except the right to self-preservation, to a person or group of persons who remained as sovereign and thus the state came into existence.

Thomas Hobbes, through his social contract theory provided that the sovereign was not a party to the contract. The sovereign was responsible for the protection of the lives and rights of the people. According to Hobbes, power and authority of the sovereign under this social contract was absolute, inalienable, indivisible and unlimited. Another prominent exponent of the social contract theory was John Locke. According to John Locke, prior to the emergence of the state people lived peacefully in the state of nature. According to Locke, natural laws were present in the state of nature. But during that time, there was no law court or judge to interpret the laws. As a result, people interpreted laws in their own way which ultimately fulfilled their self-interest. This created problems like anarchy in the state of nature and to get rid of this problematic situation, people entered into two contracts.

Locke opined that people entered into two contracts - one is the civil contract and the other is the governmental contract. The state came into existence as a result of these two contracts. According to Locke, the sovereign authority was not absolute and he was responsible for the protection of people. Jean Jacques Rousseau was another chief exponent of the social contract theory. Rousseau also held that prior to the formation of the state people lived in the state of nature. In the state of nature, people led lives peacefully with unlimited liberties.

However, with the passage of time, population in the state of nature increased and the idea of private property also came into existence. This led to disputes and conflicts in the state of nature. To get rid of such miserable condition of the state of nature, people entered into a contract among themselves. According to Rousseau, in the social contract people surrendered all their natural rights to themselves and not to some other higher person or group of persons to be considered a sovereign authority. So, the people themselves remained sovereign. To refer to the sovereign power of the people, Rousseau referred the term General Will and basically, he emphasised popular sovereignty through his theory of social contract.

## **SOVEREIGNTY**

### **Synopsis**

- *Introduction*
- *Meaning of Sovereignty*
- *Characteristics of Sovereignty*



- *Types of Sovereignty*
- *Concluding remarks*

## **INTRODUCTION**

We have already discussed that there are four essential elements of the state, such as population, territory, government and sovereignty and among them, sovereignty happens to be one of the most distinctive elements of the state and it makes the state politically free and independent. Sovereignty exclusively belongs to the state. It is by virtue of sovereignty of the state that its government exercises authority and makes and implements authoritative and binding laws and policies for its citizens. The study of sovereignty therefore assumes special significance in the field of Political Science. In this unit we shall discuss the meaning, characteristics and various types of sovereignty.

## **MEANING OF SOVEREIGNTY**

Sovereignty is the most essential element of the state as there can be no state without it. The word “sovereignty” is derived from the Latin word “superannus” meaning supreme. French jurist and political philosopher Jean Bodin, who held Henry III, King of France, in high esteem, is acclaimed to be the first modern writer to formulate the concept of sovereignty in a systematic way. He discussed at length his idea of sovereignty in his work *The Six Books of the Republic* in 1576.

Jean Bodin opined that sovereignty is the supreme power over citizens and subjects, unrestrained by the laws and this supreme power is characterized as perpetual, undelegated or delegated without conditions, inalienable and imperceptible. However, the idea of sovereignty was also common earlier. The father of Political Science, Aristotle spoke of the “supreme power” in the state and the Roman lawyers and many medieval thinkers also mentioned the “fullness of power” of the state. Thus, “sovereignty” or the supreme power of the state had always been discussed by different thinkers at different times. Different sections of scholars have defined sovereignty through their own perspectives. Some of these definitions can be mentioned as follows:

- ❖ ***Blackstone***, “sovereignty is the supreme irresistible, absolute, uncontrolled authority in which the supreme legal power resides”.

- ❖ **Wilson**, “sovereignty is the daily operative power of framing and giving efficiency to law”.
- ❖ **Hugo Grotius** “sovereignty is the supreme political power vested in him whose acts are not subject to any other and whose will cannot be overridden.
- ❖ **Burgess**, “sovereignty is original, absolute, unlimited power over the individual subjects and over all associations of subjects”.
- ❖ **W.F. Willoughby**, “sovereignty is the supreme will of the state”.

By summing up all the above-mentioned definitions it can be said that by the term sovereignty the political scientists refer to the absolute, supreme, unlimited, inalienable, indivisible and permanent power of a state. It means the supreme power of the state over all individuals and associations within its own territorial limits. This is internal sovereignty of the state whereby the state is the final authority to make laws, issue commands and take political decisions which are binding upon all individuals and associations within its jurisdiction. It has the power to command obedience to its laws and commands and to punish the offenders who violate the same. At the same time, sovereignty also involves the idea of freedom from foreign control, i.e., the independence of the state from the control or interference of any other state in the conduct of its international relations. This is what is called external sovereignty whereby a state has the power to independently determine its own foreign policy and has the right to declare war and make peace. At the same time, external sovereignty implies that each state, big or small, by virtue of its sovereign status is equal to every other state. It can command no other state and it cannot itself be commanded by any other state. Accordingly, sovereignty of the state has two aspects, namely, internal and external sovereignty.

### **CHARACTERISTICS OF SOVEREIGNTY**

There are many characteristics or attributes of sovereignty. These are discussed below:

- ❖ **Absoluteness:** Sovereignty is regarded as absolute. This means that neither within the state nor outside it, is there any power which is superior to the sovereign. The will of the sovereign reigns supreme in the state. It is not subordinate to any individual or association within the state. There is no other authority which can claim sovereignty inside the state and no outside authority can interfere in the matters of a sovereign state. The state exercises supreme power both inside and outside the state.

- ❖ **Permanence:** The sovereignty of a state is permanent. Sovereignty lasts as long as an independent state last. The death of a king or president or the overthrow of the government does not mean the destruction of sovereignty as the ruler exercises sovereign power on behalf of the state and therefore, sovereignty lasts as long as the state lasts. Without sovereignty state cannot exist. Sovereignty must exist for the existence of the state.
- ❖ **Universality:** Another important feature of sovereignty is universality. Sovereignty is a universal, all-pervasive or all-comprehensive quality in the sense that it extends to all individuals, groups, areas and things within the state. The state exercises its sovereign power over its entire territory. No person or body of persons can claim exemption from it as matter of right. The immunity granted to diplomats from other countries is only a matter of international courtesy and not of compulsion.
- ❖ **Inalienability:** Sovereignty is inalienable. It means that the state cannot part with its sovereignty. The state as a sovereign institution ceases to exist, if it transfers its sovereignty to any other state. If sovereignty is separated or alienated from the state then there will be no state. They exist with one another.
- ❖ **Indivisibility:** As sovereignty is an absolute power, it cannot be divided between different sets of individuals or groups. In every state, sovereignty must be vested in a single legally competent body, to issue the final commands. Division of sovereignty is bound to give rise to conflicting and ambiguous commands. Division or fragmentation of sovereignty means destruction of sovereignty. Sovereignty exists in its entirety and not in division.
- ❖ **Imperceptibility:** This implies that sovereignty can neither be destroyed nor lost if it has not been exercised for a long period. A people may not have exercised sovereignty for some time due to control by a foreign power. But non-exercise of sovereign power does not put an end to sovereignty itself. It can only shift to a new bearer.
- ❖ **Originality:** The most important characteristic of sovereignty is its original character. Sovereignty cannot be manufactured. Dependence on another for supreme power cannot make a state a sovereign one. Sovereignty is in-built and grows automatically from within.
- ❖ **Exclusiveness:** It is another characteristic of sovereignty. Sovereignty is exclusive to the state. The state alone is in exclusive possession of sovereignty. It can be exercised only by the state. State and sovereignty go together. No other organization or individual can share this power with the state. Sovereign power rests only with the state.

### TYPES OF SOVEREIGNTY

Different kinds of sovereignty exist in the world. These are discussed below:

- ❖ **Titular and Real Sovereignty:** A titular sovereign is one who is sovereign only in name and not in reality. Although outwardly, the power is vested in one person, the real power is enjoyed by another. Such a situation prevails in parliamentary democracies. The King or Queen in England is the titular head and he/she does not enjoy any real power. Actual powers are enjoyed by 'King/Queen-in-Parliament' which constitutes the real sovereign. In case of India, the President of India is the titular sovereign and the real power lies in the hands of the Council of Ministers headed by the Prime Minister which constitutes the real sovereign.
- ❖ **De facto and de jure Sovereign:** Sometimes, the existing regime in a state is overthrown through unconstitutional means, as in the case of a military takeover. In such a situation, until the new sovereign is legally established and recognised, there may exist two sovereigns-one in the legal sense, who has lost his real powers; the other in the practical sense who has not yet been legally established. The de-facto sovereign may not have any legal claim to obedience, but he is a practical sovereign whose authority is based on physical force or moral persuasion and the people are compelled to obey him. Under such circumstances, the legal or formal sovereign retains de-jure sovereignty while the actual sovereign is said to be the de-facto sovereign.

In the present-day world, there have been several instances where military generals have overthrown constitutionally elected governments, thereby usurping all powers of the state. Such a takeover makes the military general the de-facto or actual sovereign possessing real powers, while the dethroned regime, which still is the legal or formal sovereign, retains de-jure sovereignty.

In course of time, the de facto sovereign, by securing the consent of the people through elections or otherwise, may become a de-jure sovereign. A classic example of de-facto sovereignty, in modern times, is noticed in the case of Spain under General Franco who captured the authority of the State by defeating the Republican Government of Spain. Though he began to rule by force, gradually he was trying to be a de-jure sovereign by winning the consent of the people. Historically too, there have been several examples of the emergence of de facto sovereignty in the earlier times. Some of these are: the authority exercised by Cromwell in England, by Napoleon in France and the Bolshevist group in Russia after 1917.

- ❖ **Legal and Political Sovereignty:** The legal sovereign is the supreme law-making body. In every independent state, there are some laws which must be obeyed by the people and there must be a power to issue and enforce these laws. The power which has the legal authority to issue and enforce these laws and final commands is the legal sovereign. It may vest in one person or a body of persons. It alone declares, in legal terms, the will of the state. Law is a command of the sovereign and he who violates it is liable to be punished. The King/Queen-in-Parliament is the legal sovereign in the UK. Political sovereignty is vested in the electorate, public opinion and all other influences of the state which mould or shape public opinion. The political sovereign is represented by the electorate or the body of voters in the state. The electorate, that is, the political sovereign, elects the legal sovereign in the form of the members of the parliament. Accordingly, the political sovereign controls the legal sovereign. It lies behind the legal sovereign. According to British jurist A.V. Dicey, “Behind the sovereign which the lawyer recognises there is another sovereign to whom the legal sovereign must bow”.
- ❖ **Popular Sovereignty:** The concept of popular sovereignty regards people as the source of all authority in the state. All organs of the government, whether it is the executive, the legislature or the judiciary, derive their power and authority from the will of the people taken as a whole. Accordingly, the idea of popular sovereignty implies that the supreme power in the state rests with the people. The Preamble to the Constitution of India contains the idea of popular sovereignty. It begins with the phrase, “WE, THE PEOPLE OF INDIA” and ends with the phrase, “HEREBY ADOPT, ENACT, AND GIVE TO OURSELVES THIS CONSTITUTION.”

### **CONCLUDING REMARKS**

Sovereignty is the most essential element of the state as there can be no state without it. The word “sovereignty” is derived from the Latin word “superannus” meaning supreme. Sovereignty refers to the absolute, supreme, unlimited, inalienable, indivisible and permanent power of a state. Sovereignty of the state has two aspects, namely, internal and external sovereignty. Internal sovereignty means the supreme power of the state over all individuals and associations within its own territorial limits. External sovereignty implies that a state has the power to independently determine its own foreign policy and has the right to declare war and make peace.

Jean Bodin, is acclaimed to be the first modern writer to formulate the concept of sovereignty in a systematic way. He presented his views on sovereignty in his *The Six Books of the Republic*. The main characteristics of sovereignty include absoluteness, permanence, universality, inalienability, indivisibility, imperceptibility, exclusiveness and originality.

The different kinds of sovereignty that exist in the world include titular and real sovereignty, de facto and de jure Sovereign, legal and political sovereignty, and, popular sovereignty. A titular sovereign is one who is sovereign only in name and not in reality. The real sovereign exercises the power of a sovereign authority in real. When the existing regime in a state is overthrown through unconstitutional means, the authority, which is overthrown, is called de jure sovereign and the authority which forcefully established control over the regime is called de facto sovereign. The power which has the legal authority to issue and enforce these laws and final commands within the state is the legal sovereign. Political sovereignty is vested in the electorate, public opinion and all other influences of the state which mould or shape public opinion. Popular sovereignty implies that the supreme power in the state rests with the people.

## UNIT – II

### **PLATO’S THEORY OF JUSTICE AND IDEAL STATE**

#### **Synopsis**

- *Introduction*
- *Life Sketch*
- *Plato’s theory of Justice*
- *Influences on Plato’s philosophy*
- *Basic Principles of Plato’s Justice*
- *Plato’s justice - A critical Analysis*
- *Plato’s Concept of Ideal State*
- *Criticisms of Plato’s Ideal state*
- *Concluding Remarks*

## **INTRODUCTION**

In the history of political thought, no thinker evoked the admiration, reverence and criticism that Plato (428/27-347 BC) did. This outstanding Greek philosopher has left behind many important works, out of which three, the Republic, (380-370 BC), the Statesman (360 BC) and the Laws (350 BC), are of perennial interest to all those interested in the history of political ideas. Plato has been generally regarded as the founder of philosophical idealism by virtue of his conviction that there is a universal idea in the world of eternal reality beyond the world of the senses. He was the first to formulate and define political ideas within a larger framework of a philosophical idea of Good. He was concerned about human life and human soul or human nature, and the real question in it is as Plato says, how to live best what is the best life? is to him inseparable from the question, what is the best order or organization of human society.

Plato perceived political philosophy as an architectonic science of society, and like Socrates (469- 399 BC) and the Sophists, distinguished the political from the other dimensions of life. Within the European intellectual tradition, he conceptualized the disorders and crises of the actual world and presented to his readers a vision of a desirable political order, which till today fascinates his admirers and detractors. He has been described as a poet of ideas, a philosopher of beauty and the true founder of the cult of harmonious living. He has been praised for his denunciation of crass materialism and brutish selfishness.

Both Francois-Marie Arouet Voltaire (1694-1778) and Friedrich Wilhelm Nietzsche (1844-1900) characterized Platonism as the intellectual side of Christianity (1955). Many like John Ruskin (1819-1900) and William Morris (1834-1896) were attracted by Plato's concern for human perfection and excellence. Ralph Waldo Emerson (1803-1882) exclaimed ecstatically Plato has been credited for laying the foundations of Greek political theory, as he explored, analysed and covered a wide range of philosophical perspectives and issues, on which the Western political tradition rests. Aristotle, a critic of Platonic ideas in the Republic, rejected many of them, but extends Plato's formulation in the Laws. It is for this reason that Whitehead, paying the most fitting tribute to Plato stated that the entire European philosophical tradition is nothing but a set of footnotes to Plato. While Plato's admirers have been numerous, he has had his share of critics too, beginning with Aristotle. Most of his recent critics have been in the twentieth century within the liberal tradition. They assailed Plato for his hostility towards progressive, humanitarian and



democratic ideals, and regarded him as the philosophical forerunner of modern-day totalitarianism, which itself is a twentieth century phenomenon. Paradoxically, the liberals in the nineteenth century were more appreciative of Plato, claiming him to be a liberal of that period.

### **LIFE SKETCH**

Plato was born in May-June 428/27 BC in Athens in a distinguished, aristocratic, though not affluent, family. His father, Ariston, traced his ancestry to the early kings of Athens, even to Poseidon, the God of the Sea. His mother, Perictione, was a descendant of Solon (640-559 BC), the famous lawgiver of Athens. Perictione's brother Charmides and uncle Critias were among the 30 tyrants who ruled Athens after its defeat in the Peloponnesian War (431-404 BC). Plato had one sister (Potone), two brothers (Adeimantus and Glaucon), and one half-brother (Antiphon). He was known for his good looks and charming disposition. He excelled in the study of music, mathematics, poetry and rhetoric. He fought in three wars and won an award for bravery. He never married. It was natural that the trial and execution of Socrates in 399 BC proved to be a turning point in Plato's life. The last discussion that Socrates held was immortalized in Crito. Plato could not attend the discussion on account of illness. It should be noted that Socrates was not the only one to be executed. There were others too. Both Anaxagoras (500-432 BC) and Protagoras (481-411 BC) were banished from Athens, and subsequently Aristotle too would have met a similar fate had he not gone into exile.

In 404 BC Athens witnessed an oligarchic revolution led by Plato's relatives. At this time Plato took an active part in politics, from which he withdrew later following the restoration of democracy, the death of Critias and Charmides, and the execution of Socrates. He left Athens and fled to Megara, where he took refuge with Euclid (300-260 BC), the renowned geometrician. From Megara he went to Egypt to study mathematics and the historical traditions of the priests. He returned to Athens in 395 BC and for the next few years fought for the city of Corinth. In 387 BC he visited the Pythagorean philosopher, mathematician and political leader Archytas at Taras in the south of Italy. In 386 BC, on returning to Athens, Plato's friends gifted him a recreation spot named after its local hero Academus, or Hecademus. It was here that Plato established his Academy, which became a seat of higher learning and intellectual pursuits in Greece for the next one hundred years. The academy was not the first of its kind, for there were others, like the Pythagorean school of Crotona established in 520 BC and the School of Isocrates in 392 BC, but it was perhaps the most well-known.



The Academy was initially a religious group dedicated to the worship of Muses and its leader Apollo. The academy, like the Pythagorean School admitted women. Mathematics which included arithmetic and advanced geometry, astronomy, music, law, and philosophy were the main subjects for study. The importance of mathematics was clear from the inscription at the portals of the academy, “let no one without geometry enter here”. “It is noteworthy that modern Platonists, with few exceptions are ignorant of mathematics, in spite of the immense importance Plato attached to arithmetic and geometry, and the immense influence they had on his philosophy”. The close link between mathematics and philosophy that Plato began was followed by others, like Hobbes and Jeremy Bentham (1748-1832). The Academy concretized the possibility of a science of knowledge with which one could reform the world. Plato saw in the academy a training school for future philosophic rulers. The Republic, composed at this time, served as its prospectus. Teaching in the Academy was imparted through lectures, Socratic dialectics and problem-solving situations. For Plato, the search for truth was not through mere instruction and theoretical knowledge, but with the guidance of an advanced mind. Through the academy, Plato kept alive the Socratic legacy. In course of time the Academy also became the prototype for subsequent universities and institutions of higher learning.

The founding of the Academy is a turning point in Plato’s life and in some ways the most memorable event in the history of European science. It was the culmination of his efforts. It was a permanent institution for the pursuit of science by original research. Plato devoted the bulk of his time and energies in organizing and managing the Academy. In 367 BC he visited Sicily on the invitation of Dion in order to make the late king Dionysius’ nephew and heir, Dionysius II, a philosopher king. However, Dionysius resented Plato’s assertion that geometry held the key to statecraft, forcing Plato to return home. In 361 BC Plato made another visit, with a view to securing the recall of Dion, now in exile, and to bring about reconciliation between Dion and Dionysius II. Plato was sold as a slave and was released only after the payment of a ransom. Plato spent the last years of his life at the Academy, teaching and instructing. He died in 347 BC while attending the wedding feast of one of his students. As merry making continued past midnight, Plato decided to catch up with some sleep, retiring to a corner in the house, never to wake up. In the morning the revellers realized that he had died. On hearing the news of his death, the whole of Athens came to pay respects to one of its most distinguished and erudite citizens.

### **PLATO'S THEORY OF JUSTICE**

The political ideas of Plato could be found in his famous works, namely, “The Republic” (386 B.C.), “The Statesman” (360 B.C.) and “The Laws” (347 B.C.). Besides these three-land mark works, Plato also has to his credit books like the “Dialogues” containing the Apology of Socrates, Crito, Protagoras and Phaedo. This great Greek philosopher died in 348BC.

### ***INFLUENCES ON PLATO'S PHILOSOPHY***

As mentioned above, Plato was greatly influenced by his teacher and mentor Socrates. Besides Socrates the writing of Pythagoras, Parmenides, and Heraclitus also had an influence in Plato's philosophy and thought. From Pythagoras he picked up the idea of wisdom and transmigration of soul, from Heraclitus ‘Plato built up the notion’ that nothing is permanent in this world, from Parmenides, he learnt that reality is eternal. What also influenced Plato's thoughts were the wars to which he was a witness. The defeat of Athens in wars against Spartans, the Macedonian militarism, the execution of his mentor ‘Socrates’ - all these events greatly disturbed, so much so that he set out to in search for an ideal form of government. The outcome was ‘rule of philosopher king’. Again, the execution of Socrates’ had made him a rebel of democracy.

The perspective of ‘Justice’ occupies a very significant place in Plato's political thought so important for Plato subtitled his masterpiece ‘Republic’ as concerning ‘Justice’. Plato used the term justice in a very wide sense. To him justice has both individual as social implications. It is both in the individual and in the society that justice resides. Justice to Plato is internal. While explaining Plato's theory of justice, Plato's starts by discussing the various prevailing theories of justice and after rejecting them puts forward his own views. To develop his own theory of justice, Plato discusses the prevailing theories of justice. The theories of justice that Plato referred to are:

❖ **TRADITIONAL THEORY OF JUSTICE:** This theory of justice was propounded by Cephalus and his son Polemarchus. According to them “justice is speaking the truth and paying what was due to gods and men”. For both Cephalus and Polemarchus justice is an art which requires the ability to do good to friends and evil to enemies. This idea was a common concept of Greek morality. Plato rejected the traditional view of justice on the ground that this concept of justice is very much individualist, lacking social concern. This idea of justice does not have a universal application. Further to Plato, true justice is only when none are harmed. To do evil to anybody is not consistent with elementary principles of morality. Furthermore,

the distinction between enemies and friends are often deceptive. Justice to Plato should have a universal appeal and not be an individual concept.

❖ **RADICALISTIC THEORY OF JUSTICE:** The radicalistic theory of justice is associated with the sophists and is propounded by Thrasymachus. According to Thrasymachus, justice is the interest of the stronger; justice is whatever that is advantageous to the stronger or the superior. The underlying proposition behind such a conception of justice is based upon the principle of 'might is right'. As such the government is the strongest which makes laws not according to the interest and convenience of the people rather according to its own convenience. Justice therefore is defined in words of radicalisms as if the doer of unjust thing is strong enough, then what he does is called justice. At the same time the sophists also express the view that injustice is better than justice. Therefore, it is proper to be unjust to satisfy all rather than become just to satisfy the ruler alone. Plato rejects this concept of justice and upholds the view that justice is always better than injustice. To him a just man is much wiser and happier than and an unjust man. Plato also disagrees with the radical view of justice stating that a ruler should think of the welfare of his subjects and not of his own well-being. To him a ruler should be unselfish and must work for the betterment of the governed. Thus, for Plato, justice cannot be an individualistic concept, rather it should have universal application.

❖ **PRAGMATIC THEORY OF JUSTICE:** The pragmatic theory of justice has been put forward by Glaucon. To him justice is a product of social convention- as such not natural. He treats justice as an artificial thing. Glaucon states that justice is the child of fear and is based on necessity of the weak. His views of justice are the precursor of the social contract theory. In the state of nature there was no justice or state. Many weaknesses combined together and founded the state. Therefore, justice is not the interest of the strong but the necessity of the weak. Glaucon further adds that justice is always observed unwillingly and that morality is maintained by force. Plato disagrees with Glaucon's views on justice as an artificial concept and states that justice is very much internally deeply rooted in the human mind. It does not depend for its origin upon a chance convention. So, to Plato justice can never be external.

After analysing and criticizing the prevailing concepts of justice Plato put forward his own views of justice. Plato attached great importance to justice. To Plato, justice is internal and it exists

mostly in the individual and the state. Plato proposes to consider justice as it exists in the state. According to Plato a society is just when each one performs the functions duly without interfering in each other domain. Justice in Plato's interpretation implies a sort of specialization. According to Plato the state has three ingredients, namely, reason, spirit and appetite. Corresponding to these three ingredients there are three classes represented by rulers, soldiers and farmers respectively. Plato upholds that each three class has a specific role to perform. The rulers have wisdom and reason. Therefore, they are fit to rule the state. The second ingredient is spirit or courage. Therefore, there should be a class of persons who are courageous, so that they may be able to meet any situation that threatens the safety and security of the state. The third ingredient is appetite and this is represented by the producing class namely, farmers. To Plato each of these classes is an integral part of the state and have significant contributions towards the society. Plato's views on justice are well defined by Professor Barker who states "social justice may be defined as the principle of a society, consisting of different types of men- the ruling type, the military type, the producing type). Justice for the individual meant harmonious operation of each part of the individual, namely reason, spirit and appetite. The individual will then be virtuous. Similarly, justice in the society will prevail when each class fully discharges its specific functions and duties and confine itself to its own sphere of duties without meddling with the sphere of others.

### **BASIC PRINCIPLES OF PLATO'S JUSTICE**

Platonic conception of justice is based on four basic principles:

- I. **Functional specification:** by functional specification is meant allotting specific functions to each according to merit and capacity.
- II. **Non-interference-** it implies doing one's own duties without interfering in other's domain.
- III. **Harmony-** According to Plato there should be a harmonious relationship between the three classes, namely, - the ruling class, the military class and the producing class.
- IV. **Righteousness-** Justice is another name for righteousness. It is more the performance of duties than the enjoyment of rights. Thus, justice to Plato is doing what a person is called upon to do as per the duty of his station of life while not overstepping it by doing what is contrary to one's nature. At a societal level justice involves each class of people, namely,

the ruling class, the military class and the producer class, discharging its specialized duties fully and effectively without interfering in the sphere of others.

### **PLATO'S JUSTICE - A CRITICAL ANALYSIS**

Platonic conception of justice is criticized by many on the following grounds: according to critics Plato's conception of justice lacks legal sanction. The whole concept of justice rests on moral principles. It is based on self-control and self-rejection for the sake of the society. Our experience shows that at no stage of history only moral principles has been able to protect social good. Secondly, according to critics, Plato's views that each class should focus on development of their distinctive qualities, namely, the ruling class- the spirit of wisdom, the military class the spirit of courage, and the producing class the spirit of appetitive cannot be wholly accepted. This is because such an attitude would not allow the individual to develop his personality wholly. Rather, the individual would only develop one-third of his personality. Thirdly Plato's justice would pave the way for inequality in society. According to critics such a conception of justice would increase the probability of inequality of power and privilege in society. Fourthly according to Professor Karl Popper, Plato's concept of justice ignores the humanitarian principles like equality, freedom and individualism. Ignorance towards these principles would make the system totalitarian. Fifthly, the individualist thinkers refuse to accept Plato's concept of justice on the ground that it reduces the individual to a mere means for the promotion of the interest of the society.

Sixthly, according to the critics, Plato's theory of justice is motionless as it does not allow a person to change his profession. Seventhly, Plato's justice does not give recognition to the conception of rights but of duties. The whole notion of justice is too passive in character. That everybody should mind his business is an admirable perception but it cannot be accepted as justice in the true sense of the term. However, despite criticisms, Plato's conception of justice holds relevance as it is regarded as the basis of a well-ordered society and social relationships. It is expected that if all the inhabitants of a state could be imbued with this sense of justice and fair play, universal happiness could be achieved.

### **PLATO'S CONCEPT OF IDEAL STATE**

Plato states that the state does not come out of a rock or oak but from the mind of men that dwell in it. The ideal state of Plato finds expression in his work, “The Republic”. Plato is of the view that the state exists to promote good life to its dwellers and to ensure justice to all. To Plato the aim of the society is not merely to grant freedom or promote economic wellbeing but something more than these and that element is justice. A true state, therefore must conform to justice. To Plato justice prevails only when the specific classes, namely, the ruling class, the soldiers and the producing class perform their distinctive functions. Besides justice, Plato’s ideal state is marked by the presence of certain distinctive features.

These are discussed below-

- ❖ **EXISTENCE OF JUSTICE:** As we have already discussed, justice occupies centre stage in the ideal state of Plato. According to Plato a society realizes justice if it is a united whole of different groups each of whom is set to do the task it can do best, without interfering with the works of others. Justice is based on the principle of specialization and individual concentration of duty. To Plato justice is a bond which holds society together, a harmonious union of individuals. For Plato justice is both public and private because the highest good both of the state and its members is conserved.
- ❖ **PRESENCE OF THREE CLASSES:** A corollary to Plato’s concept of justice is the presence of three classes in the ideal state of Plato. According to Plato, human soul consists of three elements, namely, -wisdom, courage and appetite. Corresponding to these three elements are the three classes, namely, - rulers, soldiers and the producing class. The ideal state of Plato therefore demands division of society into three classes representing the elements of reason, spirit and appetite. Plato is of the view that in the just state each class and each individual has specific duties and a set of obligations to the community which, if everyone fulfils, will result in a harmonious whole.
- ❖ **PRINCIPLE OF FUNCTIONAL SPECIALIZATION:** In the ideal state of Plato, the principle of functional specialization holds ground in the sense that Plato wanted the individuals to perform their roles and functions in which they are best suited for. Plato believed that division of labour and functional specialization would lead to harmony and unification of the state by removing the cause of struggle between individuals and

between classes. The basis of Plato's functional specialization was his understanding of the reciprocal needs of human beings and the necessary of division of labour. Plato believed that division of labour, specialization of functions and reciprocity of services lead to harmony and unification of the state.

- ❖ **EDUCATION IN THE IDEAL STATE:** Education occupies a vital position in the ideal state of Plato. Plato believed that virtue is knowledge and it was the duty of the state to impart knowledge. Plato held the view that if the three classes are to deliver their duty effectively then they must be properly trained and educated. The importance which Plato attached to education in his ideal state is evident from the fact that he devoted a good portion of the second book of "The Republic" to this topic. In his ideal state, Plato wanted education to be compulsory and state controlled. For Plato education was meant for all men, women and children alike. However, Plato was in favour of strict censorship of all literary and artistic works to ensure that the youth did not come under bad moral influence. The chief objective of Plato's scheme of education was to produce the philosopher kings.
- ❖ **RULE OF PHILOSOPHER KING:** Plato's ideal state is to be governed by the philosopher king, who according to Plato should be an absolute ruler. The philosopher kings are absolute in the sense that they are not limited by any written law. The philosopher king of Plato is not responsible even to public opinion. Plato wanted to give unlimited powers to the philosopher king in his ideal state. To him the philosopher king should be virtuous, lover of wisdom, a passionate seeker of truth and most importantly should think of the society first and then of himself. Plato further stated that all persons residing in a state do not possess equal capacity to acquire virtue. Hence only the virtuous should participate in governance. The rest should, according to their merit, be absorbed in other functions. Plato's philosopher rulers are the product of comprehensive and rigorous training and education spread over a period of over 35 years, thus the philosopher king of Plato would be a virtuous person and as such the citizens should submit themselves to the guidance of the philosopher king. It is noteworthy to mention here that Plato advocates the rule of the elite i.e., government by a few highly trained experts rather than a democratic system of government in which every citizen had the right to participate in



the affairs of the state. In fact, Plato denounced it as a government of the ignorant. Plato's views of the philosopher king are well reflected in his famous statements-” Until philosophers are kings, or the kings and princess of this world have the spirit and power of philosophy, cities will never have rest from their evils.”

- ❖ **STATE AND GOVERNMENT:** In all his works on political theory, there is a strong case, which Plato builds in favour of an Omni competent state. Living is one thing but living well is another and perhaps a different thing altogether. According to Plato, it is the duty of the state or govt. to help people live a complete life. The problem which Plato addressed was not having best a govt. could be created but how best a govt. could be installed. His model state is an Ideal state ruled by an ideal ruler known as Philosopher King. In his masterpiece, namely the Republic, Plato constructs his ideal state on the analogy between the individual and the state. According to Plato, human soul consists of three elements of reason, spirit and appetite, functioning within proper bounds. The state must reflect such a constitution, for the state was a magnified individual, the virtues and the constitution of the two being the same. This identification for the state with the individual makes Plato present a number of false analogies between the two. Plato's Ideal state comprises or three classes, namely the ruling class, the warriors and the producing class. The main objective of his ideal state is good life and Plato let his imagination pursue this good which results in the portrayal of a utopia. Plato's portrayal of an ideal state may be compared to an artist's portrayal of an ideal landscape. His ideal state is an ideal in the sense that it is an exhibition of what a state ought to be.

The ideal state was a reflection of man's best and noblest self and provided the medium in which a man found his best self. Plato believed that man found his perfection only in the ideal state. Plato builds his ideal state in three successive stages. In the first stage, Plato believes that men and women are different in degree only and not in kind. Hence, they should be given same educational facilities and should partake in the same public functions. In the second stage Plato advocates the abolition of the family on the basis of communism of property and wives among the two upper classes. In the third stage he introduced the rule of philosophy. Plato's ideal state is hierarchical in composition and functions. At the head of the ideal state is a philosopher ruler highly qualified people capable of ruling the country either fear or favour.



In order to ensure a steady supply of philosopher rulers, Plato advocated a state controlled compulsory scheme of education meant for the children belonging to all the three classes of people. The communism of family and property among the two upper classes was meant to keep them out of economic and world temptations and ambitions so that they could concentrate on their duty to the state. The other features of the ideal state were functional specialization, equality of men and women and censorship of art. Having outlined the details of an ideal state, Plato examined other types of regimes, accounting for their decline and decay. He listed four types of governments namely timocracy, oligarchy, democracy and despotism or tyranny. The first of these forms of state is timocracy "based on ambition and love of honour and war as represented by Crete and Sparta "so commonly admired".

The second is oligarchy or Plutocracy the rule of the wealthy, the third is democracy, the rule of the people, the fourth, and most important imperfect is despotism or tyranny, which develops inevitably out of the anarchy of the democratic state. In each instance, Plato correlates a type of human character with the form of govt. in which it is most reflected:" Constitutions cannot come out of sticks and stones; they must result from the preponderance of certain characters which draw the rest of the community in their wake". In his classification of forms of state, Plato considered democracy the second worst type of government. His description of life in a democratic society may be overdrawn, but remains to this day the most incisive critique of democracy.

Democracy was characterized by license, wastefulness, insolence, anarchy and democratic man gave more importance to his desire and appetites. Quantity rather than quality was the main criterion honoring all values on an equal basis. In the Statesman, Plato divided the states into lawful and unlawful states, a classification that Aristotle adopted when he spoke of good and perverted forms of government in his Politics. For Plato, there were three law abiding states, and their corresponding corrupt and lawless states. The rule of one yielding monarchy and tyranny, the rule of a few, aristocracy and oligarchy, and the rule of many included moderate and extreme democracy. For the first time, Plato conceded two kinds of democracy, and made it the best of the lawless states, though the worst of law - abiding states. Both forms of democracy were better than

oligarchy and even monarchy, tacitly admitting the importance of popular participation and consent in the polity.

- ❖ **COMMUNISM IN THE IDEAL STATE:** Plato's ideal polity is characterized as communism- of wives and property. Plato's communism is based on the premise that property, family instincts and private interest would distract man's attention from his obligations towards the community. Plato strongly believed that family and property are obstacles in the path of the three classes in discharging their obligations. In fact, Plato considered property and family relations as the main source of dissensions in society. So, in the ideal state of Plato, he proposed what is called communism of family and property. Plato wanted that the guardian class should be free from mental worries. He felt that acquisition of property and family would certainly stand in the way of philosopher rulers to devote themselves fully to the service of the community. So, Plato suggested for communism of property and family. Plato held that the combination of political and economic power was bound to lead to corruption and degradation in the state and an efficient system of administration could operate only if the economic power was absolutely divorced from political power. So, Plato expressed the view that the philosopher king should be free from economic motives. Accordingly, in the ideal state Plato suggested that there should be communism of property.

Plato also talked about the communism of wives in his ideal state. Plato realized that mere abolition of the institution of private property is not enough as property and family are interdependent on each other. Plato felt that family life would distract the guardian class from discharging their functions selflessly. Communism of wives would curb the sentiments of selfishness and emancipate women from the drudgery of home and thus enable them to devote to the service of the state. Plato also focused on communism because he was convinced that the family was the greatest stumbling block in the way of attainment of unity in the state. Again, Plato was quite disturbed and dissatisfied by the deplorable plight of the women in Athens and wanted that the talents of the women should be utilized for the benefit of the society. What he wanted was a rightful position of women in the society, as he believed in equal capacity of men and women. He felt that the talent of women could be properly utilized if they are imparted necessary training. He

therefore insisted that women in his ideal state should be accorded due and legitimate position. Again, Plato's communism of wives was also based on eugenic grounds. Plato was convinced that by introducing a system of temporary marriages between the best among men and the best among women a new and more intelligent race could be raised. According to Plato, within a certain age limit should be limited. Such temporary marriages would be regulated by the state. Plato believed that the scheme would ensure the best off-springs.

• **Comparison with Modern Communism.** There are similarities and difference between Platonic communism and modern communism. Both are alike in the sense that both ignore the individuality of the citizens and are based on the supremacy of the state which absorbs the individual. Both are totalitarian covering various aspects of the life of the individual. Both are based on the ignorance of the essentials of human nature and human instincts. Further, both are calculated to eliminate unregulated economic competition based on individualism. Platonic communism and modern communism meant to promote political unity and social harmony and to develop the sense of social service. There are some fundamental differences between Platonic communism and modern communism. Plato's communism has a political objective - an economic solution of a political ailment, Plato's communism is limited to only two upper classes – the rulers and the auxiliaries while Marx's communism applies to the whole society. As Prof. C.C. Maxey has rightly pointed out, Plato's basis of communism is material temptation and it's nature is individualist while Marx' basis is the growth of social evils, which result from the accumulation of private property in addition to the above differences, Platonic communism is opposed to modern communism on some other points. Plato's communism was calculated to prevent concentration of economic and political power in the same hands; modern communism gives political power to the producing class. Plato's communism involved abolition of private family life and private property; modern communism intends to abolish private property only.

• **Criticisms Plato's theory of communism** has been denounced by many from his disciple Aristotle down to Karl Popper. Aristotle criticizes Plato for having ignored the natural instinct of acquisition, making the scheme partial in so far as excluding the

producing class from it was declaring it ascetic and aristocratic, surrendering all the best for the guardians. Others, including Karl Popper, condemn Plato's scheme of communism on numerous grounds. The following are some of the criticisms leveled against Platonic communism.

1. It is doubtful if communism of families would bring greater degree of unity by making the guardians a single family.
2. Communism of wives and children was found to create confusion if not disorder - one female would be wife of all the guardians and one male, the husband of all the females
3. Common children would tend to be neglected, for every body's child would be nobody's baby.
4. It is also doubtful if the state-controlled mating would ever be workable; it would rather reduce men and women to the levels of mere animals by suggesting temporary marital relationship.
5. Plato's communism of family suggests a system of marriage which is neither monogamy nor bigamy, nor polygamy, nor polyandry; and finally.
6. Plato's theory of communism is too idealistic, too utopian, too imaginary and accordingly far away from the realities of life. Some critics have gone to the extent of criticizing Platonic communism as half communism'.

### **CRITICISMS OF PLATO'S IDEAL STATE**

Plato's Ideal state is not free from criticisms; Plato's ideal state is criticized on many grounds: According to critics of the ideal state of Plato, the philosopher king has been entrusted with absolute powers. By giving absolute powers to the philosopher king, it would lead to a tyrannical form of government. Plato's ideal state talks of a rigorous system of education which the ruling class should undergo. This principle of Plato is subjected to criticisms as it goes against the notion of equality. His scheme of education covers only a handful of people particularly the elites and neglects the common masses. Plato's assertion that there is no contradiction between the interest of the philosopher king and public interest is also dangerous. It is because such a principle encourages the philosopher king to assume unlimited powers and promote his self-interest at the cost of the interests of other citizens. This leaves sufficient scope for the establishment of totalitarian rule. Plato's views on communism of wives and property are also not wholly acceptable. According to the critics, the concept of communism goes against the

natural instinct of man, which can prove harmful for the development of the society. Plato's communism of property prevents the development of diverse interests of men, which is essential for a healthy society.

Plato views on communism of wives is also not acceptable as such a concept is bound to create disharmony in the society. Again, it seems absurd on the part of Plato to apply the analogy of animals to the human beings and plead for state-controlled mating. The critics also opine that Plato has mishandled the institution of marriage treating it merely as a mating agency. Marriage is a social institution and its successful working depends on proper understanding between husband and wife. According to Professor Barker, Plato makes the individual a mere means. The critics also express the view that Plato's scheme of education, rule of philosopher king, communism and functional specialization are utopian in nature.

Despite the criticisms that we have discussed above, it is undeniable the fact that political ideas of Plato have left a deep impact in the political thoughts of his successors in the subsequent centuries. No doubt Plato is criticised for expressing some ideas which are utopian in nature. But the utopian element does not completely devalue his contributions to political thought. Plato wanted to create an ideal state where the state would be governed by a philosopher king- who according to Plato was an epitome of justice, virtue and sacrifice. His emphasis on justice, functional specialization, his feminism and his eugenics are features of his political philosophy. Humanist movement owes much to Plato. Writers like Rousseau, was so much influenced by Plato's thought that Rousseau discarded the collectivism of social contract. Plato also profoundly influenced the German and the English schools of Idealists. Plato's political philosophy is best reflected in the statement made by Professor Janet who stated- "There is in the politics of Plato a utopian part and an ideal part.

The first is dead and will not revive, the second is eternal." His views of justice, functional specialization, rule of the wise and the virtuous, emancipation of women, importance on education, etc. reflect the eternal element in Plato's thought.

### **CONCLUDING REMARKS**

The perspective of 'Justice' occupies a very significant place in Plato's political thought so important for Plato subtitled his masterpiece 'Republic' as concerning 'Justice'. Plato used the term justice in a very wide sense. To him justice has both individual as social implications. It is both in the individual and in the society that justice resides. Justice to Plato is internal. While explaining Plato's theory of justice, Plato's starts by discussing the various prevailing theories of justice and after rejecting them puts forward his own views. To develop his own theory of justice, Plato discusses the prevailing theories of justice. Justice in Plato's interpretation implies a sort of specialization. According to Plato the state has three ingredients, namely, reason, spirit and appetite. Corresponding to these three ingredients there are three classes represented by rulers, soldiers and farmers respectively. Plato upholds that each three class has a specific role to perform. The rulers have wisdom and reason. Therefore, they are fit to rule the state. The second ingredient is spirit or courage. Therefore, there should be a class of persons who are courageous, so that they may be able to meet any situation that threatens the safety and security of the state.

The third ingredient is appetite and this is represented by the producing class namely, farmers. To Plato each of these classes is an integral part of the state and have significant contributions towards the society. Plato's Ideal State is characterized by existence of justice, functional specialization, division of the society into three classes, rule of philosopher king, definite scheme of education and communism of wives and property.

Plato's political philosophy, which emerges from his writings, has its special importance in the history of western political theory. Plato was the first systematic political theorist and a study of the western philosophy of tradition begins with his masterpiece, the Republic, Jowett rightly describes Plato as father of philosophy, politics and literary idealism. Plato's contribution to the western political thought is without any parallel. He was given it a direction, a basis and a vision. Political idealism is Plato's gift to western political philosophy. He innovated novel ideas and integrated them skillfully in a political scheme.

His radicalism lies in the fact that his rulers are rulers without comforts and luxuries possessed by men of property. Plato's attempt in the Republic is to portray a perfect model of an ideal order. Plato was the first to allow women to become rulers and legislators. His scheme of collective households, temporary marriages and common childcare were accepted as necessary

condition for the emancipation of women by the socialist of the 18th and 19th centuries. The whole bent of Plato's Political thought was the welfare and development of the community.

### **ARISTOTLE- 384 -322 BC**

#### **Synopsis**

- *Introduction*
- *Life Sketch*
- *Conception of Human Nature*
- *The Organic Theory of State*
- *Theory of Distributive Justice*
- *Concept of Education*
- *Classification of Government*
- *Aristotle's Concept of Slavery*
- *Aristotle's Views on Citizenship*
- *Non-Essential Qualifications of Citizenship*
- *Essential Qualifications of Citizenship*
- *Criticisms of Aristotle's Views on Citizenship*
- *Aristotle's Views on Revolution*
- *Concluding Remarks*

#### **INTRODUCTION**

Aristotle, the disciple of Plato was born in the ancient Greek city of Stagira in Thrace, in 384 BC. Aristotle is considered as one of the greatest intellectual figures in western history. His intellectual range encompassed most of the sciences and many of the arts including biology, botany, chemistry, ethics, history, logic, political theory, psychology, sociology to rare a few. However, he outshined most as a philosopher. His book "Politics" is considered as the most valuable masterpiece representing the Greek political thought. 'Politics' consists of eight books (Books I-VIII). Aristotle's thinking was largely influenced by his pre-conceived notion about the superiority of Greek philosophy. He also believed that the whole was prior to the part or society was superior to the individuals. Aristotle also pleaded for conferment of citizenship rights only on few. All these pre-conceived notions greatly influenced the political thought of Aristotle.

Again, it is noteworthy to mention that most of Aristotle's writing showed much regard for popular opinion and current practices, and also the element of realism. While the writings of Plato reflected his idealism, Aristotle was a realist thinker. His work 'Politics' speaks itself the realism in him thought. In this book Aristotle seemed to use empirical details about different political arrangements. However, like Plato, Aristotle considered reason to be the hallmark of a human being and like his teacher, he thought that not all human beings had the same amount of reason.

### **LIFE SKETCH**

Aristotle was born in 384 BC at Stagira, which is located on the north-eastern coast of the Aegean Sea. His father, Nicomachus, was a court physician to King Amyntas III of Macedon. The family was affluent. Aristotle developed a long-lasting interest in medicine and biology. "He had every opportunity and encouragement to develop a scientific bent of mind; he was prepared from the beginning to become the founder of science". Not much was known about Aristotle's character and personality, except that he had a sense of humour, was a good speaker and extremely persuasive in conversation. There were many stories about him. One account portrayed him as having squandered his wealth due to self-indulgence, compelling him to join the army to avoid starvation.

In 367 BC Aristotle, 17 years of age, joined Plato's Academy. He remained in the Academy for the next 20 years, first as a student and then as a member of the faculty till 348 BC, and left the Academy for Asia Minor after Plato's death. Very likely, his departure had to do with the issue of succession within the Academy. Besides Aristotle, Speusippus, Plato's nephew, and Xenocrates aspired for the position. Speusippus got it. If loyalty was the matter, then of the three, Xenocrates should have succeeded Plato, for he remained a faithful adherent to Plato's theory. Speusippus too rejected Plato's theory of ideas in its original form. Very likely, the reason was to keep the property within the family and avoid the legal hassles of its transference to a non-Athenian. However, this reason fell flat, for Xenocrates succeeded on the death of Speusippus in 335 BC. Aristotle's decision to leave Athens after Plato's death could be partly because of his strained relations with Speusippus, and partly due to the anti-Macedonian feelings in Athens.

Aristotle had close links with Macedon. In 336 BC, Alexander succeeded to the throne after the assassination of his father, which meant having no time for studies. Aristotle left for Athens. Macedonia emerged as a dominant power in the region. It began to establish an empire, when



many Greek cities including Athens came under its shadow, following the battle of Chaeronea in 338 BC. Aristotle established his school, Lyceum, when he was denied an opportunity to head the academy for the second time. From 335 BC till his death, he devoted himself to research, teaching and administrative duties in Lyceum. Lyceum was more than a school or university. It was a public leisure centre, where Aristotle lectured to his chosen students in the mornings and to the general public in the evenings. Being an informal school, it had no examinations, degrees, syllabi, official enrolment and fees. Aristotle pursued his studies in biology and history in Lyceum. By then, he had collected a large number of biological specimens. Many of them were sent by his students, including Alexander. His students also helped him to collect and compile research material, based on which Aristotle studied 158 constitutions. It has to be noted that amongst his contemporaries, Aristotle had the largest collection of personal books and manuscripts.

After Euripides, (480-406 BC) he was the first to put together a library and lay down the principles of library classification. Plato referred to Aristotle's home as "the house of the reader". Meanwhile, Aristotle's relations with Alexander got strained, reaching a breaking point in 326 BC, when one of his close friends, a philosopher, Callisthenes, accused Alexander of becoming an oriental monarch. Callisthenes was imprisoned and subsequently killed. Perhaps Aristotle would have suffered a similar fate, but for the fact that Alexander got busy with his plans to invade India. Within Athens, Aristotle's position became precarious, for he was seen as belonging to the Pro-Macedonian faction. Macedonia as an empire under Alexander began to threaten the liberty and independence of small city states that the Greeks had traditionally cherished. Alexander's sudden death in 323 BC was followed by a general revolt against Macedonian rule. When Athens declared war on Macedonia, Aristotle thought it was wise to leave the city, not only fearing for his life, but also denying Athens a second chance to commit a crime against philosophy, the first being the trial and execution of Socrates. Ironically, in spite of his close links with Alexander, and the latter's world conquests, Aristotle remained oblivious of the fundamental changes in the political complexion of the city states. He continued to see the self-sufficient and self-governing city state or the polis as his ideal, at a time when the polis was in its twilight period, being relegated to history.

All this happened over a 16- year period, when Macedonia incorporated the city states into an empire, and Alexander began to forge links between the Greeks and non-Greeks. Curiously, Aristotle's political outlook and belief "did not reflect these changes, nor did he make any effort

to combat these. In that sense, “the Politics is a retrospective anachronism”. Aristotle spent the last year of his life at Chalcis in Euboea. He died in 322 BC at the age of 62, on account of “chronic indigestion rendered acute by overwork”, as certified by his physician.

### **CONCEPTION OF HUMAN NATURE**

The state, according to Aristotle, was the highest form of political union, for it represented the pinnacle of social evolution. It was necessary, for it provided a framework for the satisfaction of basic wants and also ensured a means to secure and realize good life in a uniquely human sense. An individual found fulfilment from the advantages made possible by a state through its common endeavours, and one who did not feel its need was either an “angel” or a “beast”. The state was prior to the individual, in the sense that it provided opportunities for the achievement of full humanity. Social affiliation gave to individuals their species identity: All associations are in the nature of parts of the political association. Men journey together with a view to some particular advantage, and by way of providing some particular thing needed for the purposes of life; and similarly, the political association seems to have come together originally and to continue in existence, for the sake of the general advantage which it brings. The state was an instrument for an individual’s self-perfection. Far from being artificially or contractually created, it evolved naturally.

Aristotle contended that man by nature was a political animal, making the state necessary and desirable. The significant point to note is that Aristotle’s reference to nature confirmed the debate between nomos (convention) and phusis (nature) that dominated Greek political theory in the fifth century BC. As advocates of the phusis argument, both Plato and Aristotle asserted that the state and its laws were more than a product of convention. It was a natural institution reflecting individuals’ needs and purposes, given human gregariousness and sociability. Like Plato, Aristotle asserted that education was an effective way to produce political unity, though he criticized his mentor for not recognizing its economic significance.

If the farmer and the guardian were to receive the same education, then how could one expect them to perform different functions? Conversely, if they did not receive similar education, then it would be a mistake to assume that education could unify the city. For Aristotle, education was more than merely acquiring skills and common beliefs, a point reattached by Smith in his plea

for the division of labour, and the specialization of skills. Education, to Aristotle, symbolized a way of life, for individuals learned largely by doing.

The individual's social nature and the implied "political" content resulted in virtuous public behaviour necessary for the pursuit of private happiness. For Aristotle, private life was a necessary, though not a sufficient, condition for enjoying a full human existence. Aristotle pointed out that individuals could cultivate reasoned speech and moral choice with a view to achieving their full potential. The absence of these qualities would mean that human beings were worse off than animals. According to Aristotle, animals are social or individualistic; individualistic animals like the big cats live together, but that is confined only to their pride consisting of the male, the female and their cubs. Social animals, though not applicable to all gregarious ones, have a single common activity that unites them and that is the reason why human beings orbit towards the state. Rights of citizenship enable the use of one's unique human faculties through participation in the common life of the community.

The desire for human company, a basic and universal human need, is so deeply entrenched that even saints and monks who otherwise renounce normal society and human relationships, form their own communities: What effectively distinguishes the citizen from all others is his participation in Judgement and Authority, that is, holding office, legal, political, administrative .... There are different kinds of citizens, but... a citizen in the fullest sense is one who has a share in the privileges of rule ... a share both in ruling and in being ruled with a view to a life that is in accordance with goodness.

The nature of an association was in its end, namely self-sufficiency, which meant not only the satisfaction of economic needs, but also the realization of the full human potential. This was possible only within the polis. The polis was the most sovereign and inclusive association offering a framework for a full and true life. the polis belongs to the class of things that exist by nature, and that man is by nature an animal intended to live in a polis. He who is without a polis, by reason of his own nature and not of some accident is either a poor sort of being, or a being higher than man: he is like the man of whom Homer wrote in a denunciation: clan less and lawless and heartless is he. Both Plato and Aristotle regarded the polis as a complete form of reality. They zealously stressed its self-sufficiency and self-governing characteristics, projecting it as their political ideal too. Aristotle specifically stated that a polis should be large enough to guarantee self-sufficiency, and small enough to ensure good government. He defined a state as

“a union of families and villages in a perfect and self-sufficing life by which we mean a happy and an honourable life”.

### **THE ORGANIC THEORY OF STATE**

The basic idea of the organic theory is to show that the state is, in its nature, like a biological organism or a living being and that the relation between the state and the individual is the same as between an organism and its cell. The organismic theory is essentially a biological concept which describes the phenomena of the state in biological terms. According to this theory, the state is not a mere aggregation of individuals, but an organism having parts and organs which are related to one another in the same way as the different organs of an animal or a plant are related to one another. The theory is as old as political thought itself. Plato compared state to 'A' and man to 'a': it is an individual magnified. He compared the rulers, warriors and working classes to wisdom, courage, and appetite of the individual respectively. Aristotle drew a comparison between the symmetry of the state and symmetry of the body and believed that the individual is an intrinsic part of the society. Cicero, a Roman philosopher, also makes a passing reference to this theory. He likened the head of the state to the spirit that rules the body.

Hobbes compared the state to a huge, imaginary monster called the Leviathan, which is but an artificial man, of great strength and stature. According to him the state could suffer from human ailments like pleurisy, scabies and boils etc. Rousseau, a French philosopher, too, compared the "body politic" to the "Human body", both of which he said possessed the "motive power" of "force" and "will" (the legislative power and the executive power). The former was the "heart" of the state; the latter its "brain". Bluntschli, a German philosopher, found a striking resemblance between the state and an organism. According to him the state is not a lifeless mechanism. It has life and spirit. It is not merely a collection of individuals just as an oil painting is not merely a collection of drops of oilpaint. The state has its own personality independency as that of the individual comprising the state. Idealists described the state as a moral organism but according to Spencer the state is a living organism. He draws an elaborate analogy between the state and a living organism in the following manner:

Aristotle believes that man is, by nature and necessity, a social animal and he who is unable to live in society must be either a god or beast. He finds the origin of the state in the innate desire of

an individual to satisfy his economic needs and racial instincts. For the realisation of this desire the male and female on the one hand and the master and slave on the other, come together, live together and form a family, i.e., a household which has its moral and social use. It is in the household that the three elements originate and develop which are essential to the building of a state, namely fellowship, political organisation and justice. Aristotle opens the politics with two important ideas: the state is a community and that it is the highest of all communities, 'which embraces all the rest, aims at good in greater degree than any other, and at the highest good' the first thesis came naturally to a Greek of the classical period: his polis was city state with a small area and population. Aristotle may not have been the first to consider the state a community, but he was the first to define it clearly as such, and thus he laid the foundation for the organic conception of the state, one of the two major types into which all political theories of the state may roughly be divided.

According to Aristotle, state is a natural community, an organism with all the attributes of a living being. Aristotle conceives of the state as natural in two ways. First, he briefly delineates the evolution of social institutions from the family through the village to the city state; in the historical sense, the state is the natural and final stage in the growth of human relations. However, the state is also considered by Aristotle to be actual in a logical and philosophical sense: "The state is by nature clearly prior to the family and the individual, since the whole is of necessity prior to the part". Aristotle maintains that the state is not only a community but it is the highest community aiming at the highest good. The family is the first form of association, lowest in the chain of social evolution and lowest on the rung of values, because it is established by nature for the supply of men's every day wants.

The village is the second form of association, genetically more complex than the family, and aiming at something more than, the supply of daily needs. The third and highest in terms of value and purpose: whereas family and village exist essentially for the preservation of life and comforts of companionship, the state exists for the sake of a good life, and not for the sake of life only, and political society exists for the sake of noble actions, and not of mere companionship. It is clear from the above observations that the state is the highest form of association, not only in terms of the social and institutional value, but interns of man's own nature. Aristotle believed that man was essentially good and the function of the state was to develop his good faculties into a habit of good action. Aristotle saw a good deal of identity between the individual and the state.

Like the individual, the state must show the virtues of courage, self-control and justice. The function of the state was the promotion of good life among its citizens and, therefore, the state was the spiritual association into a moral life. As Prof. William Ebenstein has rightly pointed out his (Aristotle's) "is a conception of moral sovereignty rather than of legal sovereignty".

### **THEORY OF DISTRIBUTIVE JUSTICE**

Distributive Justice, Like Plato, Aristotle believed that justice is the very essence of the state and that no polity can endure for a long time unless it is founded on a right scheme of justice. According to him, justice is virtue, complete virtue, and the embodiment of all goodness. It is not the same thing as virtue, but it is virtue and virtue in action. Thus, Aristotle makes it clear that 'the goodness in the sphere of politics is justice, and justice contains what tends to promote the common interest.' Aristotle believes that justice saves the states from destruction; it makes the states and political life pure and healthy. For Aristotle, justice is either general or particular. According to Aristotle, general justice is complete goodness. It is complete in the fullest sense, because it is the exercise of complete goodness not only in himself but also towards his neighbours. Particular justice is a part of complete or general justice. Particular justice has two sub-varieties, namely, distributive and corrective justice. Corrective justice is mainly concerned with voluntary commercial transactions like sale, hire, furnishing of security, etc: and other things like aggression on property and life, honour and freedom.

Distributive justice consists in proper allocation to each person according to his worth. This type of justice relates primarily but not exclusively to political privileges. From the point of view of distributive justice, each type of political organisation, its own standard of worth and, therefore, of distributive justice. Distributive justice assigns to every man his due according to his contributions to the society. Distributive justice is identifiable with proportionate equality. Aristotle's concept of distributive Justice does not apply to modern conditions. Based on the notion of award of officers and honours in proportion to a man's contribution to society, it could apply to a small city states and is not applicable to modern sovereign states with huge population. Thus, his theory distributive justice is far away from the reality of the modern world.

### **CONCEPT OF EDUCATION**

Aristotle was very keen on education. The end of the state, according to him, is good life of the individuals for which education is the best instrument. Education was meant to prepare the individual for membership of the state and as such had a political as well as intellectual aim. According to Aristotle, education must be adapted to the constitution of the state and should be calculated to train man in a certain type of character suitable to the state. To him, the building of a particular type of character was more important than the imparting of knowledge and therefore proper educational authority was the states and not the private individuals. Aristotle was in favour of setting of state controlled educational institutions. However, Aristotle's view on education was less comprehensive and systematic compared to his master, Plato.

### **CLASSIFICATION OF GOVERNMENT**

On the basis of his study of 158 constitutions, Aristotle has given a classification which became a guide for all the subsequent philosophers who tried to classify government. He classified governments on a twofold basis namely,

1. The end of the state and
2. The number of persons who hold or share sovereign power.

This basis enables us to distinguish between the pure and corrupt forms of government. This because the true end of the state is the perfection of its members and the degree of devotion to this end is the criterion to judge whether a government is pure or corrupt.

<b>ARISTOTLE- CLASSIFICATION OF GOVERNMENT</b>		
Rule by	Pure Form	Corrupt Form
One	Monarchy- with supreme virtue as its guiding principle	Tyranny – representing force, selfishness
Few	Aristocracy- representing a mixture of virtue and wealth	Oligarchy –representing the greed of wealth
Many	Polity-representing martial and medium virtues, power resting with the middle-class people	Democracy – representing the principle of equality with power in the hands of the poor



Aristotle says when a state is ruled by a single person and he runs the state for the welfare and betterment of his subjects, it is Monarchy. Monarchy is the first "right" constitution identified by Aristotle, is rule by a single man who becomes a ruler through heredity or election. Aristotle thought kings have the advantage of acting quickly and decisively in emergencies. He gave priority to national interests over his personal wants and gives attention to the suggestions of his subjects. In all his activities, the monarch gives priority to general interests. Still, kings are subject to emotions and cannot handle all necessary matters at once. For these reasons, Aristotle argued, kings should not possess absolute power.

They should be limited by the law. When the ruler becomes corrupt and selfish, monarchy changes in Tyranny. Tyranny, the corrupt form of kingship, is the first example of a "wrong" constitution. Tyrants use force to oppress all others and are interested only in their own personal gain. In tyranny, the ruler is a single dictator who runs the state administration according to his sweet will. The ruler himself is above any criticism and he is to protect his personal interests. So, in rule of one if the ruler is to work according to people needs, it is Monarchy and its corrupt shape is called Tyranny. Aristotle also classified aristocracy as one of his "right" constitutions. The ruling class with a group of few men of virtue and wealth and they run the state for the welfare of the society, it is called Aristocracy.

In Aristotle's view, aristocrats are men of wealth and leisure who have developed their minds so that they have superior intellects. They are to work for the promotion of the general interests and wider national interests are considered superior. Aristotle believed that these men would only rule for the benefit of all. But when an aristocracy rules only for the benefit of the rich, it becomes an oligarchy, another one of Aristotle's "wrong" constitutions. Oligarchies were one of the common forms of government found in the Greek city-states.

Aristotle called this moderate mixed constitution a polity and believed that it would best serve the common interest of all citizens in most states. In this kind of government, the middle class runs state administration and a large number of citizens participate in this system. Administrators are elected representatives of the people who run the state's administration according to the will and desires of the people. When this ruling class becomes corrupt and selfish, the Polity converts into democracy. Even though Athens was a democratic city-state, Aristotle was never a fan of democracy and he included it as one of his "wrong" constitutions. Aristotle believed democracy meant that every free-born man had the right and duty to help rule the city.



Thus, both rich and poor, educated and ignorant, intelligent and dull-witted could attend the Assembly meetings, vote and hold public office. Aristotle saw danger in this form of government. The poor majority would always be able to outvote the wealthy and the best. He stated that democracy could easily become a tyranny with many heads. In Aristotle's classifications, there is no place for limited monarchy, a presidential form of government, a parliamentary form of government, a unitary government and the federal government. There is also no scope for a situation when governments change in the order indicated by Aristotle. Despite its shortcomings Aristotle's classification of the constitution is a landmark in political theory.

### **ARISTOTLE'S CONCEPT OF SLAVERY**

The institution of slavery has been criticised by many and defended by few Aristotle was one of its strong defenders. Aristotle justifies slavery, which in fact was the order of the day. He wrote in the Politics thus: "For that some should rule and others be ruled is a thing not only necessary, but expedient; from the hour of their birth, some are marked out for subjection other for rule". In fact, Aristotle justifies slavery on grounds of expediency. While discussing the origin of the state and family, Aristotle mentions the institution of slavery. He finds slavery essential to a household and defends it as natural and, therefore, moral. A slave is a living possession of his master and is an instrument of an action. A man cannot lead a good life without slaves any more than he can produce good music without instruments. Men differ from each other in their physical and intellectual fitness.

Aristotle justifies slavery on the grounds that there is a natural inequality between men. Aristotle assumes that nature is universally ruled by the contrast of the superior and inferior: man is superior to the animals, the male to the female, the soul to the body, reason to passion. In all these divisions it is just that the superior rule over the inferior, and such a rule is to the advantage of both. Among men, there are those whose business is to use their body, and who can do nothing better' and they are by nature slaves. Slavery is not only natural it is necessary as well. If the masters do not tyrannise over the slave, slavery is advantageous to both the master and the slave. Slavery is essential for the master of the household because, without slaves he has to do manual work which incapacitates him for civic duties. Aristotle was realistic enough to see that many were slaves by law rather than nature, particularly those who were reduced to slavery by conquest a custom widely practiced in the wars of antiquity.

He concedes to slaves the mental ability of apprehending the rational actions and orders of their master but denies them the ability of acting rationally on their own initiative.

- ❖ **CRITICISMS:** Aristotle's defence of slavery sounds very unconvincing and unnatural. He does not give reliable and fixed criteria for the determination of who is and who is not a natural law. Aristotle's assertion that some women are born to rule and others born to obey would reduce the society into two parts arbitrarily. Thus, Aristotle's definition of slaves would reduce domestic servants and women in backward countries to the position of slaves. Karl Popper in his work "Open Society and its Enemies" has criticized Aristotliean an doctrine of slavery when he wrote thus:" 'Aristotle's views were indeed reactionary as can be best seen from the fact that he repeatedly finds it necessary to defend them against the doctrine that no one is a slave by nature, and further from his own testimony to the anti-slavery tendencies of the Athenian democracy'".

### **ARISTOTLE'S VIEWS ON CITIZENSHIP**

In Book (III) of his famous masterpiece 'Politics', Aristotle deals with the conception of citizenship in a more comprehensive way. At first, he tries to find out as to who is an ideal citizen. Aristotle was essentially a conservative thinker who very much was in favour of conserving the existing institution of citizenship. Aristotle was not in favour of conferring citizenship to all. Aristotle analyses the conception of citizenship by putting forward two criteria for granting citizenship, namely, essential qualifications and non-essential qualifications.

- ❖ **Non-Essential Qualifications of citizenship:** According to him residential qualification cannot be considered as a valid ground for conferring citizenship rights. This is because Aristotle believed that if residential qualification insisted upon, aliens and slaves would also be entitled to citizenship rights and which to him was not acceptable. Again, Aristotle goes further by stating that enjoyment of legal rights is also not enough for enjoying the status of a citizen. It is because, to him even a foreigner must possess legal rights. Likewise, descent from a citizen also does not necessarily entitle a person to become a citizen. Aristotle specifically stated that those born of citizen father and not of citizen mother and vice-versa cannot be considered as citizens. Again, Aristotle was also opposed to conferring citizenship rights to children who were young and underdeveloped. Accordingly, the above three

qualifications, namely, residence, enjoyment of legal rights and descent from a citizen are at best only non-essential qualifications which are desirable in nature.

❖ **Essential Qualifications of citizenship:** The essential attributes of citizenship which a citizen must possess are neither residence, descent nor legal privilege but performance of civic functions, not for a limited but for an indefinite period. According to Aristotle, a citizen is one who has the ability to participate in the judicial and deliberative functions of the state. Therefore, Aristotle held the view that a citizen was one who took part in the activities of the sovereign state by way of participating in the deliberations of the state assemblies and in the juries of the state for administration of justice.

❖ **Virtues of a Citizen:** Aristotle outlines the following virtues which are essential in becoming a citizen. The first virtue essential for acquiring citizenship is that person should be engaged in the protection of community. Aristotle defines a citizen as a person who participates in the administration of justice and legislation as a member of the deliberative assembly. In other words, a person holding office as a judge or enjoying membership of the popular assembly is a citizen. The second virtue is that, the citizen should have the capacity to rule and be ruled in turn. A good citizen according to the Aristotle is one is capable of both. A person who does not know how to govern and be governed is not a citizen. Possession of leisure also constitute an essential condition of citizenship. According to Aristotle only those persons who can enjoy leisure and do not have to take care of the worries of daily life can actively participate in the affairs of the state as a judge or a legislator.

Aristotle therefore excludes slaves, the resident aliens (engaged in trade and business), foreigners, mechanics and labourers, etc. from the category of citizens. Again, in order to ensure that the citizens can enjoy leisure and discharge their duties effectively, Aristotle holds the view that the citizen should be free from economic worries. In this regard, to Aristotle, the essential qualification for citizenship therefore is to have property which alone could ensure leisure necessary for participation in civic duties. Herein it may be mentioned that Aristotle's conception of leisure is fundamentally different from that of ours. According to him leisure does not mean recreation. Leisure is a kind of activity, which are not economic in nature. Leisure activities are identical with the activities of good life for the promotion of which the state exists. In order to enable the citizen to undertake leisure activities, Aristotle advocates the institution of slavery.

❖ **Classes excluded from Citizenship:** Again, Aristotle also excludes women, old aged people as well as children from the category of citizens. According to Aristotle, the labour class, the slaves, the women, the aged and children are not fit to participate in the affairs of the state either due to insufficient time for leisure or due to lack of mature judgment. As such they are not fit to acquire citizenship rights. Again, Aristotle excludes even the producing class from citizenship rights. To Aristotle the essence of citizenship is that a citizen must be a functioning member of a city state and not a mere adherent to its existence. Thus, Aristotle is not liberal in conferring citizenship to all as he excludes the above discussed categories from this privilege. To Aristotle enjoying citizenship rights is a privilege enjoyed by the selected aristocratic class.

### **CRITICISMS OF ARISTOTLE'S VIEWS ON CITIZENSHIP**

Aristotle's view on citizenship has been subjected to criticisms on the following grounds. According to the critics Aristotle's conception of citizenship goes against the liberal philosophy as he confers citizenship only on a selected group of people (aristocratic class), and excludes the women, children, old men, manual workers etc., from this category. To the critics, by denying the majority section of the population from citizenship rights, would cultivate a feeling of disinterestedness amongst them, which is detrimental to the interest of the state.

Critics believe that such an exclusionist conception of citizenship would divide the state in classes, which goes against the solidarity of the state. It would also lead to discontentment amongst the people. If citizenship is to be reserved only for a class of people who are rich enough not to have to work for their living, there is every chance that this class would use their power and privilege to promote their own interest. This group of people would first and last think of passing legislation to ensure the stability of the rule of its own.

Aristotle's conception of citizenship is contrary to the modern notions of citizenship and is also unfit to the modern nation state. In today's time, all persons who reside in a state (based on the principle of *jus soli* and *jus sanguine*) are citizens barring some persons, whether they work with hands or brain. To the critics, mere speculation and contemplation by the intellectual class cannot provide basic needs of people like food, clothing etc. Hence to condemn the manual workers and thereby depriving them of citizenship rights is not justified. Again, the critics refuse

to accept Aristotle perception of direct participation of the citizens in the legislature and judicial business of the state.

To him this is only possible in the city states of his times when the numbers of the citizens were very small. But in a modern nation state such a concept of citizenship is not acceptable as the state consists of millions of people. It is almost impossible to think that every citizen should have a direct share in the legislature and judicial business. Moreover, in today's representative democracies Aristotle's conception of citizenship does not fit in. It is because in representative democracies citizens participate in the activities of the state through their representatives elected at fixed intervals.

Again, his advocacy for slavery for ensuring leisure to the citizens goes against the very philosophy of human rights which looks upon all human beings as one and equal. Moreover, his theory encourages class rule and neglects the welfare of the majority. It is very wrong to split the population into two parts in which one part is merely treated as an instrument for the welfare of the other. Aristotle's concept of citizenship reflects his conservative outlook and as such his theory is severely criticized. However, it shall be unjustified to completely discard his views by locating the theory of citizenship in the context of modern nation state. Aristotle offered a theory of citizenship which was primarily intended for the city states as prevailed during his time. It must however be admitted in defence of Aristotle's concept of limited citizenship that citizenship in his days connoted something much more than citizenship nowadays and did require leisure which the working-class people did not enjoy.

### **ARISTOTLE'S VIEWS ON REVOLUTION**

Book (V) of "Politics" contains Aristotle's views on revolution. Aristotle's views on revolution is the product of his extensive and elaborate study of the working of 158 constitutions and the attempt to understand that frequent changes in the government of the city states during his times. The determination and decadence in political life during his days in the city states provided food for serious thought to Aristotle to identify the causes behind such phenomena and thereby came up with his elaborate views on Revolution.

At the outset Aristotle tries to define what revolution is. In this context, Aristotle offers a two-fold definition of revolution. First, by revolution, he implied any major or minor changes in the constitution such as change from monarchy to oligarchy and so on. Secondly, revolution also

meant, a change in the ruling power, even though it did not lead to a change in the government or constitution. Viewed in this context a change from monarchy to tyranny and vice versa is a revolution. In other words, a revolution can be said to have occurred if ruling power has been transferred, even if the constitution remains the same. From the above analysis of what revolution is, as explained by Aristotle, it is clear that Aristotle used the term revolution in a very broad sense by not restricting the concept only to political changes.

### **CAUSES OF REVOLUTION**

Revolution according to Aristotle can be caused by numerous factors or causes, which can broadly be discussed under the following-

❖ **GENERAL CAUSES OF REVOLUTION:** According to Aristotle every human being has the desire to be treated equally. This desire to him is natural. It is only when the people are not treated as equal, while some amongst them are accorded more privilege and a superior position than the rest, then that deprived section wants to do away with the existing system, thereby causing revolution. To Aristotle, injustice and ill will are the most potent causes of discontent and instability. The absence of proportionate equality, of a fair deal leads to lack of justice and splits the city into factions. In other words, when a section of the society feels that they are denied or deprived of justice, there is every possibility of revolution. Thus, the most general cause of revolution is men's desire for equality. However, equality carries different interpretations for different people in the sense that the supporters of democracy want absolute equality of all, while the supporters of oligarchy favour proportional equality based on consideration of wealth, ability and worth. Aristotle opines that all revolutions are rooted in the desire of citizens to have equality of opportunity and rights. To him a mixed form of government containing both oligarchic and democratic elements, is desirable and the best if revolutions are to be avoided. According to Aristotle, there are varying degrees of revolutions such as- a revolution may take the form of a change of constitution of state, or revolution may try to grasp political power, but the constitution may remain the same. Again, a revolution may make a democracy more or less democratic or oligarchy more or less oligarchic, or it may be directed against a particular person or a set of persons of the state. Thus, Aristotle rightly asserts that more the equality, more stable is the state. The best system is one wherein the state is dominated by the middle class, where there shall be less inequality and hence will have a very less chance of a revolution.

❖ **PARTICULAR CAUSES OF REVOLUTION:** Aristotle also identified certain particular causes of revolution which are enumerated below:

- **Misuse of power and authority:** One particular cause of revolution as identified by Aristotle is the misuse of power and authority by the rulers or the people in power. It leads to the development of an attitude of disgrace towards and resentment against the ruled. Such attitude may trigger the spirit of revolution. Revolts in monarchy and tyranny are mainly caused by the insolent and oppressive behaviour of the rulers.
- **Profit and Gain:** When the officers of the state indulge in illicit gains at the expense of the people of the state. The people feel deprived and triggers a mood for change.
- **Favoritism and discrimination:** Revolts may also occur when undeserving people are obtaining honors which they do not actually deserve. When grievances in this regard are not addressed by the government, people rise in rebellion.
- **Corruption and disloyalty:** Aristotle also identified corruption and disloyalty as one of the particular causes of revolution. The use of unscrupulous methods in election for coming to power and incorporating corrupt and disloyal officers in the administrative system create dissatisfaction and discontentment in the minds of the general masses and instils in them a desire to overthrow the system through revolution.
- **Excessive and irrational use of force:** Excessive and irrational use of force is also bound to lead to revolution, as opined by Aristotle. It is because Aristotle believes that such a situation will compel the people to revolt against the authority as people will not tolerate it for a long time. Again, frequent quarrels also between the diverse claimants of power.
- **Disproportionate increase in the power of the state:** Revolutions may also occur due to the disproportionate increase in the power of the state. Such an increase creates a gap between the ruler and the ruled, between the constitution and the society paving the way for revolution.
- **Role played by demagogues:** Another particular cause of revolution according to Aristotle is the role played by demagogues, especially in democracies. The demagogues bring bitter accusations against the rich people, both individually and as a class. As a result of these accusations, the rich people come together and overthrow the democratic

government. Again, certain factors like neglect of minor change in government, free flow of immigrants, conquest of one nation by another, love for power, arrogance of the rulers, etc. may also culminate in a revolution.

- **Prevention of Revolution:** Aristotle not only identifies the causes of revolution, but also suggested a number of measures to prevent the same. Here also Aristotle categories the preventive measures into general as well as particulars measures.

### ❖ GENERAL MEASURES

Aristotle has identified the following general measures to prevent revolution:

- a) A spirit of fairness is to be ensured.
- a) Officers of the state should be elected for a fixed tenure with no right to re-election.
- b) Endeavour should be made to promote the spirit of harmony.
- c) A feeling of urgency should be cultivated in the people so that in times of crisis they may have a firm grasp over the constitution.
- d) Granting of awards and promotions should be alone meticulously.
- e) Private extravagance and the sudden rise of a social class to a new degree of prosperity.
- f) No reliance should be placed on devices intended to hoodwink the public.
- g) Educating the masses and treating them with affection will ensure loyalty of the masses towards the systems.

### ❖ PARTICULAR METHODS

Aristotle also suggests particular methods of prevention of revolution. However, he tries to locate these measures in the context of different forces of government. These are- In democracy, Aristotle suggests that the rich should be made to feel that their property and estates shall not be redistributed. In aristocracy and oligarchy, the fairness principle should be followed. According to Aristotle under such systems no single person or groups of persons should be allowed to become too powerful. Again, the poor people should also be included within the functioning of the administrative system. In a polity, if revolution is to be prevented then what is desirable is through proper espionage systems which includes both men and women, developing the



intellectual life of the citizen, keeping the people poor so that they are constantly confronted with economic problems, creating a sense of hostility and distrust among different sections of people that they are so engaged in quarrels that they have very little or no time to think of revolution. In this way the tyrant can prolong his days and attain a state of goodness.

### **CONCLUDING REMARKS**

In Book (III) of his famous masterpiece 'Politics', Aristotle deals with the conception of citizenship in a more comprehensive way. At first Aristotle tries to find out as to who is an ideal citizen. Aristotle was not in favour of conferring citizenship to all. Aristotle analyses the conception of citizenship by putting forward two criteria for granting citizenship, namely, essential qualifications and non-essential qualifications. According to Aristotle the three qualifications, namely, residence, enjoyment of legal rights and descent from a citizen are at best only non-essential qualifications which are desirable in nature. The essential attributes of citizenship which a citizen must possess are neither residence, descent nor legal privilege but performance of civic functions, not for a limited but for an indefinite period.

According to Aristotle, a citizen is one who has the ability to participate in the judicial and deliberative functions of the state. Therefore, Aristotle held the view that a citizen was one who took part in the activities of the sovereign state by way of participating in the deliberations of the state assemblies and in the juries of the state for administration of justice. Aristotle outlines the following virtues which are essential in becoming a citizen. Again, Aristotle also excludes women, old aged people as well as children from the category of citizens. Book (V) of "Politics" contains Aristotle's views on revolution. Aristotle offers a two-fold definition of revolution. First, by revolution, he implied any major or minor changes in the constitution such as change from monarchy to oligarchy and so on. Secondly, revolution also meant, a change in the ruling power, even though it did not lead to a change in the government or constitution. From the above analysis of what revolution is, as explained by Aristotle, it is clear that Aristotle used the term revolution in a very broad sense by not restricting the concept only to political changes.

Revolution according to Aristotle can be caused by numerous factors or causes, which can broadly be divided into general and particular causes. Aristotle not only identifies the causes of revolution, but also suggested a number of measures to prevent the same. Here also Aristotle categorises the preventive measures into general as well as particulars measures.

## **WESTERN POLITICAL THOUGHT: ANCIENT AND MEDIEVAL**

### **Synopsis**

- *Rise of Rome- Contributions to Political thought,*
- *Roman Republic and Empire,*
- *Roman Legal System.*
- *Rise of Christianity – Religion Vs Politics: The church and the Papacy*
- *St. Augustine and St. Thomas Aquinas-Philosophy and Contributions.*
- *Machiavelli- The Prince and its Philosophy*

## **ROMAN POLITICAL THOUGHT**

### **INTRODUCTION:**

The Roman world was destitute of any great political philosopher. Polybius, himself a Greek, and Cicero make but a poor comparison with Plato and Aristotle in the field of political speculation. The Roman mind was legal *i.e.*, consolidative and not speculative. Whereas, therefore, the world was none the richer in political philosophy because of the Romans, the political institutions and the legal system of Rome have profoundly moulded Western Political and juristic systems. The whole of the Italian and Swiss, law and substantial parts of the laws of France, Germany, Holland and the South American States are based on the Roman Law. In order to understand the political and legal institutions of ancient Rome, we must trace the growth of the Roman Empire.

### **RISE OF ROME: ROMAN INSTITUTIONS**

Rome was at first a city-state, formed by a union of tribes living on neighbouring hills. Her government consisted of a monarch, a senate and an assembly – *Comitia Curiata*. Patricians *i.e.*, aristocratic class, alone held political power, but, later on, the Plebians *i.e.*, common people, succeeded in getting established a *Comitia Centuriata*. About 500 B.C., a republic was set up. Patricians and Plebians fought and then coalesced and formed the citizen-body. Two consuls

replaced the king and these consuls were assisted by praetors and censor and, later on, by the Tribune, the people's representative. After consolidation at home, the Romans thought of imperial conquest. The expansion of Rome began in Italy. The neighbouring states were absorbed and governed by Roman prefects. By the close of the 1<sup>st</sup> century B.C., Rome had extended her authority over the barbarians to the north and west and governed from the Euphrates to the British Isles and from Sahara to the Rhine-Danube frontier'. This knits up the entire western world into one political system, necessitating a system of centralized administration. Military dictatorship destroyed democratic institutions. The popular assembly lost power. By the end of the 2<sup>nd</sup> century A.D., Roman citizenship was extended to the provinces and therefore, Rome, instead of being a city-state, became an empire. A common official language and a common legal system unified the Roman Empire. Thus, the democratic city-state became the despotic world empire. In the West, Greek ideals of democracy, liberty and autonomy were replaced by the Roman ideals of Unity, Order, Universal Law and Cosmopolitanism. Loss of political independence resulted in the loss of interest in political speculation.

### **ROMAN POLITICAL PHILOSOPHY**

Stoicism formed the predominant political philosophy of the Romans, though the Romans borrowed from the non-stoic Greek political thinkers too. The practical-minded Romans cared more for the development of political institutions than for the evolution of political philosophy. The Romans systematized the Greek political thought and, in doing so, formulated a body of new principles, which constituted an improvement on the political thought of Greece. The new principles are broadly concerned with: -

1. Creation of positive law.
  2. Separation of politics and ethics.
  3. Distinction sovereignty and legal personality of state
- as the maker of laws.

### **ROMAN CONCEPTION OF STATE**

Whereas, with Plato and Aristotle, the state absorbed the individual completely, and while the Epicureans thought the state to be an unnecessary encumbrance, the Romans thought the state to

be both natural and necessary. The Romans distinguished the state from the individual. The state as well as the individual had definite rights and duties. The Romans laid emphasis on the individual, the state existing to protect the rights of the individual against other individuals and against the state itself, which was recognized to be a legal person as much as the individual. This was the basis of Roman private law.

### **POPULAR SOVEREIGNTY**

While the state was the legal sovereign, the political sovereignty lay with the people as a whole. In theory, even the emperors were representative agents of the people. The emperor was the fountain of law, because the sovereign body of citizens had delegated to him their whole authority. This delegation of authority by a governmental contract, and not by a social contract, was made to the public officials. The delegation, however, was irrevocable and could not be withdrawn. There was no redress against the abuse by officials of their delegated authority. Revolutions were unjustified. The legal fiction of the monarch receiving his powers from the Roman people was later overshadowed by the theory that the imperial authority was a divine gift. When, however, Christianity became the state religion of the Roman Empire, the theory of the divine origin of the imperial authority was somewhat modified to mean that the divinity attached to the office and not to the person of the emperor.

The emperor ruled by virtue of Divine Will and delegated his political authority to the state officials. Not only did political sovereignty reside in the people but even the laws were made by magistrates in agreement with popular assemblies. The magistrates proposed, and the assemblies ratified, the new laws. The laws, therefore, did not constitute the command of the sovereign but represented a sort of contract between the people and the government. Even the private law of the Romans was based on the idea of contractual obligations between individuals. The idea of sovereignty of the people was never wholly lost sight of during the entire Roman period. During the Regal period, the king was taken to be the representative and delegate of the people and as such was not entitled during the Republican period and was accepted, at least in theory, during the imperial period. Popular sovereignty was taken to be the basis not only of imperium, but also of law which was an expression of popular will representing a mutual contract between the people. Besides, the sovereign people were taken to be the source of all special honours and had the right of final judgment in criminal cases. "The will of the state is the will of the aggregate of its citizens. Law is a contract by which these citizens mutually obligate themselves to observe a

certain mode of conduct.” Though the Romans believed in imperium being a popular gift, they did not believe in the contractual origin of the state. The state was a ‘natural’ institution. They did not believe in social contract representing a delegation by the people of their imperium to the rulers.

### **ROMAN IMPERIUM**

The Romans held that each community held an inalienable and innate right to issue commands to its members and enforce obedience to them. This was imperium. Beginning with the Regal period, we find that the Romans did not believe that any individual had a particular and absolute title to rule over them because of any hereditary claims or divine antecedents. Any Roman could fill the office of the king. The king was just one of equal burgesses. The burgesses chose their own ruler but once chosen, the king held office for life, could not be deposed constitutionally and was entitled to the allegiance of the subjects. He possessed the absolute power of the state, was High Priest and held imperium for peace and war. Power was a gift to him but this gift was absolute and irrevocable.

At his death, however, imperium returned to the burgesses or their representatives, the Patres. An Inter-Rex was temporarily appointed during the interim through whom power came to the new Rex *i.e.*, king chosen by the people. In this republican period, imperium was held to reside in the people organized in their assemblies but was actually exercised by a few officers between whom it was divided by the people who could not exercise it directly. Imperium was held to be a trust, was to be exercised for the welfare of the community and was taken to be based on the consent of the community. During the imperial period, imperium was taken to be delegated by the people to the emperor but it was held now that this delegation was irrevocable.

### **POLITICAL VIEWS OF POLYBIUS**

The first of the Roman political philosophers who wrote on Roman government and its constitution was a Greek hostage, named Polybius (201-122 B.C) Rome had, by his time, become a great state and had subjugated Greece. Polybius admired the Roman polity which had enabled Rome to become a great political power. He wrote his *History of Rome* to show her

greatness and to find out and enunciate the cause of this greatness. He began his history by giving the cause of the origin of state. He outlined, after the Aristotelian fashion, the various types of government *i.e.*, monarchy, aristocracy and democracy and declared that the differences between the three types were external and institutional rather than internal or ideal. The pure forms of these types, to Polybius, were unstable, because of the antagonism displayed by the elements in the state representing the other two types. Polybius recognized a natural cycle of change in the form of government in the state.

The change took place in the following succession: monarchy, tyranny, aristocracy, oligarchy, democracy and ochlocracy and then, the new cycle once again. He analysed philosophically the constitution of Rome and declared that it was of a mixed form and therefore, better than a constitution of a pure type, because it embodied a system of checks and balances among the different organs.

### **CLASSIFICATION OF GOVERNMENT**

Polybius classified government into monarchy, aristocracy and democracy with their respective perversions *i.e.*, tyranny, oligarchy and extreme democracy. To Polybius, the earliest type of government was monarchy, based on force first, but later on, sanctioned by popular approval. Monarchy degenerated into tyranny. This was overthrown and followed by an aristocracy, based on virtue and intellect. Aristocracy degenerated into oligarchy, which was followed by democracy, which too, degenerated into ochlocracy *i.e.*, mob rule.

### **MIXED TYPE-The Best**

To Polybius, the best safeguard against political revolutions was the incorporation in the constitution of the best elements all the three pure forms of government, a thing which the Roman republic had done wisely and to her great advantage. Thus, in the Roman constitution the 'consults represented the monarchic principle, the senate was essentially aristocratic and the popular assemblies were democratic'. Each one of these three elements watched and controlled the other two elements. There was nothing original in the political philosophy of Polybius. He identified democracy with Aristotelian polity and gave a new name ochlocracy to extreme democracy. Polybius, however, was the first political theorist to bring out the importance and advantage of a mixed type of government, constituting a system of checks and balances.

### **POLITICAL VIEWS OF CICERO**

Cicero, who wrote about a century after Polybius, was the greatest Roman representative of the Stoic school of political philosophy. The Stoicism of Cicero profoundly affected his political doctrines. In the days of Cicero, the political condition of Rome was more or less chaotic. The economic changes, accompanying the growth of the Roman state, had sharpened the hostility between the Patricians and the Plebians and had made the old system of checks and balances unworkable. Civil wars ensued resulting in the emergence of military dictators like Marius, Sulla, Pompey and Julius Caesar and the consequent growth of an imperial system.

Cicero was an ardent republican and wanted to restore the power of the discredited senate and the magistrates. He too, like Polybius, believed in a mixed type of constitution as the best one. His *De Republica* and *De Legibus* represents a fervent appeal for the restoration of the old mixed constitution with its healthy system of checks and balances.

### **REPUBLICA**

Like *the Republica* of Plato, Cicero's *De Republica*, is in the form of a dialogue. Like Plato, again Cicero tried to visualize an ideal state and laid down the principles of morality, which embodied his notions of justice. Stoic as he was, Cicero believed that the state originated in the social instinct of man. The state was a rational being. But whereas the Stoics took the state to be a pre-eminently social institution Cicero gave it a political complexion. He created a distinction between the state and the government. The government was the agent of the people in the state, while sovereignty lay with the people. Cicero closely followed Polybius in his classification of governments into monarchy, aristocracy and democracy with their perversions. Cicero accepted Polybian system of revolutionary cycle with only a slight change. His cycle consisted of monarchy, tyranny, aristocracy, oligarchy, democracy and then military dictatorship resulting in the government of monarchy again.

### **DE LEGIBUS**

*De Legibus* of Cicero is an enunciation of his *De Republica*. In it, he laid down that civil and constitutional law must be based on natural law and reason; otherwise, it was invalid. He again laid emphasis on the importance of justice in the state. He believed in the universality of the law of nature and preached the doctrine of universal brotherhood. His civil and constitutional code was based on his ideas of cosmopolitanism. There was nothing very original in Cicero. He reinvigorated Greek thought, but laid a distinct emphasis on Stoic cosmopolitanism, which was

in conformity with the Roman World Empire. He gave the civil law a natural basis. For all practical purposes, he identified the Roman law, based essentially on the principles of justice and equity, with the Stoic law of nature. His “ideas of justice and natural law sank deeply into Roman legal thought and profoundly influenced the later imperial jurists and the early Christian writers. And his idea of world unity and of universal law and authority remained the central principle of political thought throughout the whole mediaeval period”.

### **STATE AND TRUE LAW**

Cicero held that men were equal by nature, and that all men and all races were capable of virtue, a view in which he differed from Plato and Aristotle. Whether resulting from a definite pact or not, Cicero’s state is founded on the consent of the whole people. The people, who represent an “assemblage of many associated by consent to law and community of interests”, due not to weakness but to gregarious instinct, form a corporate body with supreme legal authority. They are united by the bond of law. According to Cicero, true “Law is right reason, conformable to nature, universal and eternal”.<sup>2</sup> It was all-dominating and embraced all peoples and all times. This “Law common to all men and to God and so old as time is also the source of the state itself – a state is nothing else than a partnership in law”.<sup>3</sup> Thus Cicero’s state depended even more upon law than did that of Plato or Aristotle. To Cicero, the king was the representative of law. To him, the state was not prior to the individual.

The greatest legacy of Cicero is his formulation of the idea of natural law, based on the doctrines of Plato and the Stoics. He agreed with Plato in believing that the principles of right and justice were eternal and with the Stoics in holding that a supreme universal law existed in nature. He brought into immediate relation with human reason and positive *i.e.*, state-made, law the abstract principles of justice and universal law. To him, morality dominate politics as much as it did private conduct. Cicero was a conservative who believed in moderation, balance of power and constitutionalism. He exerted a considerable influence on Montesquieu who develops Cicero’s idea of balanced constitution into the theory of separation of powers.

### **POLITICAL VIEWS OF SENECA**

Seneca was for about eight years the minister of the worst of Roman emperors, Nero, and belonged to the Stoic school of philosophy. As a Stoic, Seneca believed in a primitive state of



nature when men were innocent and happy, when there was no government, no slavery, no private property and when there was freedom and equality between man and man. Seneca found a great contrast between this state of nature and the conditions prevailing in the Roman world during the empire of Nero. He explained this transformation by the loss of primitive innocence of man, his later degradation, and consequent rise of some human institutions including the state. Though there is nothing original in Seneca, his is the best statements about the Stoic view of the origin of the state, a view adopted by the early Church Fathers in their explanation of the emergence of the state. Seneca's theory of the state tended towards the conception of the conventional growth of the state.

### **THE ROMAN LEGAL SYSTEM AND ITS INFLUENCE**

**EVOLUTION:** The Roman political doctrines and system of law have had a very slow and gradual growth. The philosophical basis of the Roman law is Greek, though the particular principles, arising out of and growing from precedent to precedent, are Roman. As with many other primitive peoples, religious precepts, customs and rules of equity passed for laws with the Romans in the beginning. With the passage of time, however, a distinction began to be drawn between divine injunctions and rational customs of men; still the state did not make any laws. About 450 B.C., however, the customary rules of the Romans were codified into the *Twelve Tables*. This codification was attended with important results. It brought symmetrical classifications and clearness of expression into the laws. It decreased the power of the nobles, who up to this time were the sole expounders and administrators of laws and generally interpreted laws to suit their own interests.

The Plebians now knew their laws and knew how they stood. Any future laws passed in their favour were also codified and recorded. This lessened the occasions of friction between them and the Patricians and led to the solidarity of the Roman constitution. The codification of the customary rules into the *Twelve Tables* also gave a great impetus to legal thought in Rome. Divine authority and customary rules yielded the pride of place now to secular authority and the state-made laws. The *Twelve Tables* represented the whole range of private law, any omission being rectified by adding new bodies of laws passed by the legislative bodies with the consent of the people. This process gave rise to the legal dictum that the Roman laws represented the will of the state. Roman Law was added to and modified by plebiscite, comitial enactments and later, by *Senatus Consulta* and the constitutions of the emperors.

### **GROWTH OF JUS- GENTIUM**

The expansion of Rome into a great empire found the Roman legal system, as represented essentially by the *Twelve Tables*, wholly inadequate and narrow. This narrowness, however, was broken down by the edicts issued by the praetors, responses drafted by juriconsults and the constitutions proclaimed by the emperors.

The law was, thus, not only expanded but also rationalized. It was during this time when the edicts of the praetors and the responses of the juriconsults laid down new judicial principles of general application that the important notions of *Jus Naturalae* and *Jus Gentium* were recognized. The expansion of Rome and her commerce brought a large number of aliens to Rome and in the 3<sup>rd</sup> century B.C., a special praetor was appointed to deal justice to foreigners. These praetors could not apply alien law within the Roman jurisdiction nor would the purely municipal law of Rome suit the requirements of the case when the parties to a dispute were foreigners.

These praetors, therefore, added together legal principles common to Rome and her Italian subjects, modified them when necessary and created a new legal system known as *Jus Gentium i.e.*, law common to all nations. Praetor Perigrinus may be said to have been chiefly responsible for the growth of *Jus Gentium*. This *Jus Gentium* embodied principles of natural equity and customs and laws common to nations subjects to Rome. These principles of equity, representing abstract principles of justice and dictates of reason of universal application gave origin to the idea of Law of Nature *i.e.m*, *Jus Naturala*. *Jus Gentium* is to be distinguished from *Jus Naturalae* for, whereas the former sanctions slavery, the latter does not.

There are various opinions about the growth and content of *Jus Gentium*. Nettleship believes 'that the *Jus Gentium* meant the usage of the world, of all mankind' and the word found expression in the 2<sup>nd</sup> century B.C. It was intended to express common usages and customs, picked up in war, commerce or travel. Soham, on the other hand, holds that '*Jus Gentium*' was, and never was anything else, but a portion of the positive Roman Law which commercial usage and other sources of law, more especially the praetorian edict, had clothed in a concrete form.... The *Jus Gentium* was that part of the private law of Rome which was essentially in accordance with the private law of other nations, more especially that of the Greeks'. It 'appeared to the

Romans themselves in the light of “ratio scripta” which obtains amongst all nations and is common to all mankind’.

The assimilation of the *Jus Gentium* and the *Jus Naturalae* made the Roman legal system more liberal and comprehensive. Yet another addition to the Roman legal system was made by the responses of the juris consults. Legal appeals sent to Rome from all parts of the Roman Empire were referred by the sovereign for answer to the jurists. The responses of the jurists on these appeals were considered, later on, as good as law. These jurists had to lay down general principles of universal application and were responsible for the creation of a scientific system of jurisprudence including the celebrated of *Code of Justinian*.

The greatest of the jurists were Stoic in their tendencies and, while formulating a legal system applicable to the world-wide Roman Empire, they gave concreteness to the Stoic notions of the brotherhood of man and the universality of law.

### **THE CODE OF JUSTINIAN**

If there is anything, besides the life of Christ and the teachings of the Bible, which has most profoundly influenced and moulded western civilization, it is the *Corpus Juris* or the *Code of Justinian*, which was codified during the reign of Emperor Justinian (527-65 A.D) and consists of:

1. ***The Institute*** (533 A.D) representing the legal achievements of Gaius, the greatest of the Roman lawyers and of Marciano and Florentius. These legal luminaries collected their opinions on various legal problems and these collections came to have the force of law in so far as they represented the best legal mind of Rome.
2. ***The Digest***, published in 533 A.D., contains select passages from the legal pronouncements of celebrated lawyers.
3. ***A collection*** of imperial laws and decrease relating to public and private laws collected from the earliest days of the Empire.
4. ***The Navelli*** – a collection of the laws of Emperor Justinian.

The *Corpus Juris* throws a good deal of light on many important topics, the most important of which are: -

- ❖ **The Law of Nature** – According to Gaius, there are three types of law viz. (i) *Jus Gentium* i.e., the law of nations; (ii) *Jus Civila* i.e., the civil law which was the actual municipal law of Rome; and (iii) *Jus Naturale* i.e., the law of nature, embodying abstract principles of right. According to Gaius, the *Jus Naturale* represents ideal law. The whole body of other laws represents an approach to the law of nature. *Jus Naturale* is a law which nature has taught to all mankind. According to another celebrated authority, Ulpian, the law of nature was the ideal law, while *Jus Civile* and *Jus Gentium* were contortions of it. The *Jus natirale* represents, to some extent, the good and simple life led by people in early stages of civilization.
- ❖ **Slavery and Property** – According to Gaius, slavery is artificial, and not natural, as the Greeks held it to be. It is unnatural and unjustified. Ulpian, too, regarded slavery as born of the wickedness of mankind. The Roman Jurists, on the whole, overlooked slavery as something unconnected with jurisprudence. Many Roman philosophers, like Seneta and Cicero, dilated on the necessity and expediency of treating a slave in a friendly spirit. It was partly due to the behest of the Roman jurists that the slaves were, comparatively speaking, well off in the early part of the imperial period. The Roman jurists considered that in the primitive golden age there was no conception of property. The institution of property, too, was a result of the depravity of man. They justified its retention, however, on the ground that in every stage of human history property did exist.
- ❖ **Civil Law** – An ordinary modern conception of law would be that law represents a rule of conduct enforced by courts of law. It generally is but need not necessarily be, related to justice. The Roman idea of law was something different. To Gaius, law was human reason embodied in statutes. But then, what is human reason? There is no standard human reason. Different people reason differently. Marcian held that law was the rule of gods. Definition of law by the Romans were different vague but all agreed that law had to be obeyed and that it represented an external authority. It embodied the will of the law-giver. Ulpian held that law stood as a criterion to judge what was just and what was unjust, and enabled a man to do what just i.e., good. Ulpian did not clearly define what was just but said that justice meant equality of treatment. According to Justinian's *Institutes*, justice represented a 'constant and perpetual disposition of the will which renders to each one what is his right'. Justice gave to each man

what was his due. But the word “due” is as vague as anything. The object of law, the Romans agreed, was to make man good. The *Jus Civile* was a law which neither departed wholly from, nor wholly followed, the *Jus Naturale* and *Jus Gentium*.

❖ **Source of Political Authority** – In dealing with the nature and origin of government, the Roman lawyers shifted their ground, as required by different times and circumstances. They did not associate the origin of the state, as Aristotle did, with the family. They explained the origin and existence of the state with the help of their original conception of *imperium*. The conception of *imperium* underwent changes at different times. At first, it was believed that the *imperium* ultimately lay in the people who could always delegate it to their rulers. According to Gaius the “*Populus is the source of all legal authority.*”<sup>4</sup> The people had the right to transfer this *imperium* from one to another. The will of the ruler had the force of law and was called *Rex Legis*.

But the *Rex Legis* had the force of law because it was based ultimately on the consent of the people. The ruler’s will became law because the people allowed it to be so. The basis of law and state authority was the consent of the people in the early part of the empire. The emperor wielded the power of the *Populus*, transferred to him by the people. The people conferred on the emperor the whole of its *imperium* and its *potestas*, each of these two terms denoting some particular portion of authority previously exercised by the magistrates in the Republic. The sovereign power, therefore, was a delegation of the people.

In theory the imperial decrees were not laws; they had only the force of law. During the imperial period, the lawyers gave a new orientation to their theory of delegation of *imperium* by the people to the ruler. They now held that the people had irrevocably transferred their *imperium* to the emperor. The emperor was now responsible to no one, and was above law. Civil law emanated from him. Taken as a whole, the Roman theory maintained the paradox of an irresponsible imperial authority based on the consent and authority of the people, a paradox resulting from the essential conservatism of the Roman mind.

### **SIGNIFICANCE OF ROMAN LAW**

- a) The Roman system of jurisprudence is important and has been extensively adopted by the Western people because it is a universal law. It represents the crystallized experience of a

multitude of peoples living in the vast Roman world, as expressed by trained Roman jurists. It is comprehensive and refined and represents a people who had a genius for law. It represented the might and superior civilization of a world empire, and was adopted by barbarians who wanted to be called civilized. The Roman Law became the basis of Canon Law, when Christianity became the state church of the Roman Empire.

- b) The Romans were a practical and not a speculative people and did not produce any original political theories. But they laid the legal and political foundations of a vast empire and, in doing so, they generated ideas which affected the development of political thought in later ages.
- c) The Romans, unlike the Greeks, brought about a distinction between society, state and government. They gave a contractual basis to the state. The state was a legal personality with definite legal rights and duties. Its function was to protect the rights of the individual. As a legal personality, the state could sue and be sued in a court of law. Like the state, the individual was a legal personality, with definite rights and duties determined by the state and also guaranteed by the state. The Roman concepts of the legal personality of the state and the *imperium* contain in them the germs of the modern theory of legal sovereignty.
- d) The Romans gave to the world the idea of popular sovereignty, to be distinguished from legal sovereignty. If the state was the legal sovereign, popular sovereignty belonged to the people collectively. The people were sovereign but they did not exercise this sovereign power directly. They delegated it to the king, emperor or public officials by a governmental contract. The idea of popular sovereignty took deep roots during the Republican period of Roman history. Even laws were supposed to emanate from the sovereign people for they were ratified by popular assemblies.
- e) It was in the field of law that the Romans made important contributions. Cicero held that the state was a partnership in law. The Romans divorced law from ethics and religion, which the Greeks had not done and secularized it. The source of law was not divine injunctions but the will of the sovereign people, expressed in legal form by the state. The concept of positive law, as the command of the sovereign, was an important Roman contribution and has been the basis of modern legal systems. The Roman concept of *Jus Gentium* is the forerunner of modern International law.
- f) Polybius, the Roman political thinker, contributed to political thought by suggesting the idea of a mixed constitution representing a system of checks and balances and ensuring stability to

the state. In a mixed constitution, the three elements *i.e.*, monarchic, aristocratic and democratic control each other and balance each other. This arrangement is the best safeguard against revolutions.

## **CHRISTIANITY AND POLITICAL THOUGHT**

### **RISE OF CHRISTIANITY: THE REVOLUTIONARY CHANGE**

The rise of Christianity has had a most revolutionary effect on the growth of political thought and institutions. Before the rise of Christianity, political thought was secular. It was based on the city-state and later, on the empirical system. In pre-Christian thought, man was taken as a unified whole and no special distinction was made between the material or secular side of a man's life and his spiritual side. The state attended to all the aspects of a man's life, material, moral, intellectual and spiritual. In ancient Greece, there was even a civic religion and the individual worshipped the deities of the city-state.

The state was all in all and could not tolerate the existence by its side of a separate and parallel institution, an institutionalized Church, competing with the state for the loyalty of the individual. There was no distinction, then, between the state and the church, the church being a department of the state. The loyalty of the citizen was unified and given to the state. During the Greek days, the emphasis was on the citizen.

Man was primarily a political animal, with his devotion and his duties to the state. Due to the influence of Stoicism, the emphasis shifted from the citizen to the individual who could live independently of the society and develop his personality his own way. He could now concentrate on the spiritual in him more than was possible as an active citizen of the city-state. A distinction became possible and inevitable between the secular and the spiritual in him. It was due to the influence of Christianity that this distinction came into bold relief with all the implications which lay inherent in this distinction from the point of view of political thought and political practice. The distinction between the secular and the spiritual is brought out clearly in the statement of Jesus Christ *viz.* "Render unto Caesar what is Caesar's and unto God what is God's".

This statement is based on the realization that a man has two-fold nature, the material and the spiritual. For the material in him, he needs the state and for the spiritual he needs the church. He must divide his loyalty between these two organizations which represented two independent and



parallel authorities. The concept of a dual society with two organizations and two authorities is a revolutionary concept realized by Christianity. The revolutionary effect of Christianity on political thought and institutions arose from its insistence on the duality of human nature. Christianity made a sharp distinction between the material and spiritual aspects of human nature. Man has body and soul and therefore, has material as well as spiritual interests.

He peruses his material interests through the medium of the State and his spiritual interests through the medium of a parallel and independent organization *i.e.*, the Church. His obligation is due to both the State and the Church. The State was denied exclusive jurisdiction over the individual and therefore, an exclusive claim over his loyalty. Christian thought not only differed from pre-Christian, thought because of the Christian insistence on the duality of human nature. The difference also lay in the fact that Christian view of good was different from the Pre-Christian view. To Christianity, it was primarily the spiritual welfare and salvation of man which constituted his good.

This spiritual good was outside the competence and activity of the State and was to be realized through the medium of the Church: The Church, therefore must be a parallel and independent institution with its own organization, rules and sanctions. Christian insistence on two parallel organizations, secular and ecclesiastical, represented by the Holy Roman Empire and the Papacy, revolutionized political thought by creating new problem to speculate on. Medieval political thought differs from Greco-Roman thought because it is primarily concerned with the problem of adjusting and boundaries between the Empire and the Papacy.

In its struggle for supremely with the Church, the State, on the Whole, comes second best and ceases to claim and monopoly of interest of the political thinker. Medieval political thought is concerned with problems arising out of the dual obligation of the individual to the State and Church. It was based on the theory of Two Swords which was utterly alien to Greek and Roman thought.

The parallel, co-ordinate and co-equal existence of the Church and the State with their own parallel organizations and bodies of rules and laws created another problem of a revolutionary nature. The Church claimed that clerical offenders should be tried and punished by ecclesiastical courts. These courts became rivals to secular courts and virtually created a state within a state.



The Christian doctrines of excommunication and interdiction created another serious and revolutionary problems for the state. The Church could and sometimes did excommunicate a recalcitrant ruler and absolve his subjects of their oath of allegiance to him. This was like sapping the foundations of the state by placing all the prestige and power of the Church behind rebellion against the ruler. A successful application of excommunication and interdiction could reduce the state into a department of the Church in complete opposition to the pre-Christian position when the Church was a department of the state.

In spite of their formal adherence to the theory of Two Swords, the Christian leaders insisted that if there was a clash in the loyalties of the individual to the State and the Church his loyalty to the Church must come first. This was dangerous from the point of view of the state. It enabled the feudal rivals of the King to play off the Church against him, question his authority and rebel against him with the support of a powerful Church with its vast organization, authority and resources. If Christianity emphasized the parallel existence and independence of the Church *vis a vis* the state and thus created a rival for the state, it also rendered a meritorious service to the state.

The early Christians *i.e.*, before the persecution of Christians by the Roman Emperors, enjoined loyalty and obedience to the state. According to St. Paul, the powers that be are ordained of God and whosoever resisted them resisted God". The implication of this statement is that secular authority of State is divine in character because it is a divine institution. This view of the state as a divine institution is in contrast with the Greco-Roman concept of the state as a secular institution.

## **THE EARLY CHURCH AND ITS POLITICAL THEORY**

### **THE ESTABLISHMENT OF THE CHURCH**

Christianity took its rise in the eastern part of the Roman empire and developed rather slowly during the period when the empire was at the zenith of its glory and prosperity. When, however, the empire began to decline, Christianity spread rapidly. By the beginning of the 4<sup>th</sup> century the higher classes in the Roman world had adopted it. It was in 313 A.D. that Constantine's edict liberated Christianity from all harsh and discriminatory legislation against it and it was in 380 A.D. that Emperor Theodosius declared Christianity to be the official and the only lawful religion of the Empire. Much the best part of Europe then got converted to Christianity. Rome,

thus, held both the secular and religious leadership of the Western world and its authority over the provinces was enhanced by reason of the new religious sanction.

The Christian Church, though its early organization was local and democratic soon became centralized. The Church of Rome became the headquarters of Christianity and with the adoption of Christianity as the state-church in the Roman empire, the organization of the Church became more or less identical with the political organization in the empire. The Church gained prestige by the Roman emperor becoming the highest authority in religion. The empire of Constantine was followed by the rule of a succession of weak emperors on the one side and a number of able religious leaders on the other with the result that whereas the political authority of Rome decreased, its religious authority began to increase. Again, when after some more time, the political machinery of Rome was smashed to pieces by Teutonic barbarians, the Church retained its organization intact. The Western Empire came to an end with the deposition, in 476 A.D., of Romulus Augustulus.

The church of Rome replaced the Empire of Rome as the symbol of unity in the Western world. The Church authorities in order to maintain peace and order, began to absorb more and more political authority and the organization of the Church became more and more centralized round the Bishop of Rome. The conception of a church representing an entity, separate from the state, was one of the most original contributions of Christianity to political thought.

### **THE GROWTH OF PAPACY**

The ecclesiastical importance of Rome had begun as early as the establishment of Christianity as the state religion in the Roman world. The Bishop of Rome became the legal ecclesiastical adviser to the emperor. The belief that the Roman Church was founded by the chief apostle, St. Peter, increased the prestige of Rome. Again, when doctrinal controversy began within the Church itself, a General Church Council, convened at Sardica in the 4<sup>th</sup> century, made the Bishop of Rome the highest court of appeal against the decrease of the bishops.

In the 5<sup>th</sup> century the Western emperor, Valentinian III, made the Bishop of Rome head of the Church and the official highest court of appeal in religious disputes. The best Roman intellects began forsaking politics for religion. The belief in the divine and eternal character of the Roman empire, reinforced by the Christian idea about the establishment of the Kingdom of Christ in the

whole world, led to a spiritual conception of the world empire which was embodied in the organized Church and the Papacy.”

The fall of the Western Empire and the adoption of Constantinople as the headquarters of the Roman Eastern Empire left the Bishop of Rome as the most important official in Rome with considerable local political authority. This gave rise, about the beginning of the 7<sup>th</sup> century, to the Papacy which included the supreme ecclesiastical power of the Bishop coupled with temporal government of territories round about Rome. The division of the Church into the Western and the Eastern Church left the Pope supreme in the West. The power of the Papacy began to increase rapidly. Early Church had to contend against a civilized pagan Empire but after the barbarian invasion, the Church became the source of learning and civilization which added to its prestige. Besides, the kings became Christians and as such subject to the spiritual jurisdiction of the Church.

### **COMPARISON BETWEEN THE ROMAN EMPIRE AND THE ROMAN CATHOLIC CHURCH**

There is a good deal of institutional and functional similarity between the Roman Empire and the Roman Catholic Church. In the 4<sup>th</sup> century the Church had become closely modelled on the Roman Empire. “Not only did each city have its bishop, the limits of whose see corresponded with those of the city territory but the civil province was also an ecclesiastical province under a metropolitan who resided in the provincial capital. The church was an authoritarian as the Empire had been. “The Canon law was intended by its authors to reproduce and rival the imperial jurisprudence; a correspondence was traced between its divisions and those of the *Corpus Juris Civilis*”. There is the monarchical principle in both the Roman Empire and the Roman Church. The empire, after Constantine, wielded both ecclesiastical and territorial powers. So did the Papacy, particularly during the Middle Ages. There was a touch of universalism in both. For administrative purposes, the Church, like the Empire, was divided into ecclesiastical provinces, *i.e.*, the cardinalates.

The Roman Catholic Episcopacy, with its gradations and with the Pope at the head, is comparable with the Roman imperial bureaucracy with the emperor at the head. The Church exercised its humanizing and civilizing influence like that of the Empire. Just as the sovereignty in the Empire, at least in theory, was a delegation of the people, in the Church it was supposed to

belong to the whole body of the believers. In short, “Latin Christianity inherited from the imperial system of old, that firmly knit yet flexible organization, which was one of the grand secrets of its power; the great men whom mediaeval Rome gave to or trained up for the Papacy were like their progenitors, administrators, legislators, statesmen.”

### **PAPACY AND THE HOLY ROMAN EMPIRE**

When in the 8<sup>th</sup> century the growing kingdom of Lombardy wanted to absorb the Roman territory, the Pope resisted and appealed to the Franks for help. The leader of the Franks, Charles Marrel, and then his son, Pepin, defeated the Lombard's, conquered aa part of Italy and offered it to the Pope. The Pope, in return for the so-called Pepin's Donation, legalized the usurpation of Pepin, crowned him king and later on, crowned his son, Charles the Great, the Roman Emperor. Thus, in 800 A.D., the mediaeval empire was established and the connection was begun between church state that furnished the main issues in political thought for centuries. This Roman Empire got transformed into Holy Roman Empire in 962 A.D., with election as Emperor, of Otto the Great.

### **THE POLITICAL THEORY OF THE NEW TESTAMENT AND THE POSTLES**

As observed before, Christianity has borrowed a good deal from Stoicism. Most of the Christian doctrines are based on the Stoic principle of the equality of man. *The New Testament* contains a number of passages which relate to political philosophy. It deals for instance, with the doctrine of equality of man, with the law of nature, with the origin of state and obedience to state, etc. Most of these doctrines are discussed in accordance with the dogma of the equality of man. The Christian belief in the Universality of God and brotherhood of man was very identical with the Stoic conception that all men were brothers, and has given rise to the modern notion of common humanity. It was this Stoic-Christian conception of humanity and cosmopolitan equality which recued mediaeval serfdom from degeneration into slavery, parented the individualism of the Renaissance and of the Reformation and was very considerably responsible for revolutionary egalitarianism.

***The New Testament throws light on the following: -***

❖ ***Justification of the State*** – The Christian view regarding, the state is given in the *Epistles to the Romans*. These *Epistles* declare that the object of the state is justice and because the

notion of justice is sacred, any institutions which deal out justice are also sacred. The state, therefore, is a sacred institution. The officers of the state *i.e.*, magistrates and others, ought to be obeyed. It is important to note that the attitude of the Christians towards the state capitably suited the exigencies of the time Christianity was still in its infancy. Had Christianity adopted an attitude detrimental to the power and prestige of the state *i.e.*, had the early Christians preached the doctrine of disobedience and civil resistance to the state, the state would certainly have retaliated and Christianity would have been crushed in a very early stage of its life. "Render to Caesar what is Caesar's" was a splendid justification of the state by Jesus Christ though He clearly distinguished, His spiritual kingdom from the temporal one. The attitude of Christ was inherited by the apostles. The early Christians enjoined passive obedience to the powers that be, because the government was a means of carrying out God's will on earth. It was only when the state interfered in spiritual matters that passive resistance was allowed and even enjoined.

❖ **Property** – *The Book of Acts* gives us a more or less communistic idea of property. Communism is regarded, according to the *New Testament*, as the ideal form of society. But the communism of the *New Testament* is not a compulsory communism like that of Plato. All that it enjoys is a greater equalization of property and advantages, not under compulsion, but as a result of feelings of charity and neighborliness cherished by the rich towards the poor. The early Christians were again adopting themselves to the needs of the times. They know that complete abolition of property was impossible and did not advocate it. The Christians held up communism as a condition of the best type of society and stopped short at that. Like the practical people that they were, they never seriously thought of trying to enforce their doctrine of communism through the medium of the state.

❖ **Slavery** – The New Testament recognizes the identity of human nature and equality of man. This would lead to the conclusion that every human being has requirements more or less similar to those of other human beings and that he should have equal opportunities with others to achieve his requirements, a position which would point inevitably to the abolition of slavery. The attitude, however, of the early Christians, like St. Peter and others, towards slavery was hardly consistent with their moral Christian philosophy. It was too deep-rooted an institution to be abolished easily. The early Christians, therefore, saved their conscience by declaring the real life was internal life while slavery represented only physical bondage. St.

Paul was not very optimistic about the results of the abolition of slavery. Early Christians did not characterize slavery as a violation of the law nature. The early Christians never went any further than proposing a good treatment for the slaves.

❖ **Law of Nature** – Like so many other things, the Christians borrowed from the Stoics they're of the law of nature. The Christians recognized the distinction between the law made by the state and the law of nature. The latter was revealed by reason and was consistent with it. It was definite and unchangeable, unlike the state-made law. St. Paul's "Do by nature the things of law" is a recognition of the existence of the law of nature. The early Christian Fathers expressly or tacitly identified natural law with divine law.

While reviewing the political theory of the Christians, we must observe that it contains something which is genuinely new, much which is genuinely new, much which is borrowed from Greece and much more still which represents a compromise with the then existing circumstances.

### **POLITICAL THEORY OF THE FATHERS OF THE CHURCH**

While outlining the political theory of the early Fathers of the Church, we are trying to trace the development of political ideas during a long period of about six or seven centuries *i.e.*, from St. Clement of Rome in the 1<sup>st</sup> century to St. Isadore of Seville in the 7<sup>th</sup> century, leaving out St. Augustine for special treatment later on. During this long period the opinions of the different Fathers of the Church on different problems at different times were different. This is to be accounted for by the different circumstances are generally creatures of their own times and environment. The political views of the Church Fathers may be discussed under the following headings: -

❖ **The State** – In theory, the Fathers held that, all men being equal, there ought to be no government whatsoever. Anarchy was a legitimate state of affairs. But they also recognized that social instinct was a natural thing and that there must be somebody to guide and control social conduct. This is how the state and its government come in. The laws of the state regulated social conduct and must be obeyed. The state was considered to it by God. This attempt at giving a divine sanction to the state representing secular power was due to many reasons. Firstly, there was the desire to counteract the evils of anarchism taught by some early Christians. Secondly, the empire had adopted and endowed the church and the church showed its gratitude by exalting

the position of the empire. Thirdly, the Christian Fathers inherited the Jewish theory of Divine kingship.

The divine delegation of political authority to the state, as conceived by the Church Fathers, marks a departure from the Roman conception of the political authority of the state being ultimately a delegation of the people. The Fathers, however, held that the government originated in the sin of mankind. But for the Original Sin and the consequent depravity of human nature, the government would not have been necessary as a controlling and correcting agency. The government was one of the divine remedies for man's corruption. It was necessitated by the fall of man from his primitive innocence. The rulers, therefore, must be endured and revered. This reverence was however, due to the office of the ruler rather than to his person.

To the Church Fathers, the government was a sort of a necessary evil and therefore, something inferior to the church. This attitude towards the state was calculated to minimize the importance of the state in relation to the church and thereby to pave the way for the subjection of the state to the church for which a deliberate and sustained effort was made in the Middle Ages by the Papacy, which began to claim and something exercise rights and privileges even superior to those of the empire. The Church Fathers, like good partisans, always maintained that the Church held certain rights which were above secular interference or control. There began, therefore, a sharp quarrel between ecclesiastical and political authorities, the Church Fathers like St. Ambrose and others trying to weaken the latter in favour of the former. This duel between the Church and the State gave its characteristic colouring to medieval political thought.

❖ **Property** – As regards property, the early Church Fathers held, that the holding of private property was legitimate and right, if and so long as property was used for the good of one's fellow-Christians. This marked a departure from the communal view of property held in the earliest days of the Church. St. Ambrose of Milan held that God gave the world in common possession to mankind and that people held property privately because of greed. But he, too argued that if property were used for the good of mankind. It would be legitimately held. St. Augustine held that property was a granted to an individual by God and in trust and that it must be legitimately used. He did not, however, vote against the legality of holding private property. To the early Church Fathers, on the whole property was not an institution of natural law but was

practically created by the state and was subject to the definitions, limitations and control of the same.

❖ **Slavery** – The Fathers of Church followed Cicero and St. Paul in their conception of the law of nature and declared that nature made man free. Men were identical in nature. In fact, some of the early Church Fathers attack the Greek and Roman thinkers for their half-hearted declaration of the equality of mankind. This, however, did not prevent them from holding that slavery was lawful, because they considered it a punishment as well as a remedy for human sin. They explained their attitude towards slavery by declaring that all men are free, whatever the physical disabilities imposed upon them. Spirit is always free and bondage of the physical body is immaterial. Slavery is a kind of punishment for human sin and must be accepted as such. The masters of the slaves must treat their slaves with mercy and consideration.

The greatest of the Fathers of the Church, like St. Ambrose, St. Isadore and Gregory the Great, denounced slavery but could not suggest proper means to eradicate the evil. They had, therefore, to accept the institution of slavery as an irremediable evil.

### **ST. AUGUSTINE (354-430A.D)**

#### **INTRODUCTION**

St. Augustine, Bishop of Hippo in North Africa was one of the greatest of the early Fathers of the Latin Church. The influences on St. Augustine were Manicheism, Scepticisms, Neoplatonism and finally Christianity. His thought represents a fusion of Platonism, Stoicism and Christianity. He was the son of a pagan father and a Christian mother, had been converted from paganism to Christianity by St. Ambrose of Milan and therefore understood both. He represents a period of



transition from the pagan ancient to the Christian medieval age. In fact, medievalist began with St. Augustine. Christianity had, to a considerable extent, destroyed paganism and the spread of Christianity was giving a sort of religious unity to Europe. The Roman Empire had already adopted Christianity and therefore, there was no hostility and conflict between the Church and the State. St. Augustine wrote voluminously. His writings include sermons and letters, pamphlets of theological and controversial nature, commentaries on scriptures, defences of Christianity, his confessions and *De Civitate Dei*.

St. Augustine lived at a time which was extremely critical for Christianity, because of the barbarians of South and West Europe. The fate of civilization and Catholicism alike hung in the balance. In 410 A.D. Alaric and the Goths sacked Rome and for the time being, the destruction of the city and all it represented appeared to be complete. Superstitious non-Christian enemies of the Church began to attribute the fall of Rome to the establishment of Christianity there. Under the protection of the old gods of the city-state, like Neptune, Jupiter and Iris, etc, they argued, pagan Romans had won one victory after another and Rome had grown from a mere city-state to a great world-empire. Now Christianity had brought ruin to Rome and to Western Europe. Christianity was not only impotent for good, but was a cause of universal ruin and misery. The Christians too, struck with terror like the pagans, wailed that Christianity could not save Rome from ruin. Criticism of this kind provoked the ire of St. Augustine. He took up the defence of Christianity, and his *De Civitate Dei* which took about thirteen of finish, represents an able defence of Christianity against pagan libels. It explains the fall of Rome, depicts the polity of the future and lays down the structure of St. Augustine's City of God.

#### **“DE CIVITATE DEI” : General Treatment of the Book**

St. Augustine finished his classic between 413-426 A.D. *De Civitate Dei* is divided into 22 books. The first ten books are concerned with the defence of Christianity against the libelous attacks of the pagans, the remaining twelve with the construction of the City of God. St. Augustine, in his *De Civitate Dei*, held that if Christianity could not avert the sack of Rome, it was due to Christian influence that the horrors and misery of the sack were mitigated. The pagans had appealed to history in their attack on Christianity. So did Augustine in defence of the

Church. The old deities of Rome had not saved Rome from evil. To prove this, St. Augustine traced the history of Rome. Rome had been sacked in 390 B.C.; a ruin brought on by pagan vices.

### **ST. AUGUSTINE ON THE STATE**

St. Augustine did not agree with the Greek philosophers and Cicero in holding that justice was the basis of the state. A state may be non-Christian while justice could prevail only in a Christian state. Justice was therefore, an attribute of the church and not the state. The church held authority superior to that of the state. St. Augustine found the origin of the state in the gregarious instinct of man and his sin resulting from Original Sin. To him, the state was due to sin and represented a divine remedy for sin. The state, though created to remedy sin, did not itself, as an institution, represent sin. It was derived from God himself. St. Augustine, in giving a divine sanction to the state, was following the tendency of his times. But in spite of its divine origin, the state represented the kingdom of the Devil whereas his own *Civitas Dei*, was the kingdom of Christ.

St. Augustine disagreed, like other early Church Fathers, with the Donatists in their characterization of the state as an unnecessary evil. To him, the state was necessary for his church, his *Civitas Dei*, because the church wanted property and buildings, rights to which could only be granted by the state. The state conferred rights and could take them back. The state had a divine sanction and therefore must be obeyed ordinarily, but if the decrees of the state violated laws of religion or morality, they must not be obeyed. In other words, the duty of obedience to the states is not absolute; it is conditioned by the more important duty of obedience of God or to the Church representing God. St. Augustine does not place the state in direct subordination to the church, but is the first thinker to exalt the authority of the Church in preference to the State. He thus gave a new direction and a new factor to political thought.

St. Augustine draws a distinction between secular and spiritual spheres and jurisdiction as represented by the State and the Church. The relationship between the two should be one of mutual assistance and co-operation because the two are necessary for each other. A Christian king needs the spiritual guidance of the Church and the Church cannot function with the law and order which the State provides.

### **ST. AUGUSTINE ON PROPERTY AND SLAVERY**

St. Augustine, like other Church Fathers, held that the holding of property was legitimate. He believed that property represented a conventional, and not a natural, institution, rights to it growing from the state. He also justified slavery as a punishment for human sin, consequent on Original Sin. Augustine, unlike Aristotle, does not believe that man is slave by nature. If human excellence resulted from grace, a born slave may have this grace like a born free man. But slavery was not to be condemned and abolished because it was divinely ordained as retribution for sin. This position of Augustine is rather untenable because it hardly explains individual slavery. An Individual may be condemned to slavery for his individual sin, but cannot, with any sense of justice and property be made to atone for the fall of humanity while his fellow-creatures do not share this atonement and are not enslaved.

### **ST. AUGUSTINE'S INFLUENCE ON LATER THOUGHT**

Augustinism is written all over the Middle Ages. Even in the Modern Age, particularly the Reformation period, the influence of Augustine is not entirely absent. His *Civitas Dei* is constantly appealed to in the Middle Ages and Cicero's conception of state is constantly quoted from Augustine's writings by Medieval writers. Augustine's most characteristic conception is that of a Christian Commonwealth with a philosophy of history which presents this Commonwealth as the culmination of man's spiritual development. Through his authority, this conception became the central theme of Medieval thought. Protestant as well as Roman Catholic writers were influenced by Augustine's ideas on the subject. Augustine's thought is based on the principle of dualism of two authorities *i.e.*, the Sclerotium (the Church) and the Imperium (the state of Empire) The Church was like the Sun with original light and authority, the state like the Moon. The authority of the Church was superior to that of the State. The dualism is inherent in the Middle Ages and is the basis of all Medieval thought.

Augustine emphasized the revolutionary idea that man's allegiance to the state was not absolute, as was emphasized by the Greeks and the Romans. A man's allegiance is divided between the State and the Church. A man may withdraw his allegiance to the state and defy its law if the state encroached on the sphere of the Church. A man's allegiance to the Church took precedence over his allegiance to the state because the Church represented a higher authority than the State. Augustine's Christian Commonwealth had two authorities. He drew a new ideal of the Kingdom of God on earth in which the State should take its place as inferior to the Church. The City of

God may be no earthly state but it could be a model and source of inspiration to earthly state. The Medieval Papacy and the Holy Roman Empire were based upon it.

All the typical Medieval ideas and institutions owe their origin to St. Augustine. The Theory of Two Swords of Gelasius I was based on the dualism of St. Augustine. The principle of Parallelism, in the Middle Ages, is based on his distinction between co-ordinate spiritual and secular authorities, each free in its own sphere. The principle of Universalism, which is the keynote of all Medieval thought, is based on Augustine's concept of a single Christian Commonwealth. A Universal Brotherhood which transcended considerations of race and colour and in which there was the universal authority of the Pope and of the Emperor. The Medieval concept of Papal Supremacy was based on Augustine's view that the City of God was superior to the secular state. Augustine's idea that justice was an attribute, not of the state as such, but of a Christian state was followed by St. Thomas Aquinas and others.

### **THE THEORY OF THE TWO SWORDS – GELASIUS-I**

We have noted before that Christianity has been responsible for a clear-cut distinction between the secular and spiritual interests of man, arising from his dual nature and dual destiny. Man has a mortal body and material interests which are the concern of the state. He has a soul with other worldly interests which are the concern of the Church. Taking their cue from the famous statement of Jesus Christ viz, 'Render unto Caesar what is Caesar's and unto God what is God's', the Christian Fathers envisaged a dual organization and control of human society. Spiritual interests and matters of salvation are within the province of the Church whereas secular affairs viz., the maintenance of peace and order, administration of justice and regulation of property are within the jurisdiction of the state. Between these organizations and authorities which, ordinarily, are co-equal and co-ordinate, there should be mutual co-operation.

This concept of dual authority over human society, known as the doctrine of the Two Swords, was given an authoritative statement by Pope Gelasius I (494-506A.D) and became the basis of medieval political thought. Pope Gelasius emphasized that separation of powers, ecclesiastical and secular, dated from the coming of Christ. Though Christ wielded both these powers, yet a combination of the two in the same hands was a pagan contrivance. Christ separated the secular duties from the priestly. Gelasius elaborated this point in his letter to the Roman Emperor in which he observed: "There are two chief powers by which the world is governed, Augustine Emperor.

The sacred authority of the prelates and the tingly power. Wherein the burden laid upon the priests is heavier, in that they will have to render and account at the divine judgment even for the kings of men. You know, most obedient son, that although you are placed a rank above all the races of men, nevertheless you bow your neck in devoted submission to those who are set in charge of matters of religion so far as concerns the rule of public order, the leaders of religion themselves obey your laws, recognizing that the imperial authority has been conferred upon you from on high. With how much zeal, then ought you to obey those who are set in charge of the sacred mysteries?” With the spread of Christianity in Europe, the two distinct powers became two orders’, of the same Christian Commonwealth. The theory of Two Swords *i.e.*, the Papacy and the Empire as two co-ordinate and autonomous authorities gave rise to the theory of Parallelism. It regulated relations between the two fairly amicably till the Papal-Empire conflict of the 11<sup>th</sup> century. But even before the 11<sup>th</sup> century, the theory was becoming difficult of implementation due to the impossibility of defining the boundaries of the two authorities with exactness. Moreover, the complexities of Feudalism resulted in both the Church and the State claiming jurisdiction which the other claimed to be its own.

### **THE HOLY ROMAN EMPIRE**

#### **GROWTH OF THE HOLY ROMAN EMPIRE**

The period following the sack of Rome in 410A.D. by the Visigoths was terrible for the Western Roman Empire. The Barbarians overran and occupied large parts of Western Europe. The power of Imperial Rome was destroyed but the power of Papal Rome increased owing partly to the fact that the Pope, by sending out a number of missionaries, won over a number of barbarian kings to the Christian faith. The unity of the catholic Church replaced the unity of the Roman Empire. The destruction of the Western Roman Empire also increased the power and prestige of the Eastern Roman Empire.

For some time, the fiction of imperial unity was kept up by the Western kings acknowledging the overlordship of the Emperor at Constantinople. Even the Popes recognized the Eastern Emperor as their temporal overload. But the relations between Papal Rome and Constantinople were never cordial. Rome, the eternal city, did not want to lose its leadership of the world. The Popes began to assume an attitude of independence in ecclesiastical affairs, intolerable to the emperor, and even began to usurp temporal power over Rome and the adjoining parts in Italy. The relations

between the Pope and the Eastern Empire became extremely strained and Pope Leo III decided to throw off the yoke of Constantinople once for all. He declared vacant the throne of Irene, the Byzantine Empress, and crowned Charlemagne as the Roman Emperor on Christmas Day, 800 A.D.

Neither the Pope nor the new Roman Emperor could be aware of the momentous step taken on that eventful day. Charlesmagne, who was already master of a large part of Western Europe, could not have possibly thought that the Pope was granting him any few political authority but the fact that he was crowned as the Roman Emperor by the Pope bore mighty fruits later on. After the death of Charlesmagne, his empire was divided into many kingdoms. But the idea of an emperor and an empire, as also the idea that the imperial authority was complete only after coronation by the Pope, survived. In 962 A.D. Otto, the Great, who had overrun Italy, was recognized as emperor by the Pope. With his coronation began the history of the Holy Roman Empire. The Holy Roman Emperor was not as feudal sovereign, for his authority did not flow from his landlord ship.

The Holy Roman Empire owed its origin partly to the fact that the Roman Empire had left behind ideals of World Empire and a World Church. The function of the Holy Roman Empire was to maintain the dignity and prestige of the church and to restore political unity in Europe. There was to be a close co-operation between the Empire and the Church. In fact, to the medieval mind, the Holy Roman Empire and the Holy Roman Church represented two aspects of the same thing. They represented the dual, human and divine, nature of Christ. With the passage of time, the Popes became great rivals of the Holy Roman Emperors and frustrated the latter's efforts to unify Italy and Germany. The Popes increased their secular authority in Italy at the expense of the Empire and a contest for political supremacy began between the Papacy and the Empire. The contest dominated medieval political philosophy for many centuries and showed that Medieval Europe believed in the unity of authority in Christian Europe.

### **ST. THOMAS AQUINAS (1225-1274)**

#### **Synopsis**

##### **➤ Introduction**

- *St. Thomas Aquinas views on State*
- *St. Thomas Aquinas' Classification of Government and views on Monarchy*
- *St. Thomas Aquinas' views on the Church and the State*
- *Contributions of Thomas Aquinas to Political Thought*
- *St. Aquinas' Views on Sovereignty and Law*
- *Concluding remarks*

## **INTRODUCTION**

St. Thomas Aquinas was one of the most scholarly and logical thinkers of the medieval ages. He was born in Sicily in a noble family with a strong imperial tradition. He fell under the influence of Dominican order while he was only nineteen. After a few years he moved to Paris and continued his philosophical studies under Albert Magnus. In 1261 he wrote his treatise “Against the Errors of Greeks” with the aim of bringing about a reconciliation between the Greek Church and the Church of Rome. In 1265 he wrote “Summa Theologica” in which he highlighted all the important aspects of Christianity. In this work he also propounded his doctrine of law. Another important work of Aquinas was “Rule of Prince” a purely political treatise.

## **ST. AQUINAS' VIEWS ON STATE**

Aquinas offered a theory of origin of state which is fundamentally differed from the theory of state offered by the church fathers. According to him, the state has emerged as a natural institution out of the social instinct of men. He rejected the contention of the Church fathers that state was introduced for the punishment of sin and asserted that the restraint which the political society imposed upon its members was not a hindrance but an indispensable means to their moral development. While asserting the natural character of the state, he argued that state was the creation of God in so far as political society results from the social instinct that God has instilled in man. Aquinas assigned a positive role to the state and assigned it the duty of making the citizens virtuous and moral. He wanted the state to provide order and peace without which virtue was not possible. He wanted the rulers to frame and enforce such laws which were conducive to promote virtue. It is the duty of the state to keep people safe from the enemies and take necessary steps for their defence. Aquinas insisted that the state should make people free from poverty and illiteracy which stand as impediments in attaining a good life. Aquinas directs the rulers to correct whatever is wrong, to supply whatever is lacking and to strive to perfect whatever can be improved.



### **ST. AQUINAS' CLASSIFICATION OF GOVERNMENT AND VIEWS ON MONARCHY**

Aquinas followed the Aristotelian principle of classification of governments and divided the governments into normal and perverted. He placed monarchy, aristocracy and polity in the category of normal government and tyranny, oligarchy and democracy in the perverted category of governments. However, he considered Monarchy as the best form of government. He considered Monarchy as the best government because it can establish unity which no other form of government can achieve. He justifies Monarchy as the best form of government because it ensures continuity of experience. In his opinion, cities and provinces under democratic rule have been filled with dissension, while monarchies have re-joined in peace and prosperity. Aquinas realized that Monarchy ran the risk of converting itself into a tyranny, which he considered as the worst form of government. Therefore, Aquinas does not vest the king with absolute authority and makes him responsible to God. Aquinas said that the responsibility of the King to God is demonstrated by the fact that he is made subordinate to the Pope- the representative of God on earth. However, Aquinas grants absolute powers to the Monarch in matters of administration. This absoluteness of the Monarch should not be taken to mean that he could act in an arbitrary manner. Therefore, he limits the authority of the Monarch by asserting that the Monarch should exercise his authority in accordance with law. Further he treats kingship as an office of trust for the whole community. He therefore, insists on the ruler to perform certain functions and duties to justify his office. He directs the ruler to promote common good instead of personal good; to establish maintain and promote right living among his subjects; promote peace; protection of property, etc. The imposition of various restrictions on the authority of the king and assignment of positive duties on the Monarch clearly indicates that Aquinas favoured a constitutional monarchy.

### **ST. AQUINAS' VIEWS ON CHURCH AND THE STATE**

As a papalist, St. Thomas Aquinas subordinated the state to church. However, he imposed limitations on the papal jurisdiction over the state. He permitted it to interfere only in the matters involving sin. He was opposed to the idea of Pope's power to interfere in all temporal matters. He asserted that the temporal end of all human beings is earthly happiness and this could be achieved through the temporal ruler. But the superior end of spiritual salvation could be achieved



only through the church. According to Aquinas the main cause of conflict between the Church and the State was that both of them aim at moral uplift of the individual.

He asserted that if the task of moral well-being had been assigned to one and the temporal happiness to the other there would not have been any conflict between the two. He expressed the view that state was subordinate to the church in so far as their spheres overlap.

### **CONTRIBUTIONS OF ST. AQUINAS TO POLITICAL THOUGHT**

Thomas Aquinas was one of the most outstanding political thinkers of medieval times and made phenomenal contributions to the development of political thought. He was the synthesizer of theology and philosophy. It goes to his credit that he asserted that the state was not the result of sins of man but a moral institution which aimed at welfare of its subjects. He assigned to the state not only negative functions of punishing the guilty but also the positive function of promoting virtue. Thus, he emphasized the natural and moral basis of the state. Another contribution of Aquinas to the medieval thought was his bid to reconcile church and state authorities. He asserted that if the church concerned itself with moral uplift and the state concerned itself with the political functions, there would be no conflicts between the two. He did not favour interference by the church in the state affairs without solid reasons.

He made notable contributions to the development of concepts of constitutional government and welfare state. Though Aquinas considered the monarchical system as ideal, he did not favour grant of absolute powers to the King. He restricted the authority of the King by the laws of the state. On the other hand, he attached great importance to the interests of the masses and welfare of the common people. He permitted the masses to see that the laws of the state were not violated by the ruler and he did not turn into a tyrant. Thus, he stood for restricting the authority of the monarch, though he did not specify any concrete measures for this purpose. This clearly shows his faith in the constitutional government which is at present is considered as an ideal form of government. He also emphasized the ideal of a welfare state and pleaded that the state should take care of the population, look after the poor, promote justice and make living peaceful. The most important contribution of Thomas Aquinas to the political theory is his concept of natural law. The concept of natural law, which he borrowed from the Roman Law and passed on to the future generations of political thinkers came to occupy a prominent position in the later years. He also emphasizes that the Human law is derived from Natural law and was subordinate to the

same. This idea left a deep impact on Locke and other philosophers of the Glorious Revolution of 1688.

### **ST. AQUINAS' VIEWS ON SOVEREIGNTY AND LAW**

According to Aquinas law “is a certain rule and measure of acts whereby man is induced to act or is restrained from acting.” According to Aquinas, there are four kinds of law: Eternal Law, Divine Law, Natural Law and Human Law. Eternal law is identical to the mind of God and God, as the creator of the universe, makes these laws to govern the universe. These laws are eternal in nature. Divine law flows from eternal law as. These laws are communicated to humans in the form of divine revelations. For instance, the Ten Commandments found in the Bible. Natural law implies that as human beings have the faculty of reason, they tend to conform to some rules in order to do lead a proper life. The basic principle of natural law is “good is to be done and pursued and evil avoided.” Thus, natural laws are a set of general moral principles for human survival. Human law is derived from natural law and is based on the reason of the ruler. Human laws are specific laws aimed at promoting virtues and preventing vice such as murder, theft, etc. Human laws are to be obeyed by all human beings as they aim at the common good. Aquinas views on law are a lasting contribution to the political thought. He emphasizes two features of law- i) Law is an ordinance of reason ii) Human Laws can be promulgated by the authority empowered to do so. Thus, a law promulgated by the ruler which is against the precepts of reason is not a true law to Aquinas. Similarly, the precepts of reason do not become law unless they are promulgated by the ruler. Accordingly, even the ruler is subject to certain limitations in the matter of promulgation of laws. The law should not be contrary to reason; it must not be inconsistent with natural law. Aquinas conceived law in much broader terms and did not consider it merely as a means of regulating human relationships. He argued that the whole universe which represents one rational unity is governed by a hierarchy of closely inter-related laws as mentioned above. He took a cosmic view of law and asserted that it covered not only the human beings but all the animate and in-animate things of the universe

## **WESTERN MEDIEVAL POLITICAL THOUGHT**

### **Synopsis**

- *Major Tents of Medieval Political Philosophy*
- *The Conflict Between the State and Church*
- *The Ecclesiastical Claim*
- *The Secular Claim*
- *Concluding Remarks*

### **MAJOR TENTS OF MEDIEVAL POLITICAL PHILOSOPHY**

1. There is little of political philosophy and much of confusion, in medieval writing. The confusion is due to the fact that the writers during the Middle Ages drew their inspiration from three different sources. They depend partly on the Bible which is based on Jewish theocracy, partly on Roman law, based on imperial autocracy and partly on Aristotle's Politics, based on ancient Greek theories and practices. Genuine political thought during this period, was replaced by religious mysticism and ideals of universalism at a time when Europe was divided into a number of states. The medieval thinkers write about the universality of the Church and quote Aristotle, a writer who depicted a polity when no separate church as such existed and when the state was the supreme entity. This discrepancy between theory and fact was due to the essentially unhistorical, unscientific and uncritical nature of medieval thought. Learning was controlled by the Church and was dogmatic. Religion was the basis of knowledge. Thought was controlled by a rigid orthodoxy. Medieval political thought is born of the complex interaction of conflicting forces such as the Church, the Holy Roman Empire, Feudalism and Nationalism.
2. The Middle Ages roughly mean the period between the Gregorian movement of the 11th century and the beginning of the Protestant Reformation movement. This period was roughly divided into two parts viz, (1) from the 11<sup>th</sup> century to the close of the Papacy of Boniface VIII- this was a period of the triumph of the Church over its rival, the Holy Roman Empire – and (2) 14<sup>th</sup> and 15<sup>th</sup> centuries, when the Papacy is menaced by the national monarchs, sects

and councils, when villeins and artisans rise in revolts and when general thought becomes radical and lay.

3. Medieval political theory was dominated by the ideal of unity as taught by the ancient Roman Empire. There was a general belief in a centralized secular power and a centralized ecclesiastical power. Even the state and the church were fused into systems and represented two different aspects of the same society. The function of the universal empire was to help the growth of a universal church. When the struggle between Papacy and the Holy Roman Empire broke out, the defenders of both quoted Scriptures in support of their claims.
4. While the medievalists were on the whole, sharply divided between the ardent ecclesiastics and secularists, there were a few like Stephen of Tournai of the 12<sup>th</sup> century who held a middling position. “Within one commonwealth and under one king are two peoples, as there are two peoples, there are two ways of life as there are two lives, there are two authorities, as there are two authorities, there is a twofold order of jurisdiction. The commonwealth is the church; the king of the commonwealth is Christ; the two peoples are the two orders in the church, clerics and laymen; the two ways of life are the spiritual and the carnal; the two authorities are the priesthood and the kingship; the twofold jurisdiction is the divine law and the human. Give to each it’s due, and all will be in harmony.”
5. Medieval political thought or whatever little was of it, may be likened to a desert which is arid and which is given to occasional dust-storms. These dust-storms appeared in the shape of occasional Papacy – Empire controversies and conflicts which flared up now and then. The desert was arid on the whole but deserts have their oases too. These oases were represented by thinkers like St. Thomas Aquinas, Dante and Marsiglio of Padua, etc. The Middle Ages represented a period of assimilation rather than organization of ideas.

### **THE CONFLICT BETWEEN THE STATE AND CHURCH**

#### **RELATION BETWEEN THE STATE AND THE CHURCH**

In the days when the Roman Empire adopted Christianity, the emperor was the head of both the state and the church. But the church grew more and more strong and began to exercise the right of excommunication. The church began to apply this doctrine of excommunication to recalcitrant princes and absolved the subjects of a defiant prince from obedience to him.

This right of excommunication was a powerful weapon in the hands of the church. As early as the 9<sup>th</sup> century, the King of Lorraine was excommunicated. Thus, ecclesiastical authority began to interfere with and control secular authority. When the Holy Roman Empire was created, no attempt was made to define the relations between the Emperor and the Pope. It was impossible to determine whether the Emperor derived his authority immediately from God or mediately through the Pope; whether the Pope was superior to the Emperor or the Emperor was superior to the Pope; or, whether they were equal and co-ordinate, supreme in their own spheres. Whereas these questions over which fierce controversy arose later on were left undecided, both the Papacy and the Empire were considered by the medieval mind as two branches of a universal church-state. But whereas feudalism prevented the growth of a strong and centralized Holy Roman Empire, the church became more and more political as also strong under a centralized Papacy. The coronation of the Emperor gave the Pope the idea of claiming supreme universal power.

The clash between the two began in the 11<sup>th</sup> century with the reforms of Gregory VII who decreed that “no ecclesiastic should be invested with the symbols of office by a secular ruler under penalty of excommunication”. This decree led to a conflict between Emperor Henry IV and Gregory. The Emperor got the Pope deposed by a church council; the Pope excommunicated him. This contest between the Papacy came out victorious as the unrivalled head of Western Christendom.

The Papacy was strongest in the 13<sup>th</sup> century under Innocent III. The Holy Roman Empire had been discredited but the national kings took up the cudgels against the Church on behalf of secular authority. By the 14<sup>th</sup> century, the kings had become somewhat weakened. The contest between the Papacy under Boniface and French monarch led to the victory of the latter the seat of Papacy was shifted to Avignon and the Papal power was controlled from Paris. The Great Schism which followed the ‘Babylonian Captivity’ of the Papacy still further weakened it. The growing national states in Spain, France and England would not easily submit to a discredited Papacy.

## **RIVAL CLAIMS FOR SUPREMACY**

### **THE ECCLESIASTICAL CLAIM**

Right from the 9<sup>th</sup> century onwards, the Papacy laid claims to supremacy not only in matters ecclesiastical but over temporal ones also. The dynamic personality of Pope Gregory, the Great and the reforms he introduced in the Church made the Papal case for supremacy seemingly irresistible. A number of notable ecclesiastics wrote supporting the theory that the Popes could exercise spiritual jurisdiction not only over the ordinary laymen, but also over temporal princes, including the Holy Roman Emperor.

The arguments of the supporters of the Church were met by defenders of the authority of the Holy Roman Empire. In fact, between the 12<sup>th</sup> and the 16<sup>th</sup> centuries, political thought was mainly confined to determining whether or not the Papal claim for supremacy over the Empire was valid. The Church well-nigh succeeded in establishing its claim of supremacy over the chief representative of the temporal authority in Europe *i.e.*, the Holy Roman Empire, because the Empire was contending simultaneously against the two mightiest forces the Middle Ages *i.e.*, the Papacy and Feudalism who joined hands together against the Empire. The Empire was representing the impossible ideal of secular universalism against the centrifugal tendencies of the times and was seldom in a position to withstand the well-organized, centralized and militant Church. But from the 14<sup>th</sup> century, nationalism emerged in Europe and turned the scales against the Papacy. Popular despots, with the strength of the whole nation behind them, successfully defended the independence of the temporal authority from the Papal control. They were now in a position to disregard the chief Papal weapons *i.e.*, interdiction and excommunication.

### ❖ **Reforms in the Church**

Gregory VII was not only a zealous ecclesiastic but also a great reforming Pope. He was one of the chief protagonists of the supremacy of Papacy over all things, spiritual and temporal. His private ambition had a good deal to do with Papal claim for supremacy. Clever and learned as he was, he realized that the church could not justifiably enjoy such supremacy till it was purified of the evils that had crept into it. He, however, brought about a number of reforms in the church. He stopped the old system of clerical marriages. He strengthened the church by reviving the old spirit of monasticism. He purified the church by a stopping simony *i.e.*, the evil practice of purchasing offices in the church. He secured the independence of the church from lay control by issuing decree that ‘no’ ecclesiastic should be invested with the symbols of office by a secular ruler, under penalty of excommunication’. Henceforth, the important offices in the church were filled by appointments made by the Pope and not by temporal rulers.

### ❖ Clerical Arguments

The supporters of the church employed their learning in giving a historic basis to the Papal claim for supremacy. In the *Decretum of Gratian* (12<sup>th</sup> Century) the church authorities were collected and edited and the theory of Papal supremacy and clerical hierarchy was elaborately worked out as a sort of a legal system.

The famous document, known as the Donation of Constantine, according to which the seat of imperial authority was transferred from Rome to Byzantine and a grant of authority in the West made to the Pope. Was presented as making out an irrefutable case for Papal supremacy. Papal supremacy was meant to include the supremacy of the Pope within the Church as well as his supremacy over secular authorities.

The ecclesiastical arguments for Papal supremacy over secular authorities may be summed up as follows: - If mankind be one, the church founded by God Himself can be the only true state, having “received by a mandate from God the plenitude of all spiritual and temporal powers, they being integral parts of one Might.” The head of this state is Christ, but he must have an earthly representative to exercise this authority over the community of the mortals. This representative is the Pope who “is their Priest and their King, their spiritual and temporal Monarch, their Law-gives and Judge in all causes supreme.” This combination of both ecclesiastical and secular headships on one man was like setting up a Christian Caliphate in the Latin world. Both the swords, representing spiritual and secular authority, were given by God to Peter from whom they have descended to the Pope who is the Vicegerent of God on earth. The Pope has retained the spiritual sword in his own hands, while the temporal one he has transferred to the secular rulers.

This transference confers not a right of free ownership but as one of ecclesiastical agents. The Pope wields both the spiritual and secular powers though, in fact, it is the spiritual power only which he wields actively. The Emperor and other secular rulers receive their offices and power mediately from God and immediately from the Pope and are therefore his vassals. The Emperor is the highest of Papal vassals, his coronation oath constituting an homage to the Pope. The temporal power, being a delegation from the church, must be exercised under the discretion of the church. The Pope is entitled and bound to exercise a direct control over secular rulers. He may transfer the imperial authority from one individual to another and as such is the Imperial Elector. In case of vacancy in the Empire, the immediate guardianship of the Empire reverts to

the Pope. The Pope is entitled to hear complaints against the lay rulers, can depose them and can absolve their subjects from loyalty to them.

The state has its divine sanction through the intermediation of the church and is of earthly and not divine origin. Its existence before the church was due to the Fall of Man. It originates in sin and requires to be hallowed by the authority of the church. The human laws are inferior to and dependent on divine laws. The temporal power is subject to the spiritual.

Even the temporal offices are really ecclesiastical offices of an inferior type. The church has the authority and the right to do spiritual doctoring for the state and the church cannot do so unless the church can interfere with and exercise a general control over the secular authorities. The prestige and power of the Roman Empire was transferred to the Roman church and therefore, the church was superior to the lay authorities. In this, the defenders of the church were only giving expression to the development after the fall of the Western Roman Empire.

After the fall of the Roman Empire, the church was the only coordinating power in Western Europe. It represented the only stable element in a period of general, social and political ferment. All power must be cantered in the church to prevent disintegration in Europe. The spirit is greater than matter and therefore, the spiritual authority is naturally of greater importance and dignity than lay authority. The church represents the soul whereas the state represents the flesh. The church is like the Sun, the state is like the Moon. Lay authority is therefore, borrowed from, sanctioned by and dependent on, spiritual authority.

The secular power is the invention of worldly man and is morally inferior to church authority. The officers of the church cannot be subject to an authority which is morally inferior to ecclesiastical authority. On the other hand, the church can control the moral actions of secular authorities. The secular rulers are liable to be censured or punished if they fall from the high standard of morality set up for them. The coronation of Charlesmagne was claimed by the church to involve the supremacy of the Pope over the Emperor, the latter receiving his authority from the former. The church claimed further that, if the Pope could confer power, he could withdraw it too *i.e.*, had the power to depose an Emperor or any inferior secular ruler.

“With a wide basis in custom and public sentiment for the exercise of jurisdiction over many classes of legal controversies : with an exclusive control of such as could be shown to be spiritual in character with the facility for extending this control that inhered in the doctrine that it



embraced whatever actions were in any way tainted with sin; and with the power to enforce its interpretation of its authority by the deposition of secular rulers from power – the medieval church was in fact, if not in theory a most potent political institution.” The church claimed the right to sort out the saved from the damned, for Christ had said to Peter, “And I will give unto thee the Keys of the Kingdom of heaven and whatsoever thou shalt bind on earth shall be bound in heaven and whatsoever thou shalt loose on earth shall be loosed in heaven.” With this mighty authority and weapon the church could control the rulers and the ruled alike in the credulous Middle Ages.

The church made a persistent claim to a grand ideal- that of establishing its supremacy over everything, whether lay or ecclesiastical, but the church ignored that if, on the other hand, it claimed universal sway, it also automatically made almost impossible demands on the allegiance of its own members. The supremacy of the Pope involved a relative decrease in the authority of the ecclesiastical hierarchy. The bishops had to sacrifice themselves and their ambitions, for the realization of an exaggerated claim of the Pope. It also made impossible demands on the Pope too. Every Pope was not a Gregory, the Great and yet a practical enforcement of the supremacy of the Pope, both over the Empire and over the ecclesiastical hierarchy, required that the Popes should be supermen.

Moreover, the church, as the possessor of a vast amount of landed property, stood, from many points of view on no higher moral level than the secular rulers and could not claim to punish the moral transgressions of secular rulers and could not claim to punish the moral transgressions of secular rulers with any justifiable sense of righteous indignation. Again, if the secular rulers were precluded from exercising any to go unpunished. This would bring down the moral and general administrative tone of the state. Lastly, the claim to universal empire of the Pope might bring about international complications. Pope Innocent III, for instance commissioned Philip France, whom he considered his inferior, to invade England because King John of the *Magna Carta* had disregarded the Pope.

### **THE SECULAR CLAIM**

While the Popes claimed sovereignty over the church as well as over the temporal rulers, including the Holy Roman Emperors, the defenders of secular supremacy, as a rule confined themselves to secular supremacy over secular supremacy affairs only. Of course, an Emperor of

the type of Fredrick II not only maintained his political independence but tried to invest himself with spiritual overlordship too. On the whole the secularists played a defensive game and tried to maintain their position against the onslaughts of the Papacy as best they could. Very rarely did they try to deduce from the principle of the unity of mankind or the unity of Christendom the sovereignty of the state over the church, in spite of the fact that the early church was subject to the Empire. Only Marsiglio of Padua, in the Middle Ages, advocated the absorption of the church in the state. In general, throughout the Middle Ages, the Imperialists were content with reviving the old church theory, of the church and the state being two co-ordinate powers, and the two swords being *Potentates distinct*, representing two independent spheres.

The Imperialists, claiming secular sovereignty for the Holy Roman Emperor, concede a like sovereignty to the Pope in the spiritual sphere. All that they demanded was that the church should mind its own *i.e.*, spiritual business and limit itself to genuinely spiritual affairs.

The secularists opposed the claims of the Popes to supremacy for the following reasons: -

#### ❖ Secular Arguments

The secular authority is not a delegation from the church but is of the divine origin. The kings are the Vicegerents of God on earth and as such are responsible to him alone. The state had as much of divine sanction as the church and therefore could not be subordinate to the church. The medieval thinkers, like the modern ones, held that the state had an essentially moral basis. They held, with the Greek writers like Plato and Aristotle; that the propagation of justice and right was one of great functions of the state. The state, therefore had as much to do with the moral conduct of a man as the church. Enforcement of morality was no monopoly of the church and therefore the church could not claim any jurisdiction over the state and the secular authority on moral grounds.

To the Imperialists, the *Sacerdotium* and the *Imperium* were but two sides of a single Christian commonwealth and must maintain harmony and concord between themselves. This could be done only if the state were subject to the church in spiritual and the church subject to the state in temporal matters. The Imperialists based their claim of independence of Papal supremacy on the Scriptures, bringing into service the Old and New Testaments. From the New Testament, they quoted Paul according to whom, “the powers that be are ordained of God. Whosoever, therefore, resisteth the powers resisteth the ordinance of God.” Armed with scriptural authority of this kind

the secular rulers demanded the unquestioning allegiance of their subjects and claimed that, as “ordained of God”, they were responsible to God alone and were, therefore, free from Papal jurisdiction and control.

The anonymous writer of the York Tracts in England, supporting Henry I against Archbishop Anselm, denied both the superiority of the Pope, over other bishops and of the bishops over the king. The Pope was just the Bishop of Rome and his Papal authority was a usurpation due to the exigencies of history. The king was superior to bishops. The kingly office had a divine character. In anointing a king, the bishops performed just a ministerial function. “The king represented the royal power of Christ as Man and as in Christ the royal power was higher than the priestly, so in his church.’

The king ‘disposes the church according to the discipline of the Christian law; he ruled the souls as well as the bodies of men’. The king could summon and preside over church councils. With the author of the Tracts, the Gelasian distinction between the two swords tends to disappear. In the later part of the 11<sup>th</sup> century, there was a great revival of the study of Roman Law. Theology and the service of the Papacy were, therefore, not the only spheres of intellectual application. The study of Roman Law greatly helped the cause of the Holy Roman Empire against Papal supremacy. Bartolus, one of the leading jurists of the medieval world, held that the Emperor’s sovereignty was inalienable and that to dispute it was sacrilege. The later jurists claimed that “the emperors possessed the unbroken imperial power of the Caesars”. The emperors will have the force of law.

According to the Roman Law, the early Roman Emperors governed the whole civilized world and therefore, their successors, the Holy Roman Emperors, were independent of all, including ecclesiastical, control and were superior to all secular rulers. Peter Crassus, a law teacher, defended the Imperial cause by holding that the Emperor got his imperial crown, not from the Pope or the people, but because of the hereditary principle. His empire was his personal property. While the Popes and the ecclesiastical hierarchy, strong in their terrible weapons of interdiction and excommunication, represented a great force, the Holy Roman Empire was, on the whole, a mere shadow of the old Roman Empire. A clever and strong-willed Pope in the medieval days could generally dictate to the secular rulers including the Emperor. The Papacy, as Hobbes put it, ‘was the ghost of the Roman Empire, sitting crowned on its grave.’

### **CONCLUDING REMARKS**

St. Augustine is one of the greatest church fathers who influenced subsequent development of political and religious thought. The political philosophy of St. Augustine is contained in his book “De Civitate Dei” popularly known as “The City of God” which was completed during the period of 414-426 A.D. The City of God represents the eternal city or the heavenly city while the City of Man represents the earthly city. With the help of this conception, he tries to explain the downfall of Roman Empire. According to him, all earthly states are liable to destruction. But there is a city that endures destruction and that eternal city is the City of God. The City of God is popularly known as Civitas Dei and his worldly state is known as Civitas Terrana. The City of God or the Civitas Dei is universal in time and space. It is founded on the love of God and aims the promotion of good and justice. Civitas Terrana or the worldly state on the other hand, is based on self-love. It aims for acquiring power.

According to St. Augustine, State is the result of sin and provides divine remedy for all the sins. According to him, though the state originated in sin yet it did not represent sin. St. Augustine believed that the state is of divine origin and inferior only to the City of God. In this way Augustine has subordinated state to the church. He has tried to maintain two separate authorities-temporal as well as spiritual but has given priority to spiritual laws over temporal laws. According to him, a Christian should seek guidance from the church and that both should help each other mutually. St. Thomas Aquinas was one of the most scholarly and logical thinkers of the medieval ages. Aquinas offered a theory of origin of state which is fundamentally differed from the theory of state offered by the church fathers.

According to him, the state has emerged as a natural institution out of the social instinct of men. Aquinas assigned a positive role to the state and assigned it the duty of making the citizens virtuous and moral. He wanted the state to provide order and peace without which virtue was not possible. He wanted the rulers to frame and enforce such laws which were conducive to promote virtue. It is the duty of the state to keep people safe from the enemies and take necessary steps for their defence. Aquinas followed the Aristotelian principle of classification of governments and divided the governments into normal and perverted. He placed monarchy, aristocracy and polity in the category of normal government and tyranny, oligarchy and democracy in the perverted category of governments. However, he considered Monarchy as the best form of government.

### **NICCOLO MACHIAVELLI (1469-1527)**

#### **Synopsis**

- *Introduction*
- *Machiavelli: A Child of His Time and A Child of Renaissance*
- *“The Prince” And the Central Theme of Prince*
- *Machiavelli On Reason of State and Power Politics*
- *Why Machiavelli Justified for A Powerful State*
- *Advise to The Prince About Statecraft*
- *Criticisms on Machiavelli’s Idea of State*

#### **INTRODUCTION**

Even after more than 500 years of his death, Machiavelli’s name holds relevance as he continues to signify intrigue and political expediency. In short, the term ‘Machiavellism’ was associated with the crafty and wily qualities of human being. As a matter of fact, the term “Machiavellianism” was coined after his name, which came to signify the employment of crafty and wily means in statecraft and even otherwise. Now the question that arises is why has Machiavelli earned such a reputation? What exactly are his views and thoughts which continue

to hold relevance even in contemporary times? What background or history had inspired him to propound his thoughts? These are the questions which we would deal with and answer in this unit.

### **MACHIAVELLI: A CHILD OF HIS TIME AND A CHILD OF RENAISSANCE**

Born on May 3, 1469 in Florence, Italy in a decent family, Machiavelli was the third child of Bernado, a civil lawyer. At the year of his birth, Lorenzo de Medici ruled Florence. Bernado made enough money to keep his family financially well off. He also took care of the educational needs of his son. Machiavelli was thus educated enough for a career in public services. He joined the Government of Florence as a Secretary of Chancery at the young age of 29 and entered the core of Florentine politics. He gathered first-hand experience of the politics and thus was involved in foreign affairs. Since Florentine was a republic at that time, she maintained relations with other republics and thus Machiavelli was sent to several foreign countries on diplomatic missions. But in 1512 the fall of the republican government led to Machiavelli's ouster from his job.

He was in fact charged with many crimes and imprisoned by the authoritarian regime of Medici; but was later on released due to want of evidence. He was then forced to lead a solitary life during which he had written his celebrated work *The Prince* (1513) and *The Discourses on the First Ten Books of Titus Livius* (1521). He dedicated *The Prince* to Lorenzo di Medici and showered high praises on his rule and dynasty. Both these books outline Machiavelli's political thought but are quite different in their dealings: while *The Prince* supported absolute monarchy, *The Discourses* focused on contemporary politics of Italy of Machiavelli's time and reflected a republican inclination. These books were basically a reflection of the prevailing situation in Florence. At that time, Italy was divided in several small city-states which were in constant struggle with each other. What was desired by everyone and Machiavelli was unification of Italy in line with other European states. But these dreams looked unreal as there was no one who could unite Italy with strong hands. Severe jealousies among the states and a bitter struggle for power led to decay of Italy. Even the Popes disfavoured unification so as to preserve their control of spirituality over entire Italy.

Even though Florence was the seat of Renaissance, Italy could not enjoy the fruits of it as it was marked by every kind of degradation- worst kind of tyrannical rule, corruption, cruelty and

killings, moral degradation, selfishness, dishonesty and debauchery. Influenced by all these, Machiavelli strongly felt the need of a strong Prince who could realize his dream of a united and prosperous Italy and who could keep all negativities in check with an iron fist. It was thus the prevailing situation in Italy which led him to suggest crafty ways to achieve a prosperous unified Italy even if the means adopted for the purpose were not always ethically justifiable. For him the ideal state was a powerful state and the state should aim at maximizing its power at every cost.

Apart from the turmoil which influenced Machiavelli's thought, the Renaissance also left a deep impact in him. Machiavelli is often known as the child of Renaissance. Renaissance literally means 'reawakening' or 'rebirth'. A period between 14th- 17th Century in Europe, it sought to rediscover man. Prior to this period, during the Middle Ages, man was merely treated a creation of God and was portrayed as worthless. Salvation of the soul is the only objective of man and this is possible through service to God. The Church dominated every sphere of life and people obeyed the Church as a direct representative of God. In contrast to this, the Renaissance focussed on the goodness of man, celebrated knowledge and optimism and questioned the Church. Encouraged by Renaissance, he was against accepting any belief without examining it.

He therefore wanted man to question existing beliefs. Man was brought to the centre of the secular world while relegating Church and religion to the background. Similarly, Machiavelli also suggested that the prince has to be at the helm of the political affairs and the Church is to look after only the spiritual world. Renaissance gave birth to the modern nation state which was all powerful and which was supposed to overlook every aspect of our spatial life- maintenance of roads, ensuring health and education of masses, levying taxes, providing for food, as well as ensuring safety and defence of the nation. Machiavelli realised the importance of all these and thus attributed all these functions to the prince. Religion, for Machiavelli had no role in state politics; and therefore, he wanted the prince and not the Church to handle the realm of politics and power.

### **"THE PRINCE" AND THE CENTRAL THEME OF PRINCE**

"The discourses" and "The art of war" were Machiavelli's famous books. It contains analysis of body politics. "The Prince" is a handbook on the "Art of government" and "State craft". Hence it is said that „The Prince“ is not an academic work on political-science but it is a book on the art of governance. It is in the form of advice and addressed to any ruler.

### **MACHIAVELLI ON REASON OF STATE AND POWER POLITICS**

Machiavelli's main concern was 'power'. While 'The Prince' dealt with wielding power by an individual, 'Discourses' dealt with power of free citizens. As noted by Ebenstein, before Machiavelli, all the political philosophers focused on one central theme, namely, the end or the goal of the state. For them, power was the means to reach higher ends -such as justice, morality, good life- all of which would be ensured in a state, which in reality was more of a utopia. Machiavelli, being a realist, ignored such higher ends while believing that political power itself was the end. His study therefore was concerned with how political power could be gained and retained. Being a witness to Italy's maddening crisis, he understood that only a powerful state could resolve all the problems and unite Italy.

He therefore suggests ways, through which the ruler could wield power, establish a self-sufficient state, keep the state united and dispel the enemies. In short, his political theory concerns the position and power of the ruler and not the ruled. This particular thought is based on his understanding of the reason of the state: Machiavelli believed that the state is the most important association in human life and that it is far superior to the individual. Individuals, he believed are incompetent of protecting themselves.

Therefore, the state and the government are needed to take care of individuals' life. Also, in this regard the state has to acquire power so as to deal with the problems in the society. Human nature is essentially corrupt and selfish and therefore to control such beings, a strong and a powerful state is a must. Thus, the state's most important goal is to acquire power, since without power the state's existence would become questionable. The administration in a weak state with ineffective laws would be hijacked in a society characterized by self-interested and egotist individuals. The ruler, therefore, should seek to increase the power of the state through any means, moral or immoral. This shows that Machiavelli's suggestion for a strong state is based on practical consideration and not on any divine consideration.

### **WHY MACHIAVELLI JUSTIFIED FOR A POWERFUL STATE**

- ❖ He acquired practical experience of politics of his time. He was born in Florence, Italy in 1469 in a well-to-do family, when Prince Medici was at the height of his power. At the age of 25, he entered the government service as a clerk chancery. Within a very short period he was appointed as an ambassador, after that he became secretary of the king. Thus, he acquired



practical experience of politics. His administrative and political experience determined his views about politics.

- ❖ Machiavelli lived in Renaissance Italy and was greatly influenced by the new spirit of Renaissance. The intellectual awakening injected rational scientific approach in every sphere of human life, renaissance replaced the faith by reason. Italy was the leader of Renaissance, the most modern and urbanized country of Europe. But in Italy the wealth, intellect and artistic achievements were accompanied by moral degradation and political chaos. The worst aspect of the period during which Machiavelli lived was the rampant corruption and selfishness among the Italian rulers and the church officials
- ❖ Machiavelli represents the culture which was undergoing a period of deep political crisis. Italy consisted of a very large number of small but independent states. Some of these states like Florence and Venice were republics, while others were ruled by despots. Internally these states were the home of fierce political rivalries and personal ambition and externally they were involved in a constant struggle with one another. This political division of Italy and the struggle between the states made the country weak and a prey for the ambitions of the powerful neighbouring states of France, Prussia and Spain. France invaded Italy and defeated the Medici rulers. Machiavelli was witness to this tragedy. It was out of this traumatic experience, that made Machiavelli conclude that unless Italy was united under a strong central government, the country would always remain under the threat of conquest and annexation by neighbouring countries.
- ❖ Suggested remedies on the plight of Italy Machiavelli were a true patriot, thinking on the plight of Italy and to find remedies for this. He suggested a strong and unscrupulous prince for the Italy. He did not recommend the republican form of government for Italy, as it presupposes virtuous, honest and patriotic citizens, whereas the sixteenth century Italians were corrupt and selfish. Hence Machiavelli suggested a strong and powerful ruler for Italy.
- ❖ Machiavelli was not interested in idealistic conception of the state. His chief interest was concentrated in the unity of body politic and power. He adopted an empirical method. He seriously studied the past-from 4th century to 15th century of the medieval age. This age was characterized by the Feudal state. In this order king divided his dominions into many parts. Each part granted to a noble or tenant chief. There were no common laws and central authority. In short feudal system was a confusion. Out of this confusion church emerged as

the superior authority. Result was continuous conflict between the spiritual and temporal authorities. Pope claimed superiority over all the princes.

- ❖ State (civil authority) was merely the police department of the church. Thus, a true national life could not grow in such a system. He X-rayed the entire Italian society. The feudalism and the church not only destroyed the identity and importance of the state, but the state was considered sub-ordinate. But Machiavelli completely divorced religion from politics. He broke the medieval tradition that the political authority is under the control of church. He made the state totally independent of the church by saying that the state has its own rules of conduct to follow, state is highest, supreme and autonomous. He said the state is superior to all associations in the human society. He rejected the feudal system and propounded all powerful central authority, who is supreme over all institutions.
- ❖ The central theme of Machiavelli's political ideas is power. He highlighted power as an essential ingredient of politics. According to him moral code of individual prescribed by the church cannot provide guidelines to the ruler. According to Machiavelli a ruler must remember that whatever brings success is due to power. For acquiring political power, he can use any type of Means. He said politics is a constant struggle for power. All politics is power politics.
- ❖ For Machiavelli absolute state was the End; and for this Means was power. He said the sole aim of the „Prince“ was to make the country strong and united, establish peace and order and expel the foreign invader. To achieve this end any means would be satisfactory.

### **ADVISE TO THE PRINCE ABOUT STATECRAFT**

Thus, from above reasons Machiavelli's "The Prince" is in the form of advice given to a ruler on the state craft. Some significant aspects of the advice to the ruler are as follows:

1. Machiavelli elaborates the doctrine of Raison D "Etat": It means „Reason of state“. It implies actions and policies promoting safety and security of the state. Because the state must preserve itself before it promotes the welfare of its people. For preserving and safeguarding itself all means adopted by the state are justified by Machiavelli. According to him in politics, one is guided by the harsh realities of political life which is a struggle for power and survival. The actions of the state must be judged only on the basis of „Raison D „Etat“. i.e.,

independent, self-sufficient and well-ordered and well maintain state. Machiavelli advised the prince in preserving and safeguarding this type of state all means adopted by the state are justified. Prince should give priority to power. Morality and ethics have different spheres. It cannot be mingled with the reason of the state. To a prince power of state is of supreme importance. Self-sufficiency of the state means the state will have its own army, a strong and unified government, unity and integrity among the people and solid economic foundation.

2. End justifies the Means: It is a very famous statement of Machiavelli which he justified for the “Reason of state”. He assumed that state is highest form of human association. State is to be worshipped like a deity even by sacrificing the individual. A ruler must remember that whatever brings success and power is virtuous even cunningness, sharedness is justified. Politics is the most precarious game. It can never be played in a decent and orderly manner. The state has some primary objectives and responsibilities like protection of life, maintenance of law and order and looking after wellbeing of its members. Hence state must have adequate means at its disposal.
3. State is sovereign, autonomous and non-religious: Machiavelli said the state is superior to all associations in the human society. It is sovereign and is autonomous, Moral and religious considerations cannot bind the prince. He is above and outside the morality. He can use religion to realize his ends. Religion cannot influence politics and the church cannot control the state. In fact, sovereign state enjoys absolute power over all individuals and institutions. State is must necessary of all institutions. It stands on a wholly different footing and therefore be judged by different standards. State power is the end and religion are its organ and instrument. Nothing is unearthed in the state, State came into being to satisfy material interests of the people. He divorced politics from theology and government from religion. He did not view the state as having a moral end and purpose but gave importance to man’s worldly life. He said politics is an independent activity with its own principles and laws.
4. A prince must combine the qualities of a lion and a fox: Machiavelli advised the prince he should imitate the qualities of fox and lion. The imitation of the fox (cunningness, foresight) will enable him to visualize his goal and means to achieve it. The imitation of the lion will give him necessary strength and force to achieve that goal. A fox might have shrewdness and foresight, but he is powerless without necessary force of a lion. Similarly, a lion without shrewdness and prudence of a fox would be reckless. Hence a ruler who wants to be very

successful must combine in himself the qualities of both fox and lion. He must possess bravery of lion and cunningness of fox; physical force is necessary when there is anarchy and indiscipline. But law and morality are essential to check selfishness of people and to generate civic virtues.

5. Use double standard of politics: One for the ruler and another for his subjects. He said morality is not necessary for the ruler. He is creator of law and morality hence prince is above the both. A ruler has primary duty of preserving the state. For this purpose, he may use instruments of lie, conspiracy, killings and massacre etc. Because absolute morality is neither possible nor desirable in politics. He insisted that morality is essential for people. Only moral citizens willingly obey laws of the state and sacrifice their lives for their nation. It cultivates civic sense and patriotic spirit. Thus, Machiavelli prescribes double standard of morality.
6. Favored despotic ruler: Machiavelli did not recommend the republican form of Government, because republican form requires virtuous, honest and patriotic citizens. He also advised the prince to convert his monarchy into a republic. If his heirs are corrupt and misuse their power for evil purposes. According to Machiavelli foundation of Government is the reason of state Government is not created by God to punish men for their sin. Machiavelli says that the government is founded upon the weakness and insufficient capacity of men. If in a society men are corrupt and selfish and the law is powerless, then normal administration is not possible at all. A superior power is essential for bringing the society into order. The government with absolute power stops the excessive desires and control the behaviour of the people.
7. Maintain strong army: He recommended constant military preparedness for the preservation of the state. Prince should organize a strong army to meet any internal and external threat to his power. Strong and regular army was must for a state for its own defense. The state tries to build up its own independent, regular and faithful army. Such an army should consist of its own citizens and be prepared not only to defend its national borders but also to expand. The citizens must be trained for army service and there should be compulsory military training for all able persons.
8. Human nature is low and ungrateful, so prince must consider this nature of man: According to Machiavelli rational analysis of politics must begin with an account of human nature, Machiavelli viewed the activities of man with special interest and explained human nature. He

viewed men to be a compound of weakness, ungrateful, fear, lust for power and assumed all men are bad. Prominent traits of human nature are: -

- a. There is no limit to human desires. He is selfish and aggressive. Hence there is strife and competition.
  - b. The masses are interested in security. They realize that only laws of the state can ensure security hence they co-operate with the state and obey the laws. Hence a ruler who wants to be successful must ensure security of life and protection of people.
  - c. People must be restrained by force because force breeds fear. Only force and repression can keep control and check on the evil tendencies in man. Hence the method of government should be force and not persuasion.
  - d. By nature, every human being is ambitious and remains unsatisfied. No human being is content with his position. He is always after domination. The enmities and wars are the outcome of this desire. Thus, human nature is selfish, power hungry, quarrelsome and guided by materialistic considerations. Only fear of punishment is a powerful bond and it never fails.
9. Should try to win popularity of his people: Prince should try to win popularity, goodwill and affection of his people. He should keep his subjects materially contented by not taxing them. The prince should not interfere in age old customs and traditions of his people because by nature people are conservative. He should not have craving for wealth and women of his own subjects. He should keep a watchful eye on his dissidents.
10. A prince must have council of wise men and not of flatterers: Powerful government and internal unity were essential for any state. Prince must choose wise men in his council and should give them full liberty to speak the truth to him. He must ask them about everything and hear their opinion and afterwards deliberate by himself in his own way.
11. Separate politics from religion: Before Machiavelli medieval political philosophers believed that the religion was the basis of the state. But Machiavelli emancipated the state completely from the control of the church. He denied medieval philosophy of religion. He repudiates the theory of Aquinas that man needs the guidance of the divine law. Machiavelli said that only end which man can place before himself is the pursuit of his wellbeing in his material values in life. He did not view them as having a moral end and purpose but gave importance to man's worldly life. He believed that politics is an independent activity with its own

principles and laws. Moral and religious considerations cannot bind the prince, state is above and outside the religion. Machiavelli does not ignore religion and morality. In the opening chapter of the „Discourses“ he says princes who want to maintain themselves respect all religions preserve the purity of all religions. He said religion is useful only as an organ of the state. He gave only an instrumental value to religion. He advised the ruler that religion play important role in the life of a community. According to him religion is necessary for unity and integrity of the people within the state. Common religion creates a sense of unity among people. Religious rites, beliefs establish social harmony. It also cultivates civic sense and patriotic spirit. Decline of respect for religion among the people is a sign of ruin for the state. He said religion cannot influence politics and the church cannot control the state. In fact, the sovereign state enjoys absolute power over all individuals and institutions. As such the church is subordinate to the state. Thus, Machiavelli separated religion from politics and paved way for emergence of the secular state. He was not against the religion and morality. He only proposes two different standards of morality and placed the state above morality and religion. According to Machiavelli state is the highest form of social organisation and the most necessary of all institutions. It stands on a wholly different footing and must therefore be judged by different standards. He said politics is an independent activity with its own principles and laws. State is non-religious and secular. It has its own rules of conduct to follow. Machiavelli sanctioned the use of immoral means by the ruler whenever it was necessary to do so to save the state. Thus, the separation of politics from ethics is the essence of Machiavellian.

12. Prince must be free from emotions: Prince should exploit emotions of his people for the purpose of the state. He should be cool, calculating and opportunist. His suggestion is that a prince must know how to act as a beast.
13. Ordered state: In “The Prince” Machiavelli advocated absolutism and an effective government. This advocacy of absolutism was due to the fact that he had witnessed anarchy, lawlessness, corruption and misrule that prevailed in Italy of his times. He had witnessed how king Charles VIII of France had captured Florence without being offered resistance. Therefore, Machiavelli advocated a well-organized, ordered and militarily strong state. Without a strong state, any country had no hope of survival in international politics. He believed that an ordered state was the only security against forces of external aggression and internal chaos.

### CRITICISMS ON MACHIAVELLIS IDEA OF STATE

- ❖ **Authoritarian absolute state;** Machiavelli suggested power politics is the Means and authoritarian absolute state is the End. This thought of Machiavelli leads to absolutism and narrow nationalism. Power politics cannot be End, it will lead to autocracy and war.
- ❖ **Ignored individualism;** Machiavelli ignored individualism i.e., individual liberty, equality, justice etc. He sacrificed individual at the altar of the state
- ❖ **One sided views of human nature** – In view of Machiavelli men are universally bad. This is really a very one-sided view of human nature. He ignores the fact that much of civilization is based on the social and co-operative instincts of men.
- ❖ **Materialism is the product of Renaissance and politics.** Power and wealth are its central concepts. Morality and idealism became less important. According to Machiavelli politics and power are instruments for strengthening and unifying a state. Hence Machiavelli separated politics from religion. Traditionally aim was salvation. According to Machiavellian thought sole aim of prince is the unification and welfare of the state showed reality of practical politics stressed on Rationality Machiavelli's thought was based on empirical reality. It looks at and treats political problems in a realistic manner. He explained the practical aspects of politics. He keenly observed the affairs of the state and interstate rivalries. From his observation he deduced that the powerful government and internal unity were the essential of any state. Hence, he recommended constant military preparedness for the preservation of the state.  
  
Thus, Machiavelli's writings were free from the abstract ideals and based on facts. He inspired scientific study of politics. Modern scientificism of the American political scientists and empirical studies based on facts bear a close relationship to the pragmatism of Machiavelli.
- ❖ **Utility of war:** The sole aim of the prince is to be an expert in managing and organizing a war. Because it is the only way of increasing power. Power is the only reason of the state. Thus, Machiavelli justified utility of war.

### CONCLUDING REMARKS

Machiavelli contributed new political thoughts to political theory and brought a new awaking in political field. He is called the child of renaissance or child of his time. Hence modern power

politics cannot be thought of without any reference to Machiavelli and his book „Prince“. Modern power politics cannot be thought of without reference to Machiavelli and his book „Prince“. He was the first exponent of power politics.

## **ANCIENT INDIAN THOUGHT**

### **VEDIC AND POST-VEDIC CIVILIZATIONS**

#### **Synopsis**

- *Introduction*
- *Vedic Civilization*
- *Political Institutions*
- *Society*
- *Later Vedic Civilization*
- *Concluding remarks*

#### **INTRODUCTION**

In the previous unit (unit 3) we have discussed the Harappan Civilization, the earliest civilization of India. In the present unit we will deal with another civilization which is completely different from the former in many aspects. This civilization emerged in India after the Indus Valley Civilization. It is the Vedic Civilization. It is followed by the post-Vedic civilization. These two go together to make a sequence and present unit is going to introduce them to the learners.

#### **VEDIC CIVILIZATION**

The Harappan Civilization was followed by Vedic or Rig-Vedic Civilization which was completely opposed to it. The Vedic Civilization was founded by the Aryans. They were immigrants and in the following sections we will discuss the original home of the Aryans. Vedic Civilization is divided into two board divisions- Early Vedic or Rig Vedic Civilization and Later Vedic Civilization.

#### **POLITICAL INSTITUTIONS**

The family was the lowest political unit of the Vedic age. Many families combined together to form a Grama or village. The union of several Gramas formed the higher unit called Vis. The Vis



was probably a larger administrative unit of the whole tribe. The Jana or the state was the highest political and administrative unit. The leader of the Grama was called the Gramani and that of a Vis was called the Vispati and the master of the Jana was called Gopa.

Kingship was the usual form of government of the period. The early Vedic states were generally small in size, sometimes with only a single tribe. The Vedic king enjoyed special power and dignity. He was denoted the title Rajan. Proficiency in warfare was the most essential qualification for the kings to possess the royal throne. He had the responsibility of protecting the life and property of his subjects. In return, he collected tribute called Bali, generally in kinds, from his subjects. The king was helped in his administration by the purohita (priest), the senani (general), the gramani (village head man), and the spasa (spies). Further, there were two popular bodies called the sabha and the samiti to help the king. The king had to periodically consult these two bodies in serious political matters. Thus, the sabha and the samiti restricted the arbitrary power of the king. However, we don't have the exact detail of the composition of the sabha and the samiti. The sabha probably was the selected body of the chiefs of different tribes and the samiti was possibly the assembly of the whole people.

### **SOCIETY**

The foundation of the Vedic society was the family. At that time families were patriarchal. Do you know what a patriarchal family is? A patriarchal family is where the father is considered the head of the family. During the Rig Vedic age such heads of the families were called grihapati or kulapati. Women enjoyed a respectable position in early Vedic society. Although the society was patriarchal, the girl child was also not neglected.

The door of education was open for the daughters as well as the sons. Thus, we have come to know about some female scholars like Ghosa, Apala, Viswavara, etc who through their wisdom rose to the rank of the rishis. Neither the custom of sati nor purdah was prevalent in the Rig Vedic society. Girls were usually married at a mature age, though child marriage was not unknown altogether. Remarriage of widows was permissible in the society. Thus, we may observe that the Rig Vedic women held a high position in the society as well as in the household.

Cotton, wool and deer skin were used for the purpose of making clothes. Occasionally clothes were embroidered with gold. The Rig Vedic ladies were fond of gold ornaments of different types. Both men and women wore turban. Barley, rice, wheat and vegetables of different seasons

were the chief food of the people. Moreover, milk and its various products were also taken by them. The list of non-vegetarian items includes fish, bird, goat, bull, etc. However, the cow was not killed possibly because of its multiple utility. The Vedic Aryans took two kinds of intoxicating drinks called soma and sura. The people of the Vedic age were fond of merrymaking and amusements. Chariot racing, war dancing and hunting were the most fascinating outdoor games. Joyous moments were celebrated with music and dancing. Gambling was probably the most exciting indoor game of the period.

The Vedic society was divided into four classes namely Brahmana, Kshatriya, Vaishya and Sudra. However, in the early Vedic period (i.e., in the Rig Vedic period), there was no watertight divisions of society. Although there was in vogue the existence of four classes, no strict caste system existed at that time. During this period, inter caste marriage and inter caste dining was a common feature and there was no bar in this respect. The orthodox divisions of society, the conception of untouchability, etc., were the development of later period. However, we do find references to the terms like Chandala in the Rig Veda.

### **LATER VEDIC CIVILIZATION**

There were clear distinctions between the Rig Vedic and Later Vedic Civilization. The Aryans of Later Vedic Age led a more settled life and as a result of such organized lifestyle, there came obvious changes in different aspects of the civilization. In the Later Vedic age, we see the rise of the big states. It was the result of the Aryan expansion from the North-West India towards the East. Small tribal states of Rig Vedic period were gradually replaced by large kingdoms. With the enlargement of kingdoms, the power of the king also increased significantly. The later Vedic kings styled themselves as the Samrat or ekarat meaning sole suzerain.

There was also increase in the number of officials for managing the state affairs. The Later Vedic literatures refer to these officials as ratnas (gems). The Taittiriya Samhita gives us the list of ten such ratnas such as purohita (the priest), suta (the charioteer), mahishi (queen), paribrikti (queen), babata (queen), sangrahitri (the treasurer), akshabapa (the officer in charge of dice), senani (the general), gramani (the village head man) and bhagadugha (the revenue collector).

Society as a whole witnessed far reaching changes in the Later Vedic period. Probably the caste system started to be rigid probably from this age. There was a significant growth in the power and prestige of the Brahmanas and the Kshatriyas in the society. They enjoyed special privileges

which were denied to the other castes. Caste became a hereditary right. The concept of untouchability was developing in the society. Striking changes may be seen in the status of women in the later Vedic society. The women lost their respectable social position enjoyed in the Rig Vedic period. Their freedom and equality also gradually vanished. The birth of a girl child was detested. Dowry system became popular. As a whole, women were looked upon as an inferior class.

With the development of civilization, there was an obvious growth in the field of trade and commerce. Both domestic and foreign trades were carried out by the later Vedic Aryans. By this time, they attained the art of navigation. In the absence of a regular coinage, a gold piece called nishka was used as the unit of value. Agriculture continued to be an important occupation. Reference to many other occupations like merchants, money lenders, etc. could be found in the later Vedas.

Significant changes took place in the spiritual life of the Aryans of the later Vedic age. The Rig Vedic Gods like Indra, Varuna, Surya, etc now lost their previous glory and were replaced by new Gods like Rudra, Vishnu, Prajapati, etc. In the later Vedic religion, yajnas or sacrifices played an important role. The Rig Vedic yajnas were simple. But in the later age yajnas became more complicated, ceremonial and expensive. Further, the Brahmanas rapidly came forward as the mediator between the heavenly Gods and the earthly mortals. Thus, religion gradually went beyond the reach of the common men and this dissatisfied many in the society.

As a reaction to the elaborate rituals and the highhandedness of the priestly class, there developed a philosophical trend in the later Vedic religion. The inquisitive mind of the philosophers enquired into the various aspects of the creation, life and death. The Upanishads preached the concept of atma (the inner soul) and the Brahma (the supreme creator). Death only destroys the body of a man not his atma or soul. Therefore, the atma or soul is to take birth again and again.

An atma can avoid rebirth and attain moksha (liberation) only when it unites with the Brahma. But it solely depends on the karma or action of the atma in different births. Thus, there emerged the philosophical doctrines like transmigration of soul, karma and moksha, etc.

### **CONCLUDING REMARKS**

After going through this unit, you have learnt that- After the decline of the Harappan Civilization, there emerged the Vedic Civilization which was evolved by the Indo-Aryans. The period of the early Vedic Civilization which ranged from 1500 B.C. to 1000 B.C was known as the Rig Vedic age and hence the civilization also is known as Rig Vedic Civilization. The society was based on the patriarchal family system where the women enjoyed a respectable position. It was divided into four classes. But this division was not a rigid one. Kingship was the form of government with the king styled as Rajan looking after the prosperity and protection of his subjects. The economy was mainly pastoral one. Agriculture, trade and industry were practiced to a limited extent.

The people worshipped every aspects of nature for which there were number of Gods and Goddess in the religion of the Aryans. The Aryans divided their deities as Earthly Gods, Atmospheric Gods and Heavenly Gods. Male Gods were considered superior to the female Gods. There existed a good deal of difference between the Vedic or Rig Vedic Civilization and later Vedic Civilization. The life in the later Vedic period was more settled. There was the emergence of the big states with corresponding increase in the power of the king. In the society the caste system was started to be rigidly imposed. In the later vedic period, women lost the social position which they enjoyed in the Rig Vedic period. There was development in the field of trade and commerce. In religious matters the Rig Vedic Gods were replaced by new Gods like Rudra, Vishnu, etc. in the later vedic period. The philosophical doctrines like transmigration of soul, karma and moksha, etc emerged.

## **BIRTH OF ISLAM AND ITS POLITICAL CONTRIBUTIONS**

### **Synopsis**

#### **➤ *Meaning & Introduction***

- *Nature and Significance of Islamic Law*
- *Basis of Shariat Law*
- *Sources of Shariat*
- *Aims of Shariat And Public Interest*
- *Branches of Sharit Law*
- *Concluding remarks*

### **MEANING & INTRODUCTION**

Sharia (also known as Shariah or Sharia) is an Islamic religion law that governs not only religious rituals but also aspects of day-to-day life in Islam. Sharia, literally translated, means the ‘the way’. This is especially prevalent for its financial laws. Sharia literally means “the clear well-trodden path to water” Sharia laws. Sharia law acts as a code for living that all Muslims should adhere to, excluding prayers, fasting and donations to the poor. It aims to help Muslims understand how they should lead every aspect of their lives abiding to God’s wishes. There is extreme variation in how Sharia is interpreted and implemented, among the Muslim societies today. In classical form, the Shariah differs from Western systems of law in two principal respects. In the first place, the scope of the Shariat is much wider, since it regulates the individual’s relationship not only with neighbours and with the state, which is the limit of most other legal systems, but also with God and with the individual’s own conscience. Ritual practices—such as the daily prayers (ṣalāt), almsgiving (zakāt), fasting (ṣawm), and pilgrimage (hajj)—are an integral part of Shariat law and usually occupy the first chapters in legal manuals. The Shariat is thus not merely a system of law but also a comprehensive code of behaviour that embraces both private and public activities.

### **NATURE AND SIGNIFICANCE OF ISLAMIC LAW**

In classical form, the Shariah differs from the Western Systems of law in two principal respects. In the first place, the scope of the Shariah is much wider since it regulates the individual’s relationship not only with neighbours and with the state, which is the limit of most other legal systems, but also with God and with the individual’s own conscience.

Ritual practices-such as the daily prayers, almsgiving, fasting, and pilgrimage -are an integral part of Shariah law and usually occupy the first chapters in legal manuals. The Shariah is

concerned as much with ethical standards as with legal rules, indicating not only what an individual is entitled or bound to do in law but also what one ought, in conscience, to do or to refrain from doing. Accordingly, certain acts are classified as praiseworthy, which means that their performance brings divine favour and their omission divine disfavour, and others as blameworthy which has the opposite implications. However, in neither case is there any legal sanction of punishment or reward, nullity or validity. The Shariah is thus not merely a system of law but also a comprehensive code of behaviour that embraces both private and public activities. The second major distinction between the Shariah and Western legal systems is a consequence of the Islamic concept of the law as the expression of the divine will. With the death of the Prophet Muhammad in 632, direct communication of the divine will to human beings ceased, and the terms of the divine revelation were henceforth fixed and immutable.

### **BASIS OF SHARIAT LAW**

The Quran is the principal source of Islamic Law, the Shariat. It contains the rules by which the Muslim World is governed or should govern itself & form the basis for relation between man & God, between individuals, whether Muslim or Non- Muslim as well as between man and things which are parts of creation. Shariat is Islamic law derived from the teachings of Quran & of Muhammad. It is not a list of rules but rather a set of principles on aspects of life, including marriage, divorce, finance and rituals such as foster and prayer.

Various sources of Sharia are used by Islamic jurisprudence to elaborate the body of Islamic law. The scriptural sources of traditional Sunni jurisprudence are the Qur'an, believed by Muslims to be the direct and unaltered word of God, and the Sunnah, consisting of words and actions attributed to the Islamic prophet Muhammad in the hadith literature. Shiite jurisprudence extends the notion of Sunnah to include traditions of the Imams. The Qur'an is the first and most important source of Islamic law. Believed to be the direct word of God as revealed to Muhammad through angel Gabriel in Mecca and Medina, the scripture specifies the moral, philosophical, social, political and economic basis on which a society should be constructed. The Qur'an was written and preserved during the life of Muhammad, and compiled soon after his death.

### **SOURCES OF SHARIAT**

The primary source of Islamic Law is the Holy Book of Islam (Quran), the Sunnah (the traditions or known as known practices of the Prophet Mohammed), Ijma C Consensus & Qiyas (Analogy). All aspects of a Muslim life are governed by Sharia. Sharia law comes from a combination of sources including the Quran, the Hadith (saying and conduct of the Prophet Mohammed) & fatwas (the rulings of Islamic scholars). Some legally relevant material found in Islamic scriptures did not directly address all the question pertaining to Sharia that arose in Muslim communities, Islamic jurists developed additional methods for deriving legal rulings.

In history, Consensus has been the most important factor in defining the meaning of the other sources and thus in formulating the doctrine and practice of the Muslim community. This because is ijma' represents the unanimous agreement of Muslims on a regulation or law at any given time. Qiyas or analogical reason is the fourth source of Sharia for the majority of Sunni jurisprudence. It aims to draw analogies to a previously accepted decision. Shiites do not accept analogy, but replace it with reason among Sunnis, the Hanbalites have traditionally been reluctant to accept analogy while the Zahirites don't accept it at all.

### **AIMS OF SHARIAT AND PUBLIC INTEREST**

Purposes of Sharia and maslaha are two related classical doctrines which have come to play an increasingly dominant role in modern times. They were first clearly articulated by al-Ghazali who argued that was God's general purpose in revealing the divine law and that its specific aim was presentation of five essentials of human well beings, religion, life, intellect, offspring and property. Although, most classical era jurist recognized as important legal principle, they held differing views regarding the role they should play in Islamic law. Some jurists them as auxiliary rationales constrained by scriptural sources and analogical reasoning. Others regarded them as an independent source of law whose general principles could override specific inferences based on the letter of scripture while the latter view was held by a minority of classical jurists. Among the primary aims of the Sharia are the achievement of justice, fairness and mercy. In modern times it came to be championed in different forms by prominent scholars who sought to adapt Islamic law to changing social conditions by drawing on the intellectual heritage of traditional jurisprudence. Along with the analogous concept of maslaha, it has come to play an increasingly prominent role in modern times, due to the need of confronting legal issues unknown in the past.

### **BRANCHES OF SHARIT LAW**

The domain is traditionally divided into acts of worship & social relations. Many jurists further divided into the body of substantial jurisprudence into the four quarters called rituals, sales, marriage and injuries. Each of these terms figuratively stood for a variety of subjects. The quarter of sales should encompass partnership, guaranty, gifts and bequests among other topics. Juristic works were arranged as a sequence of such smaller topics, each called a book. The special significance of ritual was marked by always placing its same historian. Some historians distinguish a field of Islamic Criminal Law, which combines several traditional categories. Several crimes with scripturally prescribed punishments are known as hudud.

The two major genres literature are the mukhtasar and the mabsut. Mukhtasars were short specialized treatises or general overviews that could be used in a classroom or consulted by judges. A mabsut, which usually provided a commentary on a mukhtasar and could stretch to dozens of large volumes, recorded alternative rulings with their justifications, often accompanied by a proliferation of cases and conceptual distinctions. The terminology of juristic literature was conservative and tended to preserve notions which had lost their practical relevance.

### **CONCLUDING REMARKS**

The one supreme achievement of the Islamic perspective over the past few decades has been the emergence of a functional approach to the role of law or society. Jurisprudence has discarded the introspective and idealistic attitude that the doctrine of feud had imposed on it since medieval times and sees its task to be the solution of the problems of the contemporary society. It emerged from a protected period of stagnation to adopt again the attitude of the earliest Muslim jurists; whose aim was to relate the dictates of the divine will to their own social environment. It is this attitude alone that has ensured the survival of the Shariah in modern times as a practical System of Law & that provides inspiration for the future. The role of Sharia has become a contested topic around the world. Introduction of Sharia based laws sparked intercommunal violence in Nigeria and may have contributed to the breakup of Sudan. Some jurisdictions in North America have passed bans on use of Sharia, framed as restrictions on religious or foreign laws. There are ongoing debates as to whether Sharia is compatible with democracy, human rights, freedom of thought, women's rights, LGBT rights, and banking.



### **UNIT- III**

#### **WESTERN AND INDIAN MODERN POLITICAL PHILOSOPHY**

#### **INDIVIDUALISM**

##### **Synopsis**

- *Introduction*
- *Origin and Growth of Individualism*
- *Individualism and Society*
- *Political Individualism*
- *Features of Individualism*
- *Individualistic Ideas of Some Philosophers*
- *Individualist Theory on Functions of The State and Government*
- *Arguments in Favour of Individualism*
- *Merits of Individualism*
- *Drawback of Individualism*
- *Concluding Remarks*

##### **INTRODUCTION**

**Individualism** is the moral stance, political philosophy, ideology and social outlook that emphasizes the moral worth of the individual. Individualists promote the exercise of one's goals and desires and so value independence and self-reliance and advocate that interests of the individual should achieve precedence over the state or a social group while opposing external interference upon one's own interests by society or institutions such as the government. Individualism is often defined in contrast to totalitarianism, collectivism and more corporate social forms. Individualism makes the individual its focus and so starts "with the fundamental premise that the human individual is of primary importance in the struggle for liberation". Anarchism, existentialism, liberalism and libertarianism are examples of movements

that take the human individual as a central unit of analysis. Individualism involves "the right of the individual to freedom and self-realization".

Individualism has been used as a term denoting "the quality of being an individual; individuality", related to possessing "an individual characteristic; a quirk". Individualism is also associated with artistic and bohemian interests and lifestyles where there is a tendency towards self-creation and experimentation as opposed to tradition or popular mass opinions and behaviors such as with humanist philosophical positions and ethics. Individualism gives more freedom and rights to individual, popularized in western region, the world had to wait till 19<sup>th</sup> century for flourishing of this theory .it talks about relationship between individual and state keeping individual as centre of society. individualism focuses more on individual keeping aside state functions as minimal and implies restrictions on interference of state in individual matters. Individualism considers state as necessary evil at the same time it is necessary for them to protect 1. life and property 2. Robbery and fraud 3. Enforce contract 4. Maintain peace. It opposes socialism, supports that state should give maximum individual freedom and right in social, political, economic and other fields.

### **ORIGIN AND GROWTH OF INDIVIDUALISM**

In the English language, the word individualism was first introduced as a pejorative by utopian socialists such as the Owenites in the late 1830s, although it is unclear if they were influenced by Saint-Simonianism or came up with it independently. A more positive use of the term in Britain came to be used with the writings of James Elishia Smith, who was a millenarian and a Christian Israelite. Although an early follower of Robert Owen, he eventually rejected its collective idea of property and found in individualism a "universalism" that allowed for the development of the "original genius". Without individualism, Smith argued that individuals cannot amass property to increase one's happiness.<sup>[11]</sup> William McCall, another Unitarian preacher and probably an acquaintance of Smith, came somewhat later, although influenced by John Stuart Mill, Thomas Carlyle and German Romanticism, to the same positive conclusions in his 1847 work *Elements of Individualism*.

Ideas of individualism can be found in social contract theory of John Locke and Rousseau. Excessive state interference in Europe many philosophers and thinkers criticized Adam Smith supported the cause of individualism in his book *An Enquiry into the Nature and Causes of the Wealth of Nations* in

1776, individualism is also called as pet child of Adam Smith. For some time individualism did well but could not sustain till 20<sup>th</sup> century. Later on new form of individualism developed in 20<sup>th</sup> century by thinkers like Graham Wallas, Norman Angel, but here the importance was given to group of people. Most important of these in 18<sup>th</sup> century philosophers were John Stuart Mill, Herbert Spencer and Fredric Hayek.

### **INDIVIDUALISM AND SOCIETY**

Individualism holds that a person taking part in society attempts to learn and discover what his or her own interests are on a personal basis, without a presumed following of the interests of a societal structure. The individualist does not follow one particular philosophy, rather creates an amalgamation of elements of many, based on personal interests in particular aspects that he/she finds of use. On a societal level, the individualist participates on a personally structured political and moral ground. Independent thinking and opinion are a common trait of an individualist. Jean-Jacques Rousseau, claims that his concept of general will in *The Social Contract* is not the simple collection of individual wills and that it furthers the interests of the individual.

Individualism versus collectivism is a common dichotomy in cross-cultural research. Global comparative studies have found that the world's cultures vary in the degree to which they emphasize individual autonomy, freedom and initiative (individualistic traits), respectively conformity to group norms, maintaining traditions and obedience to in-group authority (collectivistic traits). Cultural differences between individualism and collectivism are differences in degrees, not in kind. Cultural individualism is strongly correlated with GDP per capita. The cultures of economically developed regions such as Australia, New Zealand, Japan, South Korea, North America and Western Europe are the most individualistic in the world. Middle income regions such as Eastern Europe, South America and mainland East Asia have cultures which are neither very individualistic nor very collectivistic. The most collectivistic cultures in the world are from economically developing regions such as the Middle East and Northern Africa, Sub-Saharan Africa, South and South-East Asia, Central Asia and Central America.

### **POLITICAL INDIVIDUALISM**

Individualists are chiefly concerned with protecting individual autonomy against obligations imposed by social institutions. Susan Brown, "Liberalism and anarchism are two political philosophies that are fundamentally concerned with individual freedom yet differ from one another in very distinct ways. Anarchism shares with liberalism a radical commitment to individual freedom while rejecting liberalism's competitive property relations."

Civil libertarianism is a strain of political thought that supports civil liberties, or which emphasizes the supremacy of individual rights and personal freedoms over and against any kind of authority. Civil libertarianism is not a complete ideology; rather, it is a collection of views on the specific issues of civil liberties and civil rights. Because of this, a civil libertarian outlook is compatible with many other political philosophies, and civil libertarianism is found on both the right and left in modern politics. For scholar Ellen Meiksins Wood, "there are doctrines of individualism that are opposed to Lockean individualism and non-Lockean individualism may encompass socialism". British historians such as Emily Robinson, Camilla Schofield, Florence Sutcliffe-Braithwaite and Natalie Thomlinson have argued that Britons were keen about defining and claiming their individual rights, identities and perspectives by the 1970s, demanding greater personal autonomy and self-determination and less outside control, angrily complaining that the establishment was withholding it. Historians argue that this shift in concerns helped cause Thatcherism and was incorporated into Thatcherism's appeal.

#### **Important philosophers of individualism were**

- ❖ Jeremy Bentham
- ❖ J.S. Mills
- ❖ Herbert Spencer
- ❖ Jhon Locke
- ❖ Sidgwick
- ❖ Ricardo David

#### **FEATURES OF INDIVIDUALISM**

- ❖ No Interference of State in the Private Life of Man
- ❖ Individual Should Allowed maximum amount of Freedom
- ❖ State is Necessary Evil

- ❖ Free Economic Market
- ❖ State should not be Over burdened
- ❖ State to Discharge Negative Functions

### **INDIVIDUALISTIC IDEAS OF SOME PHILOSOPHERS**

**John Stuart Mill:** A great scholar and a leader of English liberalism, he was deeply influenced by books of Adam Smith, Ricardo and Jeremy Bentham. Mill marked out boundaries of interference of the state, only in matters of self-protection or protection of individuals. Mills supported the cause of individualism in his essay on liberty and said state to leave alone he opposed idealism and supported individualism. He also mentions 3 advantages of individual freedom. 1. The work done by individual is better than work done by state. 2. Individual who does work by himself educates his own mind. 3. Hands of the government will not be powerful unnecessarily.

**Herbert Spencer:** A great scholar who studied subjects like ideology and physics, he was more of an individualistic than J.S. Mills and took individualism to an extreme level. He upholds principle of survival of the fittest. Much importance is given to survival of the fittest theory of Charles Darwin, from such competitions best of the individuals shall emerge in society. He speaks of rights of individual and duties of the states and regulates state from intervening into individual's personal life. Spencer's views on state activities were very critical. He regarded state as an aggressor.

**Friedrich Hayek:** Hayek supports the cause of individualism and strongly opposes state regulations and planning which results in loss of individual freedom. In his book *Road to Serfdom* 1944 Hayek says the state planning results in loss of individual freedom, Hayek deals with only dark side of the state planning and completely ignores the good sides.

### **INDIVIDUALIST THEORY ON FUNCTIONS OF THE STATE AND GOVERNMENT**

What, according to individualism, are the legitimate functions of state and government? In the individualistic view, people have their natural or pre-political freedom. Government arises out of the consent of the governed. State is not a natural entity; rather, it is an artificial but necessary

construct. State, in fact, is defined as a necessary evil. Since it is a necessary evil, the government that rules the least is considered the best. The functions and role of state are, therefore, limited to guarantee and protection of individual rights and freedom. In other words, the role of state is minimal and limited to the maintenance of law and order and the provision of security to its citizens, beyond which they should be left free. The state should interfere in the liberty of citizens only to prevent one individual from unnecessarily interfering in the liberty of others. The understanding of the state as neutral and minimalist corresponds to the principle of laissez-faire discussed above, which argues for leaving the individual free from excessive and unjustifiable state intervention and control. In the individualist view, a state that defines its duties beyond that of security and the protection of individual rights restricts freedom and the self-determination of its citizens. Individualism, thus, sees an inverse relation between the expansion of state activities and the enlargement of the sphere of individual rights and freedom. The individualist conception of self, its understanding of relationship between the state and the citizen and the proper scope of state activities have been criticised by a number of theoretical perspectives, some of which are fascism, sarvodaya, communism and feminism. However, the most profound critique of the individualist perspective is found in the theory of communitarianism. Below, we examine the communitarian critique of individualism

### **ARGUMENTS IN FAVOUR OF INDIVIDUALISM**

- ❖ **The Ethical argument;** - speaks of destruction of individual personality says state goes against the development of individual personality
- ❖ **The Economic argument:** - deals with enlightened self-interest if individualism, self interest in individual promotes best form of his personality bringing maximum results
- ❖ **The Biological argument;** - is based on principle of survival of fittest put forth by Adam smith
- ❖ **The Empirical argument;** - deals in favour of individualism and inefficiency and corruption

### **MERITS OF INDIVIDUALISM**

- ❖ **Faith in individual:** Individualism has tremendous faith in individual. Society is viewed as nothing but a mere collection of individuals. As J.S. Mill rightly observes, “The only purpose for which power can be rightfully exercised over any member of a civilized community,

against his will is to prevent harm to others... Over himself, over his own body and mind, the individual is sovereign.”

- ❖ **Emphasis on liberty and open society:** Liberty is the soul of individualism. It believes in an open society where each individual will have full opportunity to develop his personality. It provides ample opportunities for full development of every individual.
- ❖ **Increase of Production:** Industrial production got a powerful impetus from the theory of free trade. Every country in which the industrial revolution took place produced commodities on a large scale. The lure of profit in industry, trade and commerce induced producers to give their best in every field. Industry was thoroughly mechanized, means of transport and communication were improved and all kinds of cheap goods reached the four corners of the world. It resulted in progress and prosperity of mankind.
- ❖ **Encouragement of self-reliance:** Individualism encourages self-reliance. It rendered a great service as far as it laid emphasis on the dangers of state-help for the good of the individual and society. “In emphasizing self-reliance, in combating needless governmental interference, in urging the value of the individual in society, it has contributed much to the virility of modern thought.”

### **DRAWBACK OF INDIVIDUALISM**

- ❖ Negligence of duties by the government complete adoption of individualism leads to government negligence in its duties
- ❖ Individualism can only succeed only if all persons in society are of equal ability and intelligence
- ❖ Encourages unfair competition in which the strong ones crush the weak one's cruel principle of survival of fittest. Individualism with its cutthroat competition leads to extravagance and waste on large scale
- ❖ Private enterprises misuse the power and prestige they gain
- ❖ Individualism is responsible for creation of social disharmony and conflict

### **CONCLUDING REMARKS**

The individualistic theory does not favour the State interference in the sphere of individual activities. Like a night watchman, the only function of the State is to keep a watch on life and property of the individual. Individualism aims at establishing free society with ample freedom and incentives guaranteed to

individuals. Government control, interference and encouragement are harmful to industries, trade and commerce, state regulation whether positive or negative does not serve purpose for what it's made. Thus emergence of individualism increases the value of individual freedom and has given great contribution to political philosophy.

## **SOCIALISM**

### **Synopsis**

- *Introduction*
- *Meaning, Growth and Development*
- *Key Scholars of Socialism*
- *Principles of Socialism*
- *Types of Socialism*
- *Benefits of Socialism*
- *Disadvantages of Socialism*
- *Socialism at Present: Some Examples*
- *Socialism Vs. Capitalism*
- *Concluding Remarks*

### **INTRODUCTION**

Socialism is a political, social and economic philosophy encompassing a range of economic and social systems characterised by social ownership of the means of production and democratic control or workers' self-management of enterprises. It includes the political theories and movements associated with such systems. Social ownership can be public, collective, cooperative, or of equity. While no single definition encapsulates the many types of socialism, social ownership is the one common element. Socialists disagree about



the degree to which social control or regulation of the economy is necessary, how far society should intervene and whether government, particularly existing government, is the correct vehicle for change. Socialist politics has been both internationalist and nationalist in orientation; organised through political parties and opposed to party politics; at times overlapping with trade unions and at other times independent and critical of them; and present in both industrialised and developing nations. Social democracy originated within the socialist movement, supporting economic and social interventions to promote social justice.

### **MEANING, GROWTH AND DEVELOPMENT**

The term socialist derives from the Latin word sociare, meaning to combine or share. But the intellectual legacy of the term Socialism traced back to Plato's Republic (324 BC) and Thomas Moore's Utopia (1516). Henri D Saint Simon, Karl Marx and V.I. Lenin contributed the ideology of socialism in different way. During 1830s Robert Owen and his followers had popularized the word in Europe.

#### **What is Socialism?**

Socialism is a political, social and economic philosophy encompassing a range of economic and social systems characterized by social ownership of the means of production. Socialism is a system in which every person in the community has an equal share of the various elements of production, distribution, and exchange of resources. Such a form of ownership is granted through a democratic system of governance. Socialism has also been demonstrated through a cooperative system in which each member of the society owns a share of communal resources. In other words, socialist economy is a system of production where goods and services are produced directly for use, in contrast to a capitalist economic system, where goods and services are produced to generate profit. "Production under socialism would be directly and solely for use. Socialism developed in opposition to the excesses and abuses of liberal individualism and capitalism. Under early capitalist economies during the late 18th and 19th centuries, western European countries experienced industrial production and compound economic growth at a rapid pace. Some individuals and families rose to riches quickly, while others sank into poverty, creating income inequality and other social concerns. So extreme exploitation and discrimination of wealth and advantages led to the origin of Socialism.

### KEY SCHOLARS OF SOCIALISM

- **Jawaharlal Nehru** (1889–1964), first Prime Minister of India (1947–1964)
- **George Orwell** (1903–1950), English novelist, essayist, journalist, and critic.
- **William Morris** (1834–1896), British textile designer, poet, novelist, and translator.
- **Robert Owen** (1771–1858), Welsh textile manufacturer and philanthropic social reformer.
- **Karl Marx** (1818–1883), German philosopher, economist, historian, political theorist, journalist, revolutionary socialist, and author of *Manifesto of the Communist Party*
- **Friedrich Engels** (1820–1895), German philosopher, social scientist, journalist, businessman, author of *The Condition of the Working Class in England*, and co-author of *Manifesto of the Communist Party*
- **Michael Harrington** (1928–1989), American writer, author of *The Other America*, political activist, political theorist, Professor of Political Science, radio commentator, and founding member of the Democratic Socialists of America
- **Eugene V. Debs** (1855–1926), American political activist, trade unionist, founding member of the *Industrial Workers of the World*, and five-time Socialist candidate for President of the United States
- **Rosa Luxemburg** (1871–1919), Polish-German Marxist theorist, philosopher, economist, anti-war activist, and revolutionary socialist

### PRINCIPLES OF SOCIALISM

- **Public Ownership;** This is the core tenet of socialism. In a socialist economy, the means of production and distribution are owned, controlled and regulated by the public, either through the state or through cooperatives. The basic motive is not to use the means of production for profit, but rather for the interest of social welfare.
- **Economic Planning;** Unlike in a capitalist economy, a socialist economy is not driven by the laws of supply and demand. Instead, all economic activities – production, distribution, exchange and consumption - are planned and coordinated by a central planning authority, which is usually the government. A socialist economy relies on the central planning authority for distribution of wealth, instead of relying on market forces.

- **Egalitarian Society;** Socialism rose as an opposition to the economic inequality brought about by early capitalism. As such, it aims for an egalitarian society where there are no classes. Ideally, all the people within a socialist economy should have economic equality.
- **Provision of Basic Needs;** In a socialist economy, the basic needs – food, shelter, clothing, education, health and employment – are provided by the government without any discrimination. This is one of the greatest advantages of socialism. Provision of basic needs by the government can, however, result in the masses thinking that they cannot survive without the government, creating a perfect environment for the rise of authoritarian governments.
- **No Competition;** Typically, when you want to buy a car, you are spoilt for choice. There are different brands and different models with varying features and prices. It's up to you to choose one the best one for you. The same applies for many other products. In a socialist economy, there is no competition in the market since the state is the sole entrepreneur. The state only focuses on provision of necessities, which results in limited consumer choice.
- **Price Control;** You might be wondering how prices are regulated in an economy without any market competition. In socialist economies, the prices of products are controlled and regulated by the state. The states set both the market price for consumer goods and the accounting price which helps managers make decisions about productions of goods.
- **Social Welfare;** Another major reason behind the rise of socialism was to protect the working class from exploitation. Under socialist systems, there is no exploitation. The state takes care of the working class through employment protection, minimum wages and trade union recognition rights.

### **TYPES OF SOCIALISM**

Many forms of socialism exist around the world, and they all differ when it comes to ideas on how best to incorporate capitalism into a socialistic structure. In addition, the different forms of socialism emphasize the diverse aspects of social democracy. Here are some of the types of socialistic systems:

1. **Democratic Socialism:** In democratic socialism, factors of production are under the management of an elected administration. Vital goods and services such as energy, housing, and transit are distributed through centralized planning, while a free-market system is used to distribute consumer products.
2. **Revolutionary Socialism:** The running philosophy of revolutionary socialism is that a socialistic system can't emerge while capitalism is still in play. Revolutionaries believe that the road to a purely socialistic system requires a lot of struggle. In such a system, the factors of production are owned and run by workers through a well-developed and centralized structure.
3. **Libertarian Socialism;** Libertarian socialism works on the assumption that people are always rational, self-determining, and autonomous. If capitalism is taken away, people naturally turn to a socialistic system because it is able to meet their needs.
4. **Market Socialism:** Under market socialism, the production process is under the control of ordinary workers. The workers decide how resources should be distributed. The workers sell off what is in excess or give it out to members of the society, who then distribute resources based on a free market system.
5. **Anarcho-Socialism;** This is a form of socialism that rejects the state, religion and ownership of property. It grew out of a philosophy of Mikhail Bakunin. Bakunin proposed that the means of production should be collectivised and workers paid according to their input. This is in contrast to Marxist Socialism which advocated a much greater role for the state in overseeing the means and products of labour.
6. **Utopian Socialism;** Utopian socialism is a type of ethical socialism which requires a certain ethics of those living in the community. Utopian socialism is a challenge to the conventional economic model of rational choice – the idea that individuals seek to maximise their individual utility. Under utopian socialism, it assumes that individuals will be able to put selfish ends to one side to consider the common good.
7. **Fabian Socialism:** This type of socialism was extolled by a British organization called the Fabian Society in the late 1900s. It advocated a gradual change to socialism through laws, elections, and other peaceful means.
8. **Guild Socialism;** Guild socialism is a political movement advocating workers' control of industry through the medium of trade-related guilds "in an implied contractual relationship with the public".<sup>[1]</sup> It originated in the United Kingdom and was at its most influential in the

first quarter of the 20th century. It was strongly associated with G. D. H. Cole and influenced by the ideas of William Morris.

9. **Green Socialism:** Green socialism is protective of natural resources. Large corporations in a green socialistic society are owned and run by the public. In addition, green socialism promotes the development and use of public transit, as well as the processing and sale of locally grown food. The production process is focused on ensuring that every member of the community has enough access to basic goods. Moreover, the public is guaranteed a sustainable wage.

**Scientific socialism:** Scientific socialism refers to a method for understanding and predicting social, economic and material phenomena by examining their historical trends through the use of the **scientific** method in order to derive probable outcomes and probable future developments.

### **BENEFITS OF SOCIALISM**

Socialism has a number of benefits which made it an appealing economic system at a time when capitalism was rife with injustices and exploitation. Some of the benefits of socialism include:

- **Social Justice;** This is perhaps the greatest advantage of socialism. Socialism advocates for elimination of economic inequalities and the even and equitable distribution of the national income. Under socialism, everyone gets their fair share of the national wealth. All the people are given equal opportunities and exploitation is eliminated.
- **Production Based on Need;** One of the major downsides of capitalism is that production depends on the purchasing power of the tiny elite. The super-rich ride in Lamborghinis and travel in private jets while the poor cannot afford a meal. Socialism prevents such scenarios. Under socialist economies, production is directed to ensure that the basic needs of the masses are met first.
- **Distribution of Wealth and Income;** Socialist economies are dedicated to providing equal opportunities for all. There is no exploitation. Wealth is distributed to workers based on their input to the economy. This prevents situations where a few members of society piggyback on the efforts of workers to create and amass wealth for themselves.
- **Rapid Economic Development;** Under a socialist economy, there is a central authority in charge of planning for the use of resources and making quick decisions. Resources are used

fully and there is minimal wastage. This leads to fast economic growth of socialist states. A good example of this is the development that was made by the USSR in its early years.

- **Balanced Economic Development;** With the economic planning that is central to socialism, development can be carried out in a balanced manner within the entire country. Instead of having development focused on certain areas, economic planning ensures that all regions are developed, including backward areas. Similarly, planning ensures that all sectors of the economy develop at par with each other.
- **Economic Stability;** Socialism also minimizes the risk of economic instability. Under capitalism, economies often undergo fluctuations, which can lead to wastage of resources and high levels of unemployment. This is very unlikely in a socialist economy. Since the economy is well planned, and owing to the fact that there is no private investment, economic fluctuations are a rare occurrence in socialist economies.
- **Ecological Conservation;** One of the biggest problems with capitalistic economies is that there is great disregard for natural resources. Private enterprises care more about profits than the future of the world. Socialism, on the other hand, is not driven by profit. Since the economy is controlled by a central authority, this authority can plan for the future and put in place measures to ensure that the country's natural resources are conserved and utilized efficiently.
- **Minimal Exploitation and Class Struggles;** One of the main objectives of socialism is to create a classless society where all members are equal. There is no rich class that can exploit the poor. There is no discrimination and no favors accorded to some members of the society because everyone is equal. This eliminates the class struggles that are a major part of capitalistic economies.
- **Social Welfare;** Another advantage of socialism is that it caters for the needs of all members of society. All the basic needs of an individual are catered for by the state. Imagine a situation where the state provides you with food, a house, clothing, healthcare, education and employment. If you get involved in an accident while performing your duties, the state cares and provides for your family as you recover. In such an economy, people can dedicate themselves to work without a lot of worry about tomorrow, which leads to increased productivity. Compare this to capitalist societies where a person might be employed yet doesn't earn enough to get house to sleep at night or to pay for healthcare when he falls sick.

### **DISADVANTAGES OF SOCIALISM**

Despite its numerous advantages, socialism is not all virtue. Socialism also has its disadvantages, some of which ultimately led to the fall of some economies that were purely socialistic. Some of the disadvantages of socialism include:

- **No Suitable Basis of Cost Calculation;** In a capitalistic economy, the cost of production and the subsequent pricing of products is determined by market forces. In socialistic economies, on the other hand, market forces are not at play. Since the means of production are owned by the government, which also doubles as the sole entrepreneur, the means of production do not have a market price. This creates a situation where there is no suitable basis of calculating the production costs for goods and services.
- **Lack of Incentive;** Socialism advocates for communal wellbeing over personal gain or self-interest. Since socialism is against the accumulation of wealth for yourself, it gets to a point where additional effort on your part does not result in any gain for yourself. Without the motive for profit, workers lack the incentive to work hard and be innovative. This ultimately leads to low productivity and decreases the rate of economic development.
- **Lack of Economic Freedom;** Through social ownership, socialism takes away people's freedom to enterprise, which in turn takes away people's free choice of occupation. Unlike in capitalistic economies where you are free to choose your occupation, workers are assigned jobs by the planning authority in a socialistic economy. The workers cannot change their jobs without the consent of the planning authority.
- **Lack of Consumer Freedom;** Capitalistic economies provide consumers with choice. You don't like Coca-Cola? You can drink Pepsi. Feel like a Ferrari is too expensive for you? Well, you can go ahead and buy a Mercedes, or a Chevy. Basically, you have freedom of choice. Under a socialist economy, you don't have such choice. The planning authority determines the products that will be produced as well as the prices for these products. If you don't like a product or its price, there is not much you can do. It's a take-it-or-leave-it situation.

### **SOCIALISM AT PRESENT: SOME EXAMPLES**

Today, it would be hard to point to countries that are purely socialist. Still, there are countries that identify as majorly socialist, though they also incorporate some little forms of capitalism or communism.



Some examples of such communist countries include:

- Before its collapse in 1991, the U.S.S.R was a socialist state. All the means of production were controlled by the state. If you wanted milk in the morning, you got it from the government. The cow and the land were owned by the state. Owning a cow for commercial purposes would be treated as a crime.
- Cuba is another prominent example of a socialist nation. The government controls the economy, all levels of education, the national health education, housing, subsidized food programs, utilities, and even entertainment. The country does not have a stock exchange, which is a major indicator that the country is not capitalistic. 80% of the workforce in Cuba works in state facilities.
- North Korea is another country that is majorly socialist. Its economy and several social programs are running by the state. Just like Cuba, North Korea does not have a stock exchange.
- China cannot be termed as purely socialist, though it still has some aspects of socialism. While the country has abolished state-run healthcare, many regions in China are socialist. Capitalism is only allowed in specific geographic zones known as Special Economic Zones. Anyone who wants to own their own business in China has to move to these Special Economic Zones.
- Countries like Turkmenistan, Laos, Zambia, Belarus, Venezuela, Vietnam, and Syria are also considered to be socialist, since their governments are strongly involved in different sectors like healthcare, social programs and the media.

### **SOCIALISM Vs. CAPITALISM**

Capitalism, also known as a free market system, and socialism differ based on their rational underpinning. In addition, they also differ based on implied or stated goals, as well as the framework of ownership, and the production process. Structurally, a free-market system and socialism can be distinguished based on rights to property, as well as control of the production process. Under a capitalistic economy, enterprises and private individuals control the means of production, together with all the profits. Under a socialistic structure, a central authority controls the resources used in the production process. Private property is unheard of, but where it exists, it is in the form of consumer products. While a capitalistic system is dependent on the decisions of independent persons who influence the production process, a socialistic structure controls the



production process by regulating the market system.

### **CONCLUDING REMARKS**

socialism is dependent on the efforts of each member of the community. Members of the community pool together to manipulate factors of production, and the proceeds are shared equally by all. Its key advantage is that no single member works more than the rest, and individuals who can't participate are provided for as well. However, since the government controls everything, it is possible for it to abuse its authority. the term socialism has become increasingly popular, though many have been misusing the term without a proper understanding of its real meaning. Socialism is an economic system of social organization where the means of production are socially owned, rather than being privately owned. Socialism was brought into mainstream popularity by the writings of Karl Max. There are various types of socialism, each emphasizing different aspects of socialist ideology and each advocating for different methods of turning capitalism to socialism. Like all other economic and political philosophies, socialism has its benefits and disadvantages. Today, while socialism has lost its place as a major economic ideology in the world, we still have a number of countries that practice socialism, either fully or partially, including countries like Cuba, Chin, North Korea, Venezuela and Vietnam.

### **MARXISM**

#### **Synopsis**

- *Introduction*
- *What Is Marxism?*
- *Basic Principles of Marxism*
- *Modern Communism*
- *The Character of Modern Communism*
- *Concluding Remarks*

### **INTRODUCTION**

**Marxism** is a method of socioeconomic analysis that uses a materialist interpretation of historical development, better known as historical materialism, to understand class relations and social conflict as well as a dialectical perspective to view social transformation. It originates from the works of 19th-century German philosophers Karl Marx and Friedrich Engels. As Marxism has developed over time into various branches and schools of thought, there is currently no single definitive Marxist theory.

The present topic aims at examining and explaining the principles of Marxism, which is the most revolutionary ideology of our age. Along with liberalism, Marxism ranks as the most important philosophy of our time. Liberalism, Idealism and Marxism are the three important theories of Political Science. C.L Wayper has divided various views regarding the state into three parts, viz., the state as a machine, as an organism and as a class. In other words, the organic view of the state, the mechanistic view of the state and the class view of the state. The organic view is idealism, the mechanistic view is liberalism and the class view is Marxism. The present unit is subdivided into the definition of Marxism, Utopian and Scientific Socialism, Revolutionary and Evolutionary Socialism, the main principles of Marxism, a critique and a conclusion. The main principles of Marxism, are seven, viz., Dialectical Materialism, Historical Materialism, Theory of Surplus Value, Class Struggle, Revolution, Dictatorship of the Proletariat and Communism. The concept of Alienation and freedom generally associated with younger Marx or the humanist face of Marxism have also been dealt with.

## **WHAT IS MARXISM?**

**Marxism**, a body of doctrine developed by Karl Marx and, to a lesser extent, by Friedrich Engels in the mid-19th century. It originally consisted of three related ideas: a philosophical anthropology, a theory of history, and an economic and political program.

Marxism generally refers to the ideas of the German philosopher, Karl Marx. But Marxism does not mean exclusively the ideas of Marx. It includes the ideas of Marx, Friedrich Engels and their supporters, who call themselves Marxists. Thus, Marxism refers to the body of ideas, which predominantly contains the ideas of Karl Marx. Marxism is a living philosophy. Marxist thinkers are continuously contributing to the philosophy of Marxism. Thus, it is said that Marx is dead, but Marxism is still alive. The Marxist philosophy existed even before the birth of Karl Marx.

This is the reason David McLellan has written three volumes on Marxism, viz., Marxism before Marx; Thought of Karl Marx and Marxism after Marx. Similarly, the Polish thinker Leszek Kolakowski has authored three volumes on Marxism. The point once again is that Marxism does not mean only the ideas of Karl Marx.

• **Utopian and Scientific Socialism;** Marxism existed before Marx. These are known as the early socialist thinkers. Karl Marx calls them Utopian Socialists. They were utopian, because their diagnosis of the social ills was correct, but their remedy was wrong. It was impracticable, and therefore, they were called utopian. The word 'utopia' was derived from a novel of Thomas Moore titled, 'Utopia.' It refers to an imaginary island, called Utopia, where a perfect socio-economic- political system existed. There were no exploitation and people were happy. Some important utopian socialist thinkers are Robert Owen, Charles Fourier, Louis Blanc, Saint Simon, Sismondi and Proudhon. Marx calls his socialism as 'Scientific Socialism'. It is scientific, because it offers the economic interpretation of history by using the scientific methodology of dialectical materialism. It explains not only the true causes of exploitation, but also offers the scientific remedy of revolution and dictatorship of the proletariat to cure the social ills of exploitation. It not only offers scientific reasons for class division and also struggle in society, but also provides for a scientific mechanism to establish a classless and exploitation less society

• **Evolutionary and Revolutionary Socialism:** Socialism is further divided into evolutionary and revolutionary socialism. Evolutionary socialism does not believe in revolution and wants to attain socialism through peaceful means. Evolutionary Socialists have faith in parliamentary democracy and want to bring social change through the ballot. They eschew violence and so, are opposed to a violent revolution. They also do not subscribe to the dictatorship of the proletariat and advocate a peaceful democratic transition from a class divided to a classless society. Fabian Socialism, Guild Socialism, Democratic Socialism are all various types of evolutionary socialism. Revolutionary socialism, on the other hand, believes in class struggle, revolution and the dictatorship of the proletariat. According to them, social change cannot be peaceful. It has to be violent. A peaceful revolution is a contradiction in terms.

Revolution is the midwife of social change, and this revolution must be violent. Revolutionary Marxism is generally identified with the scientific socialism of Karl Marx. Syndicalism is also a type of revolutionary socialism. Evolutionary socialism also traces its roots from the ideas of

Karl Marx and Engels. They have talked about the withering away of the state. Exponents of evolutionary socialism have picked up the theory of withering away of the state, and argued that gradually through peaceful means, social change can be affected and an exploitation less and classless society can be established. However, the critics of evolutionary socialism do not accept this thesis, and argue that the idea of withering away of the state applies only to the socialist state or the dictatorship of the proletariat and not to the capitalist state. It will never wither away. It has to be smashed through a violent revolution. Therefore, the logic of evolutionary socialism is flawed.

### **BASIC PRINCIPLES OF MARXISM**

The basic tenets of Marxism are the following: dialectical materialism, historical materialism, the theory of surplus value, class struggle, revolution, dictatorship of the proletariat and communism. Now, these principles will be discussed in detail.

#### **1. Dialectical Materialism**

Dialectical materialism is the scientific methodology developed by Marx and Engels for the interpretation of history. Here, Marx has borrowed heavily from his predecessors, particularly, the German philosopher Hegel. Dialectics is a very old methodology, employed to discover truth by exposing contradictions, through a clash of opposite ideas. Hegel refined it by developing the trilogy of thesis, anti-thesis and synthesis. It is popularly known as the Dialectical Triad. Progress or growth takes place through the dialectical process. At every stage of growth, it is characterised by contradictions. These contradictions induce further changes, progress, and development.

The thesis is challenged by its anti-thesis. Both contain elements of truth and falsehood. Truth is permanent, but falsehood is transitory. In the ensuing conflict of the thesis and the anti-thesis, the truth remains, but the false elements are destroyed. These false elements constitute contradictions. The true elements of both the thesis and the anti-thesis are fused together in a synthesis. This evolved synthesis during the course of time becomes a thesis and so, it is again challenged by its opposite anti-thesis, which again results in a synthesis. This process of thesis, antithesis, and synthesis continues until the stage of perfection is reached. In this evolutionary process, a stage will come, when there will be no false elements. These will be destroyed at different stages of evolution. Ultimately, only the truth remains, because it is never destroyed. It

will constitute the perfect stage and there will be no contradictions and so, there will be no further growth.

The dialectical process will come to an end after arriving at the perfect truth. It is the contradictions, which move the dialectical process and a complete elimination of contradictions marks the end of the dialectical process itself. For materialism, Marx is highly indebted to the French school of materialism, mainly the French materialist thinker Ludwig Feuerbach. It is the matter, which is the ultimate reality and not the idea. The latter is a reflection of the former. How we earn our bread determines our ideas. It is not the consciousness of men that determines their existence but, on the contrary, it is their social existence that determines their consciousness. Marx has observed that “Hegel’s dialectics was standing on its head and I have put it on its feet”. Hegel has developed dialectical idealism. For him, it is the idea, which ultimately matters. Idea lies in the base or the sub-structure, which determines everything in the superstructure. Society, polity, economy is in this superstructure which is shaped by the prevalent dominant ideas of the age. Ultimately it is the idea, which matters, and the other things are only its reflection.

Marx replaced idea with matter. According to Marx, the material or the economic forces are in the substructure and the idea is a part of the superstructure. Idea is the reflection of material forces. The economic forces determine the idea and not vice versa. Thus, Marx has reversed the position of idea and matter. This is the reason that he claims that “in Hegel it was upside down and I have corrected it”. The base or the substructure consists of the forces of production and the relations of production. These two together constitute the mode of production. When there is a change in the forces of production because of development in technology, it brings changes in the relations of production. Thus, a change in the mode of production brings a corresponding change in the superstructure. Society, polity, religion, morals, values, norms, etc. are a part of the superstructure and shaped by the mode of production.

## **2. Historical Materialism**

Historical materialism is the application of dialectical materialism to the interpretation of history. It is the economic interpretation of world history by applying the Marxian methodology of dialectical materialism. The world history has been divided into four stages: primitive communism, the slavery system, feudalism and capitalism. Primitive communism refers to the earliest part of human history. It was a propertyless, exploitation less, classless and stateless

society. Means of production were backward, because technology was undeveloped. The community owned the means of production. They were not under private ownership and so there was no exploitation. Stone made hunting weapons, the fishing net and hooks were the means of production. The entire community owned these. Production was limited and meant for self-consumption. There was no surplus production and so there was no private property. Since there was no private property, there was no exploitation. Since there was no exploitation, there was no class division. Since there was no class division, there was no class struggle. Since there was no class struggle, there was no state. It was, thus, a communist society, but of a primitive type. Though life was difficult, it was characterised by the absence of exploitation, conflict and struggle. Technology is not static; it evolves continuously. Technological development results in the improvement of production. This leads to surplus production, which results in the emergence of private property. Means of production are now not under the community, but private ownership. Society is, thus, divided into property owning and propertyless classes. By virtue of the ownership of the means of production, the property-owning class exploits the propertyless class.

Class division in society and exploitation lead to class struggle. Since there is class struggle, the dominant class, that is the property-owning class creates an institution called the state to suppress the dissent of the dependent class, that is the propertyless class. Thus, the state is a class instrument and a coercive institution. It protects the interests of its creator, that is the property-owning class. In the beginning, this society is divided into masters and slaves. Masters are the haves and the slaves are the have nots. The slaves carry out all the production work. The masters live on the labour of slaves. They exploit the slaves and whenever the slaves resent, the state comes to the rescue of the masters. Thus, the state serves the interests of the master class. It uses its coercive powers to suppress the voice of the slaves.

The slave system is succeeded by feudalism. Technological development leads to changes in the means of production and this brings about corresponding changes in the relations of production and the superstructure. The slave system is replaced by the feudal mode of production and it is reflected in the society, polity, morality and the value system. The division of society into feudal lords and peasants characterises feudalism. The feudal lords own the means of production, that is land, but the peasants carry out the production work. By virtue of ownership of the land, the feudal lords get a huge share of the produce without doing anything. Thus, the feudal lords are

like parasites, who thrive on the labour of peasants. Feudal lords exploit the peasants and if the peasants ever resist their exploitation, their resistance is ruthlessly crushed by the state, which protects and serves the interests of the feudal lords.

The peasants are a dependent and exploited class, whereas the lords are a dominant and exploiting class. Capitalism succeeds feudalism. Technological development continues and so there is change in the forces of production, which leads to a mismatch between the forces of production and the relations of production, which is resolved through a bourgeois revolution. Thus, the contradiction between the forces of production and the relations of production is resolved. The feudal mode of production is replaced by the capitalist mode of production. Division of society into the bourgeois and the proletariat class characterises capitalism. The bourgeois class owns the means of production, but the proletariat class carries out the production. Proletariats are the industrial workers. They sell their labour in lieu of meagre wages. It is usually a subsistence wage, which is sufficient only to support them and their families, so that an uninterrupted supply of labour force can be maintained. Production is not for consumption by the self, but for profit. The desire to maximise profit leads to a reduction in wages and a rise in working hours. This further deteriorates the lot of the working class, which is eventually pushed into a situation, where it has nothing to lose except its chains. This paves the way for the proletariat revolution.

### **3. Theory of Surplus Value**

Marx has developed the theory of surplus value to explain the exploitation in the capitalist society. Here, Marx was influenced by the theories of classical economists. He subscribed to the labour theory of value. The value of a commodity is determined by the amount of labour consumed in its production. Labour is also a commodity. It can be bought and sold like other commodities. Out of the four factors of production, labour is the most vital. In its absence, the other factors of production are useless. Land, capital and organisation are the other factors of production. It is the application of labour to these factors of production, which makes them productive. In the absence of labour, they are sterile.

If a wage is paid in proportion to the amount of value created by a labourer, then there is no exploitation, but this is not the case in capitalism. Labour is unique in the sense that it creates more value than is required for its maintenance. The difference between the value created by the

worker and the value paid to the worker, as wages, constitute the surplus value and the profit of the capitalist. For instance, if a worker has created a value of say Rs. 25,000 in a month and has been paid Rs. 15,000 as wages, then the remaining Rs. 10,000 will constitute the profit of the capitalist. Thus, the worker always creates more value than he is actually paid. This surplus value created by the worker is the profit of the bourgeois, which has been defended by the classical economist, because it leads to capital accumulation, which is invested further in new industries and enterprises and leads to growth and prosperity. For the Marxists, it is the exploitation of the workers, which has to be abolished. With the growth of capitalism and the rise in competition, the wages of the workers continue to fall and reach the stage of subsistence level. Subsistence wage is the minimum possible wage; beyond this the wage cannot be reduced. It is the minimum possible wage for the survival and perpetuation of the labour force. Thus, cut throat competition in capitalism leads to deterioration of the lot of the proletariat. This intensifies class struggle and eventually leads to revolution.

#### **4. Class Struggle**

According to Marx, the history of all hitherto existing society has been the history of class struggle. Except the primitive communist stage, all historical ages have been characterised by the antagonism between the dominant and dependent classes or the haves and the have nots. This antagonism is caused by class contradictions; it is the result of exploitation by the property-owning class of the property less class. Throughout history, there have been two contending classes in every epoch. In the slavery system, they were the masters and the slaves, in feudalism, the feudal lords and the peasants and in capitalism, the bourgeois and the proletariat. The masters, the feudal lords and the bourgeois are the owners of the means of production. However, it is the slaves, the peasants and the proletariat, who carry out production, but their produce is taken away by their exploiters and in return, they are given just enough for their survival. By virtue of the ownership of the means of production, the property-owning class exploits the propertyless class. This is the main source and cause of class struggle. The interests of the contending classes are irreconcilable. No compromise or rapprochement is possible between the contending classes. The inherent contradictions of contending classes of every epoch can be resolved only through the annihilation of the exploiting classes.

#### **5. Revolution**



Class struggle paves the way for revolution. Class struggle is imperceptible, but revolution is perceptible. Intensification of class struggle prepares the ground for revolution. Class struggle is a long-drawn affair, but revolution is short, swift and violent. In the words of Marx, 'revolution is the indispensable mid-wife of social change'. Transition from one historical stage to another occurs through revolution. Feudal revolution brought an end to the slavery system; the bourgeois revolution ended feudalism and the proletariat revolution will bring an end to capitalism.

Thus, any epoch-making social change is always brought about by a revolution. Revolution occurs when there is incompatibility between the means or forces of production and the relations of production. To resolve this incompatibility, revolution occurs, which brings corresponding changes in the relations of production and the superstructure to make it compatible with the forces or means of production. Technological development brings changes in the means of production. The hand mill gives you a society with the feudal lord, and the steam-mill, a society with the industrial capitalist.

Proletarian revolution will be the last revolution in the annals of history. Revolution occurs to resolve contradictions. So, revolution will not take place, if there is no contradiction in society. After the proletarian revolution, there will not be any further revolution, because there will be no contradiction. However, revolution will take place only when the forces of production have fully matured. Revolution cannot be advanced or postponed. It will occur when the forces of production have matured and do not match the relations of production. Revolution brings an end to this mismatch. The sequence and direction of social evolution cannot be changed. No stage can overleap another stage. No stage can be short-circuited. Primitive communism will lead to the slavery system, the slavery system to feudalism and feudalism to capitalism. Dictatorship of the proletariat or socialism will succeed capitalism, which is the penultimate stage of social evolution. Dictatorship of the proletariat will eventually lead to the establishment of communism. With the proletarian revolution, revolution itself will come to an end.

## **6. Dictatorship of the Proletariat**

The proletariat revolution will lead to the establishment of the dictatorship of the proletariat. It is also known as the socialist state. The state apparatus created by the bourgeois to oppress the proletariat will be taken over by the proletariat themselves. Now, the table will be turned and the proletariat will use the state apparatus against the bourgeois. The bourgeois will try to stage a

counter-revolution to restore the old system and so, the coercive institutions of the state are needed to restrain the bourgeois. The state has always been the instrument of oppression. The dominant class to oppress the dependent class has created the state. It is a class instrument. The state protects and serves the interests of its creator, which is the property-owning class. This class has always been in a minority, whether it is the masters or the feudal lords or the capitalists. Thus, a minority has been oppressing a majority viz., the slaves or the peasants or the proletariat through the coercive organs of the state.

Under the dictatorship of the proletariat, for the first time the state comes under the control of the majority. Now, for the first time, the state's coercive apparatus is used by the majority against the minority. According to Marx, all states have been dictatorships and so the socialist state is no exception. It is also a dictatorship. The state has always been used by one class to suppress the other class. In the socialist state, the proletariat class will use the coercive organs of the state such as the army, the police, prison, judicial system etc., against the bourgeois class. Marx argues that if democracy means the rule of the majority, then the proletariat state is the most democratic state, because for the first time in the annals of history, power comes into the hands of the majority. Before the proletariat state, power has always been in the hands of the minority. So, if majority rule is the criterion, then only the proletariat state can be called a democratic state.

## **7. Communism**

Under the living care of the dictatorship of the proletariat, the socialist state will blossom forth into communism. Socialism is a transitory stage. It will pave the way for the eventual emergence of communism. Which is stable and permanent. This will be the phase of social evolution. After the establishment of communism, there will be no further social change. The dialectical process will come to an end. A perfect, rational social system will be established, free from antagonisms and contradictions. There will be no class contradictions and so, no class struggle. In-fact communism will be a classless, stateless, private propertyless and exploitation less society. In a communist society, there will be no private property in the form of private ownership of the means of production.

The means of production will be under the ownership of the community. Cooperation and not cutthroat competition will be the basis of communist society. Production will be for consumption

and not to earn profit. Profit motive will be replaced by social needs. Since there will be no private property, there will be no exploitation. Since there will be no exploitation, there will be no class division, no property owning and propertyless class, no haves and have nots or no dominant and dependent class. Since there is no class division, there is no class struggle and so no need of the state. This is the reason why a communist society will be a classless and stateless society. State is the instrument of exploitation. It is a class instrument and a result of class division in society. Since there is only one class of workers in communism and no other class to suppress or oppress, there will not be any need of the state. It will become redundant in a communist society. It will be relegated to the museum.

The state, however, will not be smashed; it will gradually wither away. Communist society will be governed by the Louise Blanc principle of 'from each according to his capacity to each according to his need'. There will be no place for parasites. He who will not work will not eat also. There will be only one class of workers. The entire society will be converted into the working class. There will be no place for exploitation. It will be an egalitarian society. There will be harmonious relationship among the people.

### **8. Theory of alienation**

There have been two distinct phases in the Marxist philosophy. Economic and Philosophic Manuscripts of 1844, present the human face of Marxism. In the Manuscripts, capitalism has been analysed without reference to class antagonism, class struggle and violent revolution. Here, the evil influences of capitalism have been explained through alienation and loss of identity and freedom. These views of Marx have been identified with a younger Marx. There occurs an epistemological break in Marx's philosophy with the writing of Communist Manifesto in 1848. The later Marx is known as mature Marx, who developed the theory of scientific socialism. Marx's earlier ideas were discovered only in 1932, with the publication of the Manuscripts. The theory of alienation is an important Marxian concept. The Hungarian Marxist George Lukacs had developed the theory of alienation entirely on his own even before the publication of Manuscripts in 1932. However, the concept of alienation became popular only after the publication of the Manuscripts. Marx has identified four levels of alienation. Firstly, man is alienated from his own product and from his work process, because the worker plays no part in deciding what to produce and how to produce it. Secondly, man is alienated from nature.

His work does not give him a sense of satisfaction as a creative worker. Under mechanisation, work tends to become increasingly routinised and monotonous. Thirdly, man is alienated from other men. The competitive character of the capitalist system forces everyone to live at someone else's expense and divides society into antagonistic classes. Lastly, man is alienated from himself. The realm of necessity dominates his life and reduces him to the level of an animal existence, leaving no time for a taste of literature, art, and cultural heritage. The capitalist system subordinates all human faculties and qualities to the conditions created by the private ownership of capital and property. The capitalist himself, no less than the worker, becomes a slave of the tyrannical rule of money.

### **9. Theory of Freedom**

As a humanist philosophy, Marxism is primarily a philosophy of human freedom. Freedom consists not only in securing material satisfaction of human needs, but also in removing the conditions of dehumanization, estrangement and alienation. The capitalist system is characterized by necessity as opposed to freedom. Necessity refers to the conditions under which the inevitable laws of nature govern the life of man. These laws of nature exist independent of man's will. Man can acquire scientific knowledge of these laws, but cannot change them at his will. Freedom does not consist in an escape from necessity. Freedom lies in the knowledge of these laws of nature and the capacity to make these laws work towards the definite end of the emancipation of human society. Thus, a sound knowledge of the productive forces operating behind the capitalist system and a programme to make these forces work toward human ends were essential instruments of human freedom. Only a programme of socialist revolution would accomplish humanity's leap from the kingdom of necessity to the kingdom of freedom. The emancipation of human society and the realization of true freedom is possible only with the abolition of capitalism and the establishment of communism.

## **MODERN COMMUNISM**

Modern Communism or, more usually, Marxism-Leninism – was turned into a secular religion by the orthodox communist regimes of the eastern Europe and elsewhere, a more subtle and complex form of Marxism developed in western Europe. Referred to as modern Marxism, western Marxism or neo-Marxism, this amounted to an attempt to revise or recast the classical ideas of Marx while remaining faithful to certain Marxist principles or aspects of Marxist methodology.

### **THE CHARACTER OF MODERN COMMUNISM**

Two principal factors shaped the character of modern Marxism. First, when Marx's prediction about the imminent collapse of capitalism failed to materialize, modern Marxists were forced to re-examine conventional class analysis. In particular, they took greater interest in Hegelian ideas and in the stress upon 'Man the creator' found in Marx's early writings. In other words, human beings came to be seen as makers of history, not simply puppets controlled by impersonal material forces. In short, the class struggle was no longer treated as the beginning and end of social analysis. Second, modern Marxists were usually at odds with, and sometimes profoundly repelled by, the Bolshevik model of orthodox communism. Not only were they critical of its authoritarian and repressive character, but they also recoiled from its mechanistic and avowedly scientific pretensions.

### **CONCLUDING REMARKS**

Marxism is not only the philosophy of class antagonism, class conflict, class struggle and violent revolution. It is basically a philosophy of humanism and freedom. Capitalist society has led to the estrangement, alienation and loss of identity and freedom. We find the human face of Marx in his early writings, particularly in his Economic and Philosophic Manuscripts of 1844. In the theory of alienation and freedom, we find a humanist Marx. In the Communist Manifesto and Das Capital, which are his later writings, we find a mature and revolutionary Marx. Thus, there are two Marx's, a younger and humanist Marx and a mature and revolutionary Marx. However, there is no dichotomy between the two. There is a continuity of thought between the two and so any distinction is superficial. Marxism is a living philosophy. After Marx it has been enriched by Lenin, Trotsky, Stalin, Rosa Luxembourg, Gramsci, Lukacs, Althusser, Mao etc. Exponents of the end of ideology and the end of history have written off Marxism. But Marxism as an approach for social analysis and the philosophy of the oppressed class will continue to be

relevant. It will inspire the masses to strive for their emancipation. Marxism is a revolutionary philosophy. It is a philosophy of social change. In the words of Marx, philosophers have sought to interpret the world; what matters, however, is to change it. It aims to establish an egalitarian society, free from exploitation of one class by another. Only through Marxism, arguably, humanity will take a leap from the realm of necessity to the realm of freedom.

### **POLITICAL AND SOCIAL IDEAS OF MAHATHMA GANDHI**

**Introduction:** Mohandas Karamchand Gandhi (1868-1948), popularly known as Mahatma continues to provoke interest even after more than half a century after his assassination. It is true that Richard Attenborough's film on Gandhi immensely popularized Gandhi all over the world, though Gandhi remains an important topic of research and discussion among those interested in exploring alternative ideological traditions. The task is made easier simply because Gandhi's own writings on various themes are plenty and less ambiguous. His articulation is not only clear and simple but also meaningful in similar contexts in which he led the most gigantic nationalist struggle of the twentieth century. Gandhi wrote extensively in Indian Opinion, Young India and Harijan, the leading newspapers of the era, where he commented on issues of contemporary relevance. These texts frequently addressed matters of everyday importance to Indians in early and middle parts of twentieth century that may not appear to be relevant now if seen superficially.

Writing for the ordinary folks, he usually employed metaphors and engaged in homilies to teach Indians about their abilities and also their strong traditions. This is one of the ways in which he involved Indians in non-violent struggles against British imperialism, untouchability and communal discord. At the outset it may be noted that Gandhi was not a systematic thinker but only an inspired teacher who poured out his deepest feelings and sincere realizations. It is true that Gandhi never tried to present new principles in a systematic manner, but he preached certain basic principles which were quite consistent.

#### **1) Gandhi on Religion and Politics:**

Gandhi saw a very close relationship between religion and politics. He condemned politics which was bereft of religion on the ground that it makes man corrupt, selfish, unreliable, materialistic and opportunistic. A politics separated from religion was politics of force and fraud. It may be noted that Gandhi identified religion and morality and was opposed to the exploitation of religion for political interests. For him there was no politics without religion. Politics was subordinate to religion. Politics without religion was a death trap because it would kill the soul of man. In short, Gandhi saw a close relationship between religion and politics. However, Gandhi never preached or believed in theocratic dogmatism. He certainly did not believe in making any religion a state religion and considered religion as a purely personal matter. Attempt on the part of Gandhi to combine religion and politics simply means that he was in favour of spiritualizing politics.

## **2) Gandhi on Non-Violence (Ahimsa):**

Another notable feature of Gandhi's political thought was his advocacy of non-violence or Ahimsa. It may be observed that the concept of Ahimsa was not an original contribution of Gandhi and had been known and practised all over India since ancient times. Gandhi merely lifted it from the individual plane and applied it to various walks of life, viz., domestic, institutional, economic and political. His concept of Ahimsa (non-violence) was quite extensive and did not merely imply avoidance of violence. It also meant avoidance of injury through words or deed. Thus, he considered a harsh speech or thinking of bad of others also as violence. On the other hand, if a life was destroyed for the sake of those whose life was taken, Gandhi would not consider it Ahimsa. Gandhi is said to have got a calf in his ashram poisoned because its unbearable agony and suffering was beyond cure. Gandhi gave another example where life could be taken without Ahimsa. He said if a man's child was attacked with rabies and there was helpful remedy to relieve the agony, it would be the man's duty to take the life of his child (violence). However, he insisted that such a step should be taken only when the disease was incurable, the case was beyond all help or service and the patient was not in a position to express his wish. Thus, Gandhi's concept of nonviolence was a positive concept which was based on goodwill towards all. It even included love for the evil doer, and even included conscious suffering on the part of the person who practices it. Its implied absence of malice towards the opponent and hate of the evil without hating the evil doer.

## **3) Satyagraha:**

Gandhi's concept of Satyagraha is intimately related to his concept of non-violence, and constitutes an important part of his thought. Satyagraha literally means 'holding fast to truth'. Gandhi evolved the principle of Satyagraha even before its name was coined. Initially Gandhi described it as 'passive resistance'. However, all the time he was conscious of the inadequacy of the term. It may be noted that the concept of Satyagraha differs from passive resistance, in so far as the latter was supposed to be a weapon of the weak and was characterized by hatred. It could also manifest itself in violence. Under the passive resistance the violence is abjured on account of weakness and a passive resistor to embarrass the opponent into submission. If there is a suitable opportunity the passive resistor would not mind adoption of violent methods. In short passive resistance was a weapon of the weak, based on the principle of expediency. On the other hand, Satyagraha is based on soul force and stands for vindication of truth not by the infliction of suffering on the opponent but on one's own self. No doubt that there are certain common methods like non-cooperation, boycott, strikes, etc., in Satyagraha and passive resistance, but their spirit differs under the two. In passive resistance these methods are used to coerce the opponent into submission. On the other hand, in Satyagraha these instruments are used to exert spiritual influence through self-suffering. Another notable feature of Gandhi's Satyagraha was that it could be resorted to by the individual as well as by the community and could be applied to all walks of life

#### **4) Gandhi's Scheme of Education:**

Gandhi was strongly opposed to the English system of education and favoured its replacement by an indigenous scheme. His opposition to the western system of education was on account of a variety of reasons. First, it was based on foreign culture and completely excluded the indigenous culture. Second, it ignored the culture of heart and hand and confined itself only to the head. Third, it was imparted through foreign medium. He argued that the time which a child spends in mastering the vagaries of English language could be better utilized for imparting essential knowledge about the basic facts of civil life. Gandhi insisted on replacement of the existing system of education by Basic Education and presented his own scheme. His plan was to impart primary education through village handicrafts like spinning and weaving which were considered as the spearhead of a silent social revolution fought with the most far-reaching consequences. It would provide a healthy and moral relationship between city and village, and thus, would help in eradicating some of the worst evils of social insecurity and poisoned relationship between the



classes. It would check the progressive decay of our village and lay the foundation of a just social order in which there would be no natural division between the haves and the have nots and everybody would be assured a living wage and the right of freedom. Gandhi's scheme of education laid emphasis on the all-round development of the child and laid emphasis on the development of his body, mind and spirit. It attached more importance to moral development rather than literary training. Gandhi asserted that moral education could not be imparted through books but through the living touch of the teacher. Gandhi's basic scheme of education covered the period from 7 to 14 years of age, and laid emphasis on physical drill, drawing, handicrafts etc. Gandhi held that true intelligence could not be developed through the reading of books but through artisan's work learnt in scientific manner. It may be noted that in Gandhi's scheme of education handicrafts were not to be taught side by side with liberal education, but the whole scheme of education was based on handicrafts and industry.

#### **5) Gandhi on State:**

Gandhi was opposed to the present state because it was based on force and centralization of authority, which led to the negation of individual freedom. Gandhi attached great importance to the individual and pleaded for decentralization of authority. Though Gandhi was against the existing state and wanted to replace it by an ideal state, he refrained from painting the picture of an ideal state. In the first place, he envisaged an ideal state which would be predominantly non-violent. Gandhi admitted that in actual practise use of force was inevitable in politics on account of imperfections of human beings. He therefore advocated a predominantly non-violent society. He did not favour imposition of non-violence from above and insisted on voluntary non-violence. He said that this could be achieved through moral evolution of the individual. According to him non-violence, was not a negative doctrine but a positive force, implying love in the largest sense - love even for the evil-doer. Explaining the concept of non-violence in its dynamic sense meant conscious suffering. It did not mean weak submission to the evil doer, but it meant putting one's wholesome against the will of the tyrant.

#### **6) Decentralization of Authority:**

Gandhi was a strong critic of the centralized system because it curbed individual initiative and stood in the way of self-realization. He, therefore, pleaded for decentralization of authority both in political as well as economic sphere. In the political sphere, he favoured curtailment of

authority of the state and grant of more autonomy to the village community. According to Gandhi society based on non-violence can only consist of groups settled in villages in which voluntary co-operation is the condition of dignified and peaceful existence. In other words, he insisted on the creation of self-sufficing autonomous village communities. As regards decentralization in the economic field he favoured replacement of the large-scale industry by cottage industry. He asserted that through cottage industries alone the spiritual values could properly be understood and appreciated. In short, Gandhi favoured decentralization in the political and economic spheres. According to him decentralization of political and economic power provides for the working of democracy based upon individual freedom and initiative and for the individual being allowed to participate in the governance of his country. It would also regulate automatically both the production and distribution of the commodities necessary to human life; and both the production and the consumption of these would be in the same locality rather than having production concentrated in particular areas only. This necessitated regulations for the distribution of products and wealth. Decentralisation would also bring about the regulation of the use of machinery.

#### **7) Duties Rather than Rights:**

Gandhi's ideal society was different from the present state in so far as in this society more emphasis was laid on the performance of duties rather than insistence on rights, as is the case with the present state. The only right which the citizens in the ideal state would possess would be the right to perform their duties properly. The citizens would perform their duties either willingly or through persuasion, and there would be no scope for the use of force for the enforcement of duties

#### **8) Faith in Spiritual Democracy:**

Another feature of the ideal state contemplated by Gandhi was spiritual democracy. It would be governed by the voluntary efforts of the individual and would be conducted in accordance with ethical ideals. He favoured spiritual democracy because it provided the model for the state to improve itself. It shall be based on the willing cooperation of the citizens rather than force. He asserted that even the most despotic government could not stand except for the consent of the governed, the consent was often forcibly procured by the despot. As soon as the subject ceases to fear the despotic force, the power of the despot is gone. Gandhi held that the submission to

immoral laws tantamount to evil. He, therefore, said that a citizen should refuse to cooperate with the laws of the state which were immoral or not good for the state. It may be noted that Gandhi's concept of democracy was quite different than the general concept of democracy. According to him the nearest approach to the purest anarchy would be democracy based on non-violence – in such a state everyone would become his own ruler. He would rule himself in such a manner that he would never become a hindrance to his neighbour. In the ideal state, therefore, there would be no political power because there would be no state.

### **9) Administration of Justice:**

Gandhi was not happy with the existing judicial administration and favoured its transformation. He was highly critical of the role of the judges and lawyers in the prevailing judicial system and asserted that they encouraged quarrels rather than repressing them. He also criticized them for expensiveness. He favoured decentralization of the judicial administration and insisted on the transfer of judicial work to the village Panchayats. He said that administration of justice should be made cheaper. Parties to civil suits must be compelled in majority cases to refer their disputes to arbitration, decision of Panchayats to be final except in cases of corruption or obvious misapplication of law. Multiplicity of intermediate courts should be avoided. Case law should be abolished, and the general procedure should be simplified. Gandhi also insisted that the judges and lawyers should perform their judicial duties without any payment.

### **10) Gandhi on Crime, Punishment and Jails:**

Gandhi held that even in his predominantly non-violent state there would be some sort of anti-social elements and some sort of crime. He, therefore, felt the necessity of retaining punishments. However, he believed in preventive and deterrent punishments. Therefore, he was in favour of confining the thieves and robbers so that they could not commit the crime again. According to Gandhi crime was a disease like any other malady and was the product of the prevalent social system. As the prevailing conditions were responsible for the wrong-doer's action the punishment should be aimed at the reformation of the criminal. Gandhi was firmly opposed to capital punishment. Gandhi also favoured retention of the prisons and insisted on transforming them into reformatories where education and training could be provided to the

criminals. He wanted the jails to be self-sufficient and Khadi products were to be manufactured by the prisoners. Prisoners should not be looked down upon. Warders should cease to be terrors of the prisoners, but the jail officials should be like friends and instructors. He wanted the state to buy all the Khadi products produced by the prisoners at the cost price. He insisted that the outlook of the jail staff should be that of physicians and nurses in the hospital. They should try to help the prisoners regain their mental health and not harass them in any way. In short, Gandhi stood for the reform of the criminals and wanted to make the jails financially self-supporting.

**11) Gandhi and Swadeshi:** Swadeshi literally means love for one's own country. However, Gandhi applied the concept to various spheres, viz., religious, economic and political. In the religious sphere Swadeshi meant to Gandhi following one's hereditary religion. He attached more importance to moral conduct than performance of worship and other rituals. In economic sphere Swadeshi meant for Gandhi the use of only those goods which were produced by one's immediate neighbours and serve those industries by making them efficient and complete where they were wanting. In other words, Gandhi made a plea for home industries, especially those which had the potentiality of growth. Swadeshi in the economic sphere also meant boycott of foreign goods. In the political sphere Swadeshi meant adoption of traditional Indian institutions in preference to western political institutions. Thus, Gandhi pleaded for the establishment of village panchayats, Ganarajya etc. In short Gandhi pleaded for Swadeshi in religious, economic, political and other spheres with a view to promote a spirit of self-confidence, courage and self-reliance among the people of the country.

**12) Gandhi's Views on Property and Trusteeship:**

Gandhi emphasized the ideal of a simple life and insisted that a person should possess only what was absolutely essential for his day-to-day life and attainment of self-realization. He was against unnecessary accumulation of wealth or goods. He conceded right to private property to the extent it was necessary for one's moral, mental and physical well-being. Gandhi believed that everyone should have a balanced diet, a decent house to live in, adequate facilities of educating one's children and adequate medical relief. He felt that when possession of property by one man interferes with possession of property by another; when one set of men are secured in the power of getting and keeping the means of realizing their will, in such a way that others are practically denied the power, then such a property is a theft. Though Gandhi was opposed to the

accumulation of wealth in the hands of few rich people, he did not favour the use of force for taking away this surplus wealth from the rich for the benefit of the poor and deserving.

He said that the consciousness and sense of justice of the rich should be aroused and they should be made to feel that they have no justification in keeping surplus wealth with them. They should be made to realize that they hold surplus wealth as trustees of the society and should devote the same for the benefit of the community. Once the rich people were made to feel that they were merely trustees of the surplus wealth, it would be easy to establish a class-less society without violence or force. Gandhi said that the rich man would be left in possession of his wealth of which he would use what he reasonably required for his personal needs, for the remainder he would act as a trustee, using it for the benefit of the society. But if the rich do not become guardians of the poor the only solution to the infallible problem was to resort to non-violence, non-cooperation and civil disobedience

### **13) Gandhi on Bread Labour:**

Intimately connected with his views on trusteeship in his concept of 'bread labour'. Gandhi said that in an ideal society everyone should put in physical labour. If all laboured for their bread and no more, then there would be enough food and enough leisure for all. There would be no cry of over-population, no disease and no such misery as we see around. Men would no doubt do many things either through their bodies or through their minds, but all this would be the labour of love, for common good. There would be no rich, no poor, none high and none low, no touchable and no untouchable. It may be noted that Gandhi favoured physical labour for the intellectuals and asserted that the needs of the body must be supplied by the body. A significant feature of Gandhi's scheme was that it was to be voluntary and there was no room for compulsion.

### **14) Gandhi on Nationalism and Internationalism:**

Gandhi was a great nationalist in the sense that he intensely loved his country but the element of humanism was also present in him and he considered the welfare of the world was no less in the sense that he was a true internationalist. His mission was not merely the mission of Indian humanity, his mission was not merely the freedom of India, though it undoubtedly engrossed practically the whole of his life and the whole of his time. But through the realization of the freedom of India he wanted to realize and carry on the mission of brotherhood of. Gandhi did not find any contradiction between absolutely independent states and internationalism and asserted

that an international league would become possible when all nations big or small, comprising it were fully independent and learnt to live in friendship with each other.

Gandhi wanted to see India free and strong so that she might offer herself as willing and pure sacrifice for upliftment of the world. According to Gandhi just as the cult of patriotism taught the individual that he had to die for the family, the family for the village and the village for the district, the district for the province and the province for the country, even so a country has to be free in order that it may die if necessary, for the benefit of the world. Therefore, his idea of nationalism was that India may become free, but if need be, the whole country may die so that the human race may live. It is quite evident from the above views of Gandhi that he was a true internationalist. He attached great importance to the service of his country but did nothing to injure the interests of other countries. He found no contradiction between nationalism and internationalism and asserted that it was impossible for one to be an internationalist without being a nationalist. According to him nationalism was not an evil, it was the narrowness, selfishness, exclusiveness which was the bane of modern nations which was evil.

**15) Gandhi and Communism:** Scholars have found close resemblance between Gandhism and Communism and asserted that the former is nothing but Communism minus violence. This view has been expressed because both Gandhism and Communism were opposed to the existing system which was based on the exploitation of the poor by the rich. Both of them held that capital which was not used for welfare of the people was an evil and pleaded for better deal of the weaker sections of the society with a view to ensure social equality the resemblance between Gandhism and Communism is only superficial and sharp differences exist between the two. While Gandhi attached great importance to religion and insisted on spiritualization of politics, Marx considered religion as an opium of the people and insisted on completely discarding it. Again, Gandhi had firm faith in God and described him as the architect of human fate, Marx did not believe in any God and asserted that no heavenly power guided the destiny of man. All the actions of men were motivated by materialistic considerations.

In other words, while Gandhi's political philosophy was based on spiritualism, Marxian philosophy was based on materialism. To Gandhi man was an end in itself, while to Marx the individual was only a means to an end. Marx stood for largescale industrialization while Gandhi favoured decentralization and cottage industries. He favoured large-scale industries only as an interim measure. Gandhi attached more importance to means and argued that if proper means

were adopted good ends would automatically be achieved. Marx attached more importance to the ends and stood for its attainment through just or unjust means. Gandhi hated the evil and not the evil doer. Marx hated both the evil and the evil doer and pleaded for the elimination of capital as well as the capitalists. Again, Gandhi attached great importance to non-violence.

### **CONCLUDING REMARKS**

Gandhi did not provide a systematic and well worked out political philosophy in the western sense and merely provided empirical suggestions to deal with the various social, economic and political issues, yet his contribution to Indian political thought cannot be denied. He tried to bend politics and ethics and emphasized the value of truth and non-violence for the solution of national and international problems. In the words of Dr.Radhakrishnan, “Gandhi was the immortal symbol of love and understanding in a world full of hatred and torn by misunderstanding”. On the other hand, critics have bitterly condemned Gandhi for his efforts to combine politics and ethics. Gandhi has been criticized for his soaring idealism and utopianism, with regard to the concept of non-violence and trusteeship in the existing context. Doubts have also been expressed about the effectiveness of non-cooperation as a weapon to bring about a change in the heart of the opponent and there is every possibility of such a movement being suppressed with an iron hand by the oppressor. Gandhi’s concept of stateless and classless society also seems quite impracticable. Gandhi himself realized this fact and felt contented with a non-violent democratic state believing in socialism and decentralization. Similarly, Gandhi’s opposition to modern industries and preference for cottage industries was a retrograde step. The establishment of cottage industries to supplement the income of rural areas may be good, but to them as substitutes for modern industries is bound to prove suicidal for the country’s economic progress. But in spite of the above short comings and criticisms of Gandhi’s ideas, it cannot be denied that his ideals are worthy of emulation and can greatly contribute to the saving of the civilization from its complete eclipse.

**UNIT-IV**  
**RIGHTS, DUTIES AND**  
**THE CONCEPT OF WELFARE: WELFARE STATE**

**RIGHTS**

- *Introduction*
- *Meaning and Definition*
- *Features of Rights*
- *Nature of Rights*
- *Types of Rights*
- *Legal Rights Are of Three Types*

**INTRODUCTION**

Rights are those essential conditions of social life without which no person can generally realize his best self. These are the essential conditions for health of both the individual and his society. It is only when people get and enjoy rights that they can develop their personalities and contribute their best services to the society.



### **MEANING AND DEFINITION**

In simple words, rights are the common claims of people which every civilized society recognizes as essential claims for their development, and which are therefore enforced by the state.

- ❖ **H J Laski** - “Rights are those conditions of social life without which no man can seek in general, to be himself at his best.”
- ❖ **T. H. Green** “Rights are powers necessary for the fulfillment of man’s vocation as a moral being.”
- ❖ **Beni Prasad** - “Rights are nothing more nor less than those social conditions which are necessary or favourable to the development of personality”

### **FEATURES OF RIGHTS**

As such, Rights are common and recognized claims of the people which are essential for their development as human beings.

- ❖ Rights exist only in society. These are the products of social living.
- ❖ Rights are claims of the individuals for their development in society.
- ❖ Rights are recognized by the society as common claims of all the people.
- ❖ Rights are rational and moral claims that the people make on their society.
- ❖ Since rights in here only in society, these cannot be exercised against the society.
- ❖ Rights are to be exercised by the people for their development which really means their development in society by the promotion of social good. Rights can never be exercised against social good.
- ❖ Rights are equally available to all the people.
- ❖ The contents of rights keep on changing with the passage of time.
- ❖ Rights are not absolute. These always bear limitations deemed essential for maintaining public health, security, order and morality.

- ❖ Rights are inseparably related with duties. There is a close relationship between them “No Duties Ho Rights. No Rights No Duties.” “If I have rights it is my duty to respect the rights others in society”.
- ❖ Rights need enforcement and only then these can be really used by the people. These are protected and enforced by the laws of the state. It is the duty of a state to protect the rights of the people.

### **NATURE OF RIGHTS**

(1) Norman Barry uses a new term which he calls claim-rights. Let us quote him: “In the more usual sense of the word right it is understood as a type of claim. Claim-rights entitle their holder to limit the liberty of another person. A has a right against B, deriving either from moral or legal rule, which puts B under a duty. It is not the moral quality of act that entitles A to limit B’s liberty but simply the fact that he possesses the rights. Claim-rights possessed by persons are quite different from favours or concessions granted to individuals by authorities”. The claim-rights do not depend upon the mercy of another person. For one reason or other individuals claim rights which means that others will not create any obstructions on the way of enjoying the claim-rights. The implication of this right is individuals claim-right on the ground that the rights are indispensable for the development of personality and the authority is bound to provide such right.

(2) Right is viewed in the sense of liberty, right is liberty. There is a general and popular view that rights imply duties. A man cannot claim/demand rights if he does not perform duties. Rights, in this sense, are correlative to duties or functions. But when rights are interpreted in the background of liberty the doing of duty does not arise at all. For example, an individual has right of the freedom of speech means that the individual has liberty to open his mouth and mind and if he does so he will face no problem. When rights are understood as liberties, the possession of

rights by one person does not entail the restrictions on liberty of another or in the sense of being under a correlative duty. This concept of right denies the traditional relation between right and duty.

(3) Identification of rights as special claims is another characteristic feature of rights. In the period of monarchical absolutism people claimed the right to freedom of speech because it was drastically curtailed by the absolute kings. Not only freedom of speech, but also freedom of thought and action were demanded by people. In the middle Ages there were conflicts among the various religious groups and in that period many people claimed the right to practice any religious belief and faith. In the nineteenth century, individualism dominated the political scene and rights were viewed negatively. The state interference with the individual's affairs shall be minimum. It was the negative approach to rights. In the modern age positive ideas cloaked the idea of rights. It means that Individuals will enjoy rights but at the same time the state should do for the realization of welfare objectives. It was also felt that this could be done by both the state and the general public. Both should act in tandem.

(4) Sometimes it has been found that there are rights for few and rights for many. For example, the revolutionaries of American Revolution and French Revolution demanded that they were fighting for the general rights of general public. But after the revolutions it was found that only limited people were able to enjoy the rights. In all class societies only handful of persons enjoys all sorts of rights and majority is deprived of basic rights. In many states special rights are recognized for particular sections of people. For example, in India the scheduled caste, scheduled tribes and other backward classes enjoy special rights and Constitution recognizes these special provisions. We may call this system as special rights for special classes. Side by side there are general rights for general classes or all persons of the state.

(5) Rights are very important no doubt, but individuals alone and without any help from the state cannot enjoy rights. The state must create an atmosphere in which all the individuals will have opportunities to enjoy rights. But the state can do this only on condition that the rights are recognized by the state. Whether the state recognizes or not rights are always rights. But this is the conceptual sense of rights. In reality, people will be in a position to enjoy rights if the state comes forward for their realization. No rights can exist beyond the jurisdiction of state. People of the state of nature had natural rights, but all of them had not the opportunities to enjoy rights because the state of nature had no enforcing organ. Recognition of rights by the state has opened the scope of lot of discussion. Why should the state recognize rights? What rights are recognized? Should rights depend on the recognition of state? All these show that recognition by the state is a complicated issue.

(6) For the enforcement of rights law is essential. The state is the enforcing authority and law is the mechanism or instrument. State takes precautionary measures with the help of law. This rights, law and state are all interlinked. In respect of law and right-law performs a double function. It protects the right of some and prevents others from interfering with the rights enjoyed, by others.

## **TYPES OF RIGHTS**

### **1. Natural Rights:**

Faith in natural rights is strongly expressed by several scholars. They hold that people inherit several rights from nature. Before they came to live in society and state, they used to live in a state of nature. In it, they enjoyed certain natural rights, like the right to life, right to liberty and right to property. Natural rights are parts of human nature and reason. However, several other scholars regard the concept of natural rights as imaginary. Rights are the products of social

living. These can be used only in a society. Rights have behind them the recognition of society as common claims for development, and that is why the state protects these rights.

## **2. Moral Rights:**

Moral Rights are those rights which are based on human consciousness. They are backed by moral force of human mind. These are based on human sense of goodness and justice. These are not backed by the force of law. Sense of goodness and public opinion are the sanctions behind moral rights. If any person violates any moral right, no legal action can be taken against him. The state does not enforce these rights. Its courts do not recognize these rights. Moral Rights include rules of good conduct, courtesy and of moral behaviour. These stand for moral perfection of the people Legal Rights. Legal rights are those rights which are recognized and enforced by the state. Any violation of any legal right is punished by law. Law courts of the state enforce legal rights. These rights can be enforced against individuals and also against the government. In this way, legal rights are different from moral rights. Legal rights are equally available to all the citizens. All citizens enjoy legal rights without any discrimination. They can go to the courts for getting their legal rights enforced.

## **LEGAL RIGHTS ARE OF THREE TYPES**

### **1. Civil Rights:**

Civil rights are those rights which provide opportunity to each person to lead a civilized social life. These fulfill basic needs of human life in society. Right to life, liberty and equality are civil rights. Civil rights are protected by the state.

### **2. Political Rights:**

Political rights are those rights by virtue of which citizens get a share in the political process. These enable them to take an active part in the political process. These rights include right to

vote, right to get elected, right to hold public office and right to criticize and oppose the government. Political rights are really available to the people in a democratic state.

### **3. Economic Rights:**

Economic rights are those rights which provide economic security to the people. These enable all citizens to make proper use of their civil and political rights. The basic needs of every person are related to his food, clothing, shelter, medical treatment etc. Without the fulfillment of these no person can really enjoy his civil and political rights. It is therefore essential, that every person must get the right to work, right to adequate wages, right to leisure and rest, and right to social security in case of illness, physical disability and old age.

## **HUMAN RIGHTS**

### **Synopsis**

- *Introduction*
- *Meaning*
- *Characteristics of Human Rights*
- *Types of Human Rights*
- *Universal Declaration of Human Rights (UDHR)*
- *Generations Of Human Rights*
- *Human Rights Instruments*
- *National Human Rights Commission of India*
- *State Human Rights Commissions*
- *Karnataka Human Rights Commission*

## **INTRODUCTION**

The study of human rights has assumed very significance as these are considered essential for the existence of human beings. International community has become conscious of their protection in the post-second world war period. The UNO has provided a concrete form these rights with its Declaration on Human Rights on 10<sup>th</sup> December 1948. The member-nations were asked to promote and secure the effective recognition and observance of the rights and freedom as declared in the U.N. Declaration on Human Rights. All member states observe 10<sup>th</sup> December as the Human Rights Day. It is very difficult to define the human right as there is no universally acceptable conception of it. Each individual must have some rights not only to survive in the community, but also to make the life better. In this sense rights are basic freedom that all people should have. A.A. Said observes that human rights are concerned with the dignity of the individual- the level of self-esteem that secure personal identity and promotes human community.

Thus, while some of the human rights are essential for the very existence of the human beings, others are necessary for the development of individual personality. S.C. Kashyap points out that these rights are essential for the adequate development of the human personality and for human happiness. For him human rights are “those fundamental rights to which every man or woman inhabiting any part of the world should be deemed entitled merely by virtue of having been born a human being.” M. J. Vincent observes that “human rights are the rights that everyone has, and everyone equally, by virtue of their very humanity”.

## **MEANING**

Human rights” are rights inherent to all human beings, regardless of our nationality, residence, sex, sexual orientation and gender identity, national or ethnic origin, color, religion, language or any other status. We are all equally entitled to our human rights without discrimination.

Human rights are moral principles or norms that describe certain standards of human behaviour and are regularly protected in municipal and international law. They are commonly understood as inalienable, fundamental rights "to which a person is inherently entitled simply because she or he is a human being" and which are "inherent in all human beings", regardless of their age, ethnic origin, location, language, religion, ethnicity, or any other status. They are applicable everywhere and at every time in the sense of being universal, and they are egalitarian in the sense of being the same for everyone. They are regarded as requiring empathy and the rule of law and imposing an obligation on persons to respect the human rights of others, and it is generally considered that they should not be taken away except as a result of due process based on specific circumstances.

### **CHARACTERISTICS OF HUMAN RIGHTS**

**The main characteristic features of human rights may be analyzed in the following manner:**

1. Human rights imply that everyone should have them. People do not enjoy them as the member of a particular nation or of a community, rather as the member of the human society. So human rights are universally applicable to all without any discrimination on the grounds of caste, class, color, sex, religion etc.
2. Human rights, as a comprehensive whole, include socioeconomic, civil, political, cultural rights which are deemed to be essential for the human beings to lead a life of dignity.
3. Human rights are justiciable. They cover legal rights protected by the law of the state. They also cover fundamental rights as incorporated in the constitution of the land and they enjoy judicial enforcement.
4. Human rights are not absolute. Like all rights, they may also be restricted in the interest of public peace, social decency, political security and the like.



5. Human beings cannot stay without the enjoyment of human rights. All of them possess these rights as the members of the human society. Since some people are ignorant of these rights, they must be taught about these opportunities. They only can lead a life of peace, security and dignity with the growing consciousness of these rights.

### **TYPES OF HUMAN RIGHTS**

**The Universal Declaration of Human Rights has guaranteed a number of rights which can be classified as follows:**

**(a) Social or Civil Human Rights:**

**All human beings are entitled to:**

- (1) The right to life, liberty and security of persons
- (2) Right to freedom from slavery and servitude
- (3) Right to freedom from torture or cruel, inhuman or degrading treatment or punishment
- (4) Right to freedom from arbitrary interference with privacy, family, home or correspondence
- (5) Right to marry and have family and right to property.

**(b) Political Human Rights:**

**To take part in the political process, all human beings are provided with some rights such as:**

- (1) Right to nationality
- (2) Right to equality before law and equal protection of law
- (3) Right to judicial remedies, fair trial and freedom from arbitrary arrest, detention or exile
- (4) Right to freedom of thought, expression, belief, faith, conscience and religion
- (5) Right to freedom of peaceful assembly and association
- (6) Right to take part in government affairs and equal access to public service

(7) Right to equal suffrage

(8) Right to freedom of movement and right of asylum etc.

**(c) Economic Human Rights:**

**To ensure the economic interest of the human being, UNO also provides certain economic rights, such as:**

(1) Right to social security

(2) Right to work and the right to equal pay for equal work

(3) Right to form trade unions

(4) Right to rest and leisure

(5) Right to food, health and adequate standard of living.

**(d) Cultural Human Rights:**

For the protection of the various types of cultures, traditions and customs of the human being, the Declaration of Human Rights also provides certain rights, such as:

(1) Right to participate in the cultural life of the community,

(2) Right to enjoy the art and to share in the scientific advancement and its benefits

(3) Right to the protection of the moral and material interests resulting from any scientific, literary and artistic production of which the individual is the author

(4) Right to a social and international order in which the human rights as provided in the Universal Declaration can be fully realized.

**UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)**

The Universal Declaration of Human Rights (UDHR) is an international document adopted by the United Nations General Assembly that enshrines the rights and freedoms of all human

beings. It was accepted by the General Assembly as Resolution 217 at its third session on 10 December 1948 at the Palais de Chaillot in Paris, France. The 58 members of the United Nations at the time, 48 voted in favour, none against, eight abstained, and two did not vote.

The Declaration consists of 30 articles detailing an individual's "basic rights and fundamental freedoms" and affirming their universal character as inherent, inalienable, and applicable to all human beings. Adopted as a "common standard of achievement for all peoples and all nations", the UDHR commits nations to recognize all humans as being "born free and equal in dignity and rights" regardless of "nationality, place of residence, gender, national or ethnic origin, color, religion, language, or any other status". The Declaration is considered a "milestone document" for its "universalist language", which makes no reference to a particular culture, political system, or religion. It directly inspired the development of international human rights law, and was the first step in the formulation of the International Bill of Human Rights, which was completed in 1966 and came into force in 1976.

**The following are the 30 Human Rights identified by UDHR**

*Article 1- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.*

*Article 2 - Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.*

*Article 3- Everyone has the right to life, liberty and security of person.*

*Article 4- No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.*

*Article 5 - No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*

*Article 6 - Everyone has the right to recognition everywhere as a person before the law.*

*Article 7- All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.*

*Article 8 - Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.*

*Article 9- No one shall be subjected to arbitrary arrest, detention or exile.*

*Article 10- Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.*

*Article 11- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.*

*Article 12 - No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.*

*Article 13 - (1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country.*

*Article 14 - (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.*

**Article 15 -** (1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of this nationality nor the right to change his nationality.

**Article 16-** (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

**Article 17** (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.

**Article 18-** Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**Article 19-** Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Article 20-** (1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.

**Article 21-** (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

**Article 22 -** Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

**Article 23-** (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his interests. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

**Article 25-** (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

**Article 26-** (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (3) Parents have a prior right to choose the kind of education that shall be given to their children.

**Article 27-** (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

**Article 28-** Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

*Article 29- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible. (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.*

*Article 30 -Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.*

### **GENERATIONS OF HUMAN RIGHTS**

The division of human rights into **three generations** was initially proposed in 1979 by the Czech jurist Karel Vasak at the International Institute of Human Rights in Strasbourg. He used the term at least as early as November 1977. His divisions follow the three watchwords of the French Revolution: Liberty, Equality, Fraternity. The three generations are reflected in some of the rubrics of the Charter of Fundamental Rights of the European Union. The Universal Declaration of Human Rights includes rights that are thought of as second generation as well as first generation ones, but it does not make the distinction in itself

- *First Generations of Human Rights - Civil and political rights*
- *Second Generations of Human Rights - Socio-economic and cultural rights*
- *Third Generations of Human Rights - Solidarity human rights*
- *Fourth Generations of Human Rights - Rights of future Generations*

#### **❖ First Generation of Human Rights**

First-generation human rights, sometimes called "blue" rights, deal essentially with liberty and participation in political life. They are fundamentally civil and political in nature: They serve negatively to protect the individual from excesses of the state. First-generation rights include, among other things, the right to life, equality before the law, freedom of speech, freedom of religion, property rights, the right to a fair trial, and voting rights. Some of these rights and the right to due process date back to the Magna Carta of 1215 and the Rights of



Englishmen, which were expressed in the English Bill of Rights in 1689. A more full set of first-generation human rights was pioneered in France by the Declaration of the Rights of Man and of the Citizen in 1789, and by the United States Bill of Rights in 1791. They were enshrined at the global level and given status in international law first by Articles 3 to 21 of the 1948 Universal Declaration of Human Rights and later in the 1966 International Covenant on Civil and Political Rights. In Europe, they were enshrined in the European Convention on Human Rights in 1953.

### ❖ *Second Generation of Human Rights*

Second-generation human rights are related to equality and began to be recognized by governments after World War II. They are fundamentally economic, social, and cultural in nature. They guarantee different members of the citizenry equal conditions and treatment. Secondary rights would include a right to be employed in just and favorable condition, rights to food, housing and health care, as well as social security and unemployment benefits. Like first-generation rights, they were also covered by the Universal Declaration of Human Rights, and further embodied in Articles 22 to 28 of the Universal Declaration, and the International Covenant on Economic, Social, and Cultural Rights. In the United States of America, President Franklin D. Roosevelt proposed a Second Bill of Rights, covering much the same grounds, during his State of the Union Address on January 11, 1944. Today, many nations, states, or groups of nations have developed legally binding declarations guaranteeing comprehensive sets of human rights, e.g., the European Social Charter. Some states have enacted some of these economic rights, e.g. the state of New York has enshrined the right to a free education, as well as "the right to organize and to bargain collectively", and workers' compensation, in its constitutional law. These rights are sometimes referred to as "red" rights. They impose upon the government the duty to respect and promote and fulfill them, but this depends on the availability of resources. The duty is imposed on the state because it controls its own resources. No one has the direct right to housing and right to education. The duty of government is in the realization of these positive rights.

### ❖ *Third Generation of Human Rights*

Third-generation human rights are those rights that go beyond the mere civil and social, as expressed in many progressive documents of international law, including the 1972 Stockholm Declaration of the United Nations Conference on the Human Environment, the 1992 Rio Declaration on Environment and Development, and other pieces of generally aspirational "soft



law". Also known as **Solidarity human rights**, they are rights that try to go beyond the framework of individual rights to focus on collective concepts, such as community or people. However, the term remains largely unofficial, just as the also-used moniker of "green" rights, and thus houses an extremely broad spectrum of rights, including:

- Group and collective rights
- Right to self-determination
- Right to economic and social development
- Right to a healthy environment
- Right to natural resources
- Right to communicate and communication rights
- Right to participation in cultural heritage
- Rights to intergenerational equity and sustainability

The African Charter on Human and Peoples' Rights ensures many of those: the right to self-determination, right to development, right to natural resources and right to satisfactory environment. Some countries also have constitutional mechanisms for safeguarding third-generation rights. For example, the Hungarian Parliamentary Commissioner for Future Generations, the Parliament of Finland's Committee for the Future, and the erstwhile Commission for Future Generations in the Knesset in Israel.

#### ❖ *Fourth Generation of Human Rights*

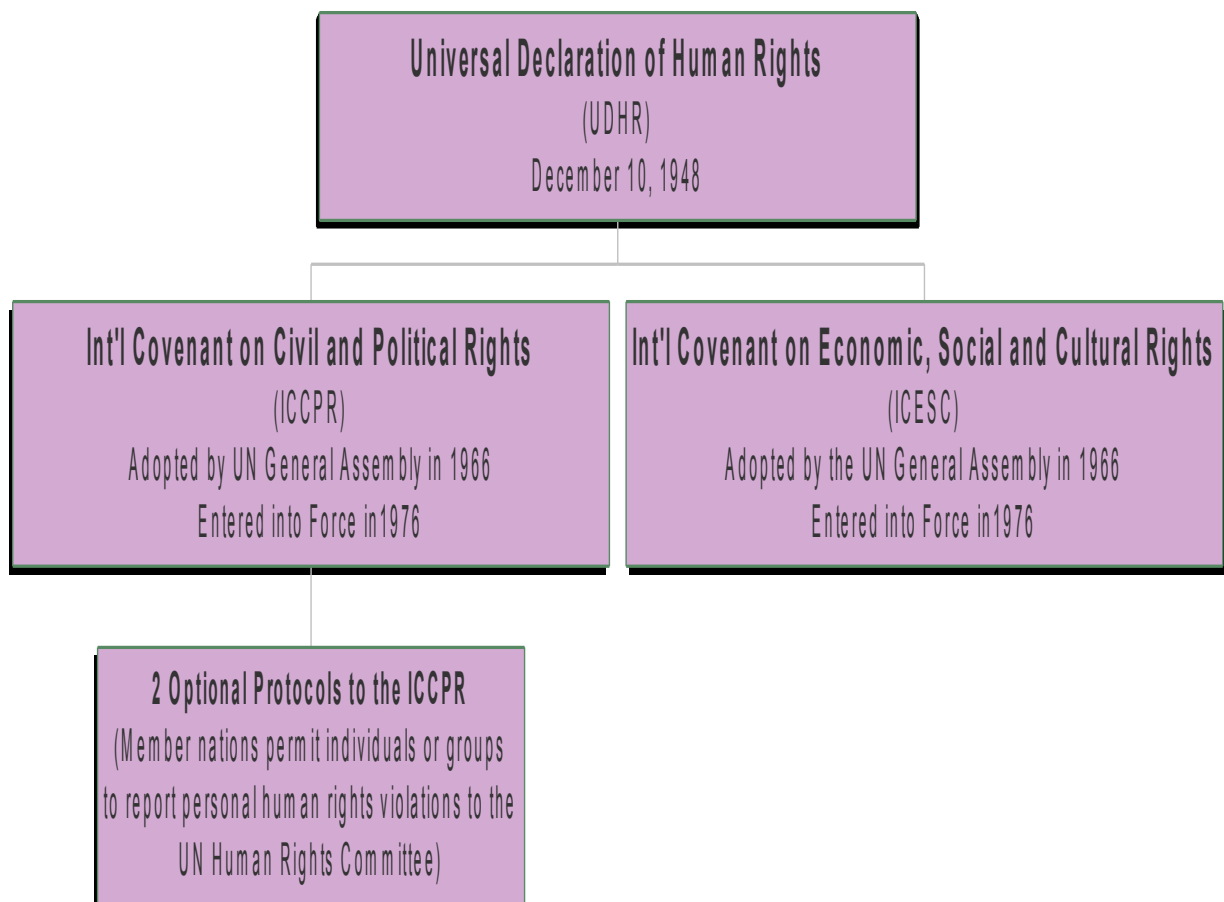
Several analysts claim that a fourth generation of human rights is emerging, which would include rights that cannot be included in the third generation, future claims of first- and second-generation rights and new rights, especially in relation to technological development and information and communication technologies and cyberspace. However, the content of it is not clear, and these analysts do not present a unique proposal. They normally take some rights from the third generation and include them in the fourth, such as the right to a healthy environment or aspects related to bioethics. Some of those analysts believe that the fourth generation is given by human rights in relation to new technologies, while others prefer to talk about digital rights, where a new range of rights would be found, such as:

- The right to exist digitally
- The right to digital reputation
- Right to digital identity

Others point out that the differentiating element would be that, while the first three generations refer to the human being as a member of society, the rights of the fourth would refer to the human being as a species.

### **HUMAN RIGHTS INSTRUMENTS**

**organizations / agreements working for protecting, promoting human rights**



## **NATIONAL HUMAN RIGHTS COMMISSION OF INDIA**

The **National Human Rights Commission (NHRC) of India** is a Statutory public body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993. It was given a statutory basis by the Protection of Human Rights Act, 1993 (PHRA). The NHRC is the National Human Rights Commission of India, responsible for the protection and promotion of human rights, defined by the Act as "Rights Relating To Life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India."

### **COMPOSITION OF NHRC**

The NHRC consists of: The Chairman and Four members (excluding the ex-officio members)

- A Chairperson, who has been a Chief Justice of India or a Judge of the Supreme Court.
- One member who is, or has been, a Judge of the Supreme Court of India , or, one member who is, or has been, the Chief Justice of a High Court.
- Three Members, out of which at least one shall be a woman to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.
- In addition, the Chairpersons of National Commissions viz., National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Women , National Commission for Minorities, National Commission for Backward Classes, National Commission for Protection of Child Rights; and the Chief Commissioner for Persons with Disabilities serve as ex officio members.
- The sitting Judge of the Supreme Court or sitting Chief Justice of any High Court can be appointed only after the consultation with the Chief Justice of Supreme Court.

### **FUNCTIONS OF NHRC**

The Protection of Human Rights Act mandates the NHRC to perform the following:

- Proactively or reactively inquire into violations of human rights by government of India or negligence of such violation by a public servant.
- The protection of human rights and recommend measures for their effective implementation.

- Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- To study treaties and other international instruments on human rights and make recommendations for their effective implementation.
- Undertake and promote research in the field of human rights.
- To visit jails and study the condition of inmates.
- Engage in human rights education among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means.
- Encourage the efforts of NGOs and institutions engaged in working in the field of human rights.
- It considers the necessity for the protection of human rights.
- Requisitioning any public record or copy thereof from any court or office.

### **STATE HUMAN RIGHTS COMMISSIONS**

A State Government may constitute a body known as the Human Rights Commission of that State to exercise the powers conferred upon, and to perform the functions assigned to, a State Commission. In accordance to the amendment brought in The Protection of Human Rights Act, 1993, The State Human Rights Commissions are formed to perform the functions of the commission as stated under chapter V of The Protection of Human Rights Act, 1993 (with amendment act 2006). At present, 26 states have constituted SHRC.

### **KARNATAKA HUMAN RIGHTS COMMISSION**

The Karnataka State Human Rights Commission was formally constituted by the Government 28<sup>TH</sup> JUNE 2005, by the section 21 of the Protection of Human Rights Act, 1993, as amended by the Protection of Human Rights (Amendment) Act, 2006 under Chapter V, lays down that the State Government may constitute a Human Rights Commission which shall consist of - A Chairperson who has been a Chief Justice of a High Court. One Member who is, or has been, a Judge of a High Court or District Judge in the State with a minimum of seven years' experience as District Judge; One Member to be appointed from amongst persons having knowledge of, or

practical experience in, matters relating to human rights. The Commission has a Secretary who is the Chief Executive Officer of the State Commission.

## **FUNDAMENTAL RIGHTS**

### **Synopsis**

- *Introduction*
- *Significance of Fundamental Rights*
- *Features of Fundamental Rights*
- *Fundamental Rights of Indian Citizens*
- *What Is A Writ?*
- *Amenability of Fundamental Rights*
- *Fundamental Duties*
- *Correlation Between Rights and Duties*
- *Concluding Remarks*

### **INTRODUCTION**

Fundamental rights are those rights which are essential for intellectual, moral and spiritual development of citizens of India. As these rights are fundamental or essential for existence and all-round development of individuals, they are called 'Fundamental rights' These include individual rights common to most, such as equality before the law, freedom of speech and freedom of expression, religious and cultural freedom, Freedom of assembly, freedom of religion , right to constitutional remedies for the protection of civil rights by means of writs such as Habeas Corpus, Mandamus, Writ of Prohibition, Certiorari and Quo Warranto.

Fundamental rights apply universally to all citizens, irrespective of race, birthplace, religion, caste, sexual orientation, gender or gender identity. The Indian Penal Code, Code of Criminal Procedure and other laws prescribe punishments for the violation of these rights, subject to the discretion of the judiciary. Though the rights conferred by the constitution other than fundamental rights are also valid rights protected by the judiciary, in case of fundamental rights violations, the Supreme Court of India can be approached directly for ultimate justice as

per Article 32. The Rights have their origins in many sources, including England's Bill of Rights, the United States Bill of Rights and France's Declaration of the Rights of Man.

### **What are the Fundamental Rights?**

Fundamental rights are the basic human rights enshrined in the Constitution of India which are guaranteed to all citizens. They are applied without discrimination on the basis of race, religion, gender, etc. Significantly, fundamental rights are enforceable by the courts, subject to certain conditions.

Why are they called Fundamental Rights?

These rights are called fundamental rights because of two reasons:

1. They are enshrined in the Constitution which guarantees them
2. They are justiciable (enforceable by courts). In case of a violation, a person can approach a court of law.

### **SIGNIFICANCE OF FUNDAMENTAL RIGHTS**

- ❖ The fundamental rights were included in the constitution because they were considered essential for the development of the personality of every individual and to preserve human dignity. The writers of the constitution regarded democracy of no avail if civil liberties, like freedom of speech and religion, were not recognized and protected by the State. According to them, democracy is, in essence, a government by opinion and therefore, the means of formulating public opinion should be secured to the people of a democratic nation. For this purpose, the constitution guaranteed to all the citizens of India the freedom of speech and expression and various other freedoms in the form of the fundamental rights.
- ❖ All people, irrespective of race, religion, caste or gender, have been given the right to petition directly the Supreme Court or the High Courts for the enforcement of their fundamental rights. It is not necessary that the aggrieved party has to be the one to do so. Poverty-stricken people may not have the means to do so and therefore, in the public interest, anyone can

commence litigation in the court on their behalf. This is known as "public interest litigation". In some cases, High Court judges have acted suo moto on their own on the basis of newspaper reports.

- ❖ These fundamental rights help not only in protection but also the prevention of gross violations of human rights. They emphasize on the fundamental unity of India by guaranteeing to all citizens the access and use of the same facilities, irrespective of background. Some fundamental rights apply for persons of any nationality whereas others are available only to the citizens of India. The right to life and personal liberty is available to all people and so is the right to freedom of religion. On the other hand, freedoms of speech and expression and freedom to reside and settle in any part of the country are reserved for citizens alone, including non-resident Indian citizens. The right to equality in matters of public employment cannot be conferred to overseas citizens of India.
- ❖ Fundamental rights primarily protect individuals from any arbitrary state actions, but some rights are enforceable against individuals. For instance, the Constitution abolishes untouchability and also prohibits *begar*. These provisions act as a check both on state action as well as the action of private individuals. However, these rights are not absolute or uncontrolled and are subject to reasonable restrictions as necessary for the protection of general welfare. They can also be selectively curtailed. The Supreme Court has ruled that all provisions of the Constitution, including fundamental rights, can be amended, but that Parliament cannot alter the basic structure of the constitution. Since the fundamental rights can be altered only by a constitutional amendment, their inclusion is a check not only on the executive branch but also on the Parliament and state legislatures.
- ❖ A state of national emergency has an adverse effect on these rights. Under such a state, the rights conferred by Article 19 (freedoms of speech, assembly and movement, etc.) remain suspended. Hence, in such a situation, the legislature may make laws that go against the rights given in Article 19. The President may by order suspend the right to move the court for the enforcement of other rights as well.

### **FEATURES OF FUNDAMENTAL RIGHTS**

- ❖ Fundamental rights are different from ordinary legal rights in the manner in which they are enforced. If a legal right is violated, the aggrieved person cannot directly approach the SC bypassing the lower courts. He or she should first approach the lower courts.
- ❖ Some of the fundamental rights are available to all citizens while the rest are for all persons (citizens and foreigners).
- ❖ Fundamental rights are not absolute rights. They have reasonable restrictions, which means they are subject to the conditions of state security, public morality and decency and friendly relations with foreign countries.
- ❖ They are justiciable, implying they are enforceable by courts. People can approach the SC directly in case of violation of fundamental rights.
- ❖ Fundamental rights can be amended by the Parliament by a constitutional amendment but only if the amendment does not alter the basic structure of the Constitution.
- ❖ Fundamental rights can be suspended during a national emergency. But the rights guaranteed under Articles 20 and 21 cannot be suspended.
- ❖ The application of fundamental rights can be restricted in an area which has been placed under martial law or military rule.

### **FUNDAMENTAL RIGHTS OF INDIAN CITIZENS**

There are six fundamental rights of Indian Constitution along with the constitutional articles related to them are mentioned below:

1. Right to Equality (Article 14-18)
2. Right to Freedom (Article 19-22)
3. Right against Exploitation (Article 23-24)
4. Right to Freedom of Religion (Article 25-28)
5. Cultural and Educational Rights (Article 29-30)
6. Right to Constitutional Remedies (Article 32)

#### **1. Right to Equality (Articles 14 – 18)**

Right to equality guarantees equal rights for everyone, irrespective of religion, gender, caste, race or place of birth. It ensures equal employment opportunities in the government and insures



against discrimination by the State in matters of employment on the basis of caste, religion, etc. This right also includes the abolition of titles as well as untouchability.

## **2. Right to Freedom (Articles 19 – 22)**

Freedom is one of the most important ideals cherished by any democratic society. The Indian Constitution guarantees freedom to citizens. The freedom right includes many rights such as:

- Freedom of speech
- Freedom of expression
- Freedom of assembly without arms
- Freedom of association
- Freedom to practise any profession
- Freedom to reside in any part of the country

Some of these rights are subject to certain conditions of state security, public morality and decency and friendly relations with foreign countries. This means that the State has the right to impose reasonable restrictions on them.

## **3. Right against Exploitation (Articles 23 – 24)**

This right implies the prohibition of traffic in human beings, *begar*, and other forms of forced labour. It also implies the prohibition of children in factories, etc. The Constitution prohibits the employment of children under 14 years in hazardous conditions.

## **4. Right to Freedom of Religion (Articles 25 – 28)**

This indicates the secular nature of Indian polity. There is equal respect given to all religions. There is freedom of conscience, profession, practice and propagation of religion. The State has no official religion. Every person has the right to freely practice his or her faith, establish and maintain religious and charitable institutions.

## **5. Cultural and Educational Rights (Articles 29 – 30)**

These rights protect the rights of religious, cultural and linguistic minorities, by facilitating them to preserve their heritage and culture. Educational rights are for ensuring education for everyone without any discrimination.

## **6. Right to Constitutional Remedies (32 – 35)**

The Constitution guarantees remedies if citizens' fundamental rights are violated. The government cannot infringe upon or curb anyone's rights. When these rights are violated, the aggrieved party can approach the courts. Citizens can even go directly to the Supreme Court which can issue writs for enforcing fundamental rights.

### **What is a Writ?**

Writs are written orders issued by the Supreme Court of India to provide constitutional remedies to protect the fundamental rights of citizens from a violation.

### **Facts about writs in India**

- **Article 32** empowers the supreme court of India to issue the writs & empowers Parliament to authorize any other court to issue these writs
- Before 1950, only the High Courts of Calcutta, Bombay, and Madras had the power to issue the writs
- **Article 226** empowers all the high courts of India to issue the writs
- Writs of India are borrowed from English law where they are known as 'Prerogative writs'

### **What is a Writ Petition?**

A writ petition is essentially a court petition for extraordinary review, asking a court to intervene in a lower court's decision. Under the Indian legal system, jurisdiction to issue 'prerogative writs' is given to the Supreme Court and the High Courts of Judicature of all Indian states. Parts of the law relating to writs are outlined in the Constitution of India.

### **Type of Writs**

The Constitution empowers the Supreme Court and High Courts to issue orders or writs.

The types of writs are:

- Habeas Corpus
- Mandamus

- Prohibition
- Certiorari
- Quo Warranto

#### ❖ **Habeas Corpus**

Habeas Corpus is a writ that is enforced to protect the fundamental right to liberty of an individual against unlawful detention. This writ commands a public official to deliver a detained person in front of the court and provide valid reasons for the detention. However, this writ cannot be issued in case the proceeding is for contempt of a legislature or a court.

#### ❖ **Mandamus**

The writ of mandamus is issued to a subordinate court, an officer of the government, or a corporation or other institution commanding the performance of certain acts or duties. Unlike Habeas Corpus, Mandamus cannot be issued against a private individual. The writ of mandamus can be used to order the completion of a task or in other cases, it may require an activity to be ceased.

#### ❖ **Prohibition**

Prohibition is a writ issued by a higher court to a lower court to enforce inactivity in the jurisdiction. It happens only in case the higher court is of the discretion that the case falls outside the jurisdiction of the lower court. Writ of Prohibition can only be issued against judicial and quasi-judicial authorities.

#### ❖ **Certiorari**

The writ of certiorari is issued to a lower court directing that the transfer of a case for review, usually to overrule the judgment of the lower court. The Supreme Court issues the writ of Certiorari in case the decision passed by the lower court is challenged by the party. It is issued in case the higher court finds it a matter of over jurisdiction or lack of jurisdiction. It is one of the mechanisms by which the fundamental rights of the citizens are upheld.

#### ❖ **Quo-Warranto**

Quo warranto is issued against a person who claims or usurps a public office. Through this writ, the court inquires ‘by what authority’ the person supports his or her claim. Through this writ, the court enquires into the legality of a claim of a person to a public office. This writ prevents the illegal assumption of a public office by an individual.

### **AMENDABILITY OF FUNDAMENTAL RIGHTS**

Any changes to the fundamental rights require a constitutional amendment that should be passed by both the Houses of Parliament. The amendment bill should be passed by a special majority of Parliament. As per the Constitution, Article 13(2) states that no laws can be made that take away fundamental rights. The question is whether a constitutional amendment act can be termed law or not. In the *Sajjan Singh case of 1965*, the Supreme Court held that the Parliament can amend any part of the Constitution including fundamental rights. But in *1967*, the SC reversed its stance taken earlier when in the verdict of the *Golaknath case*, it said that the fundamental rights cannot be amended. In *1973*, a landmark judgement ensued in the *Kesavananda Bharati case*, where the SC held that although no part of the Constitution, including Fundamental Rights, was beyond the Parliament’s amending power, the “basic structure of the Constitution could not be abrogated even by a constitutional amendment.” This is the basis in Indian law in which the judiciary can strike down any amendment passed by Parliament that is in conflict with the basic structure of the Constitution. In *1981*, the Supreme Court reiterated the Basic Structure doctrine. It also drew a line of demarcation as April 24th, 1973 i.e., the date of the Kesavananda Bharati judgement, and held that it should not be applied retrospectively to reopen the validity of any amendment to the Constitution which took place prior to that date.

### **FUNDAMENTAL DUTIES**

After going through the Fundamental Rights, you must have observed and realized that in return for every right, the society expects the citizens to do certain things which are collectively known as duties. Some such important duties have been incorporated in the Indian Constitution also. The original Constitution enforced on 26th January, 1950 did not mention anything about the duties of the citizen. It was expected that the citizens of free India would perform their duties willingly. But things did not go as expected. Therefore, ten Fundamental Duties were added in *Part-IV-A* of the Constitution under **Article 51-A** in the year *1976* through the 42nd Constitutional Amendment by the recommendations of the *Swaran Singh Committee*. However,

whereas Fundamental Rights are justiciable, the Fundamental Duties are non-justiciable. It means that the violation of fundamental duties, i.e., the non-performance of these duties by citizens is not punishable.

The fundamental duties noted in the constitution are as follows: It shall be the duty of every citizen of India -

- a) To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;*
- b) To cherish and follow the noble ideals which inspired our national struggle for freedom;*
- c) To uphold and protect the sovereignty, unity and integrity of India;*
- d) To defend the country and render national service when called upon to do so;*
- e) To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;*
- f) To value and preserve the rich heritage of our composite culture;*
- g) To protect and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures;*
- h) To develop the scientific temper, humanism and the spirit of inquiry and reform;*
- i) To safeguard public property and to abjure violence;*
- j) To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;*
- k) Who is a parent or guardian, to provide opportunities for education to his child, or as the case may be, ward between the age of six to fourteen years? This duty was included in the list of fundamental duties by 86th Amendment to the constitution of India in the year 2002.*

These duties are in the nature of a code of conduct. Since they are unjustifiable, there is no legal sanction behind them. As you will find, a few of these duties are vague. For example, a common citizen may not understand what is meant by ‘composite culture’, ‘rich heritage’ ‘humanism’, or ‘excellence in all spheres of individual and collective activities. They will realize the importance of these duties only when these terms are simplified A demand has been made from time to time to revise the present list, simplify their language and make them more realistic and meaningful

and add some urgently required more realistic duties. As far as possible, they should be made justiciable.

### **CORRELATION BETWEEN RIGHTS AND DUTIES**

There is a close relationship between the body and soul, so there is a relationship between the rights and duties.

Professor Laski finds the following points of relationship between the rights and duties:

**(1) The right of one is related to the duty of the other:** If one has the right, the other has the duty related to that right. If one enjoys the right, it becomes the duty of the other not to prove an obstacle in the enjoyment of his right. For example, if I enjoy the right to life it is the duty of others not to cause any harm to my life.

**(2) The duty of the one is the right of the other and vice versa:** If I possess rights, I owe duties also. As we treat others so others will treat us. If the other has the right to life and security, it is our duty that I should not cause any harm to his life and security. To give proper respect and regard to the rights of others is our duty.

**(3) The state guarantees the enjoyment of certain rights to every individual:** But at the same time, it becomes the duty of the individual that he should make the use of those rights for promoting the common welfare. For example, if I have the right to vote, it becomes my duty that I should cast my vote in favour of a deserving candidate. While casting my vote, I should not allow my prejudice to work. I should not be influenced by the distinction of caste and creed, rich and poor, black and white, etc.

**(4) If the state protects me in the enjoyment of my rights:** It becomes my cardinal duty to serve the state in full spirit. If rights spring to us from the becomes our duty to perform certain duties towards the state. If the state protects us, it becomes our cardinal duty that we should pay taxes regularly and s remain faithful and loyal to the state. Treachery is a crime.

### **CONCLUDING REMARKS**

Thus, it is quite clear that rights and duties are so closely related to each other, that they cannot be separated from each other. If every individual pay 'attention only to his rights and does not perform his duties to others, rights of individual will cease to exist. There is a close relationship

between the rights and duties. They are the same conditions viewed from different angles. They are the two sides of the same coin. If we have the right to speech, writing, wandering, running institutions and any religion we like, it is our duty, at the same time that we should not spread evils in society by our writing work or by our lectures. If we have the right to vote, we should make the proper use of this right and cast our vote in favour of the honest and deserving candidate. If we have the right to make the use of roads for our vehicles, it becomes, at the same time, our duty that we should keep to the left so as to avoid accidents.

## **WELFARE STATE**

### **Synopsis**

- *Introduction*
- *Meaning*
- *There Are Two Interpretation of The Idea of Welfare State:*
- *Characteristics of A Welfare State*
- *Principles of Welfare State*
- *Functions of Welfare State*
- *Implementation of The Concept of Welfare State*
- *India – A Welfare State*
- *Problems of Welfare State*
- *Concluding Remarks*

### **INTRODUCTION**

A welfare state is a concept of government in which the state plays a key role in the protection and promotion of the economic and social being of its citizen. It is based on the principles of equality of opportunity, equitable distribution of wealth, and public responsibility for those unable to avail themselves of the minimal provisions for a good life. The general term may cover a variety of forms of economic and social organization.

## **MEANING**

The **welfare state** is a form of government in which the state protects and promotes the economic and social well-being of the citizens, based upon the principles of equal opportunity, equitable distribution of wealth, and public responsibility for citizens unable to avail themselves of the minimal provisions for a good life. Sociologist T. H. Marshall described the modern welfare state as a distinctive combination of democracy, welfare, and capitalism. As a type of mixed economy, the welfare state funds the governmental institutions for health care and education along with direct benefits given to individual citizens. Early features of the welfare state, such as public pensions and social insurance, developed from the 1880s onwards in industrializing Western countries. The Great Depression, World War I and World War II have been characterized as important events that ushered in expansions of the welfare state. The modern welfare state emerged in a reactive way to the Great Depression of the 1930s as a form of state interventionism to address unemployment, lost output and collapse of the financial system. By the late 1970s, the contemporary capitalist welfare state began to decline, in part due to the economic crisis of post-World War II capitalism and Keynesianism and in part due to the lack of a well-articulated ideological foundation for the welfare state. a state is a community of persons, more or less numerous occupying a definite territory. Possessing an organized government and enjoying independence from external control.

## **DEFINITIONS:**

- ❖ **Holland** - “State is a politically organized people of definite territory”
- ❖ **Woodrow Wilson** - “State is a people organized for law within a definite territory”.
- ❖ **Burgess** - “The state as a particular portion of mankind viewed as an organized unit”
- ❖ **Sidgwick.** - “State is a combination or association of persons in the form of government and governed and united together into a politically organized people of a definite territory”.
- ❖ **Garner** - “State is a community of people live in a form of definite free of external contract and possessing an organized government to which the people show habitual agreement”.



**THERE ARE TWO INTERPRETATION OF THE IDEA OF WELFARE STATE:**

- A model in which the state assumes primary responsibility for the welfare of its citizens. This responsibility in the theory ought to be comprehensive because all aspects of welfare are considered and universally applied to citizens as a right. Welfare state can also mean the creation of social safety net of minimum standards of varying forms of welfare.
- In a strictest sentence, a welfare state is a government that provides for the welfare or the well-being of its citizens completely. The welfare state provides for physical material and social needs rather than people providing for their own.

**CHARACTERISTICS OF A WELFARE STATE**

- ❖ A welfare state ensures social security in a welfare state of economy, though the traits of capitalism are also seen, it is mainly a mixed economy. Even when a combination of capitalistic and socialistic features exists, the government plays a dominant role in controlling the economic activities and in the social welfare of the people.
- ❖ A welfare state is a socialistic in nature. It is based on the principles of equality and is keen to provide equal opportunity to all. It also aims to ensure equitable distribution of wealth.
- ❖ It exercises control over all economic and political activities. In a welfare state, all the private enterprises are regulated by the government.
- ❖ It provides even basic facilities to its citizens. Furnishing services to each and every individual is its duty. A welfare government is keen in providing economic and social services such as general education, public health, public transport, housing and other financial assistance to its people.
- ❖ It undertakes and runs various enterprises, business and other commercial activities are also done by welfare governments.

- ❖ It ensures justice to all in a welfare state common man has to deal with the authorities for many of their needs. For example: administrative officers, controlling officers, sanctioning authorities, officers of social services, executives of public sector undertakings etc. in all such dealings, a welfare state has the responsibility to ensure justice and fulfillment of their requirements.
- ❖ Planning of activities economic activities include production and distribution. It is the duty of the welfare state to formulate national policies and to plan every economic activity in balanced manner. Industrial policy, trade policy, commercial and banking policy etc. Are framed in order to control those activities.
- ❖ It is the function of a welfare state to regulate and control all private enterprises engaged in economic activities, such as control includes registration, licensing, taxation, etc.
- ❖ Welfare of laborers also comes under the purview of duties of welfare state. They are bound to make legislation to prevent exploitation of workers, and to ensure the security and welfares of those who work in industrial enterprises, factories, companies and all other sectors of employment.

## **PRINCIPLES OF WELFARE STATE**

- ❖ **Equality:** the citizens, men and women are equal, and they have the right to an adequate means of livelihood.
- ❖ **Equitable Distribution of Wealth:** the ownership and control of the material resources of the community are so distributed as the best to sub serve the common good.
- ❖ **Equitable Pay:** There is equal pay for equal work for both men and women. Wages are paid based on their performance of work.
- ❖ **Basic Amenities:** The health and strength of workers and citizens, men, women and children of the welfare state are well taken care of. It ensures the basic necessities for an individual to live a life of happiness by providing basic needs to those citizens for whom it's difficult to afford it.
- ❖ **Public Responsibility:** to provide full employment, social security, housing, health and education. To maintain peace and order, welfare state must always ensure internal peace to its citizens.

- ❖ **Control Over all the Economic Activities;** In a welfare state, all the private enterprises are regulated by the government.
- ❖ **Undertakes and runs various Enterprises;** Ownership and operation of industrial enterprises, business and other commercial activities are also done by welfare governments.
- ❖ **Justice to all;** In a welfare state, common man has to deal with the authorities for many of their needs. For example; administrative officers, controlling officers, sanctioning authorities, officers of social services, executives of public sector undertakings etc. In all such dealings, a welfare state has the responsibility to ensure justice and fulfillment of their requirements.
- ❖ **Planning of activities:** Economic activities include production and distribution. It is the duty of the welfare state to formulate national policies and to plan every economic activity in a balanced manner. Industrial policy, trade policy, commercial and banking policy etc. are framed in order to control those activities.
- ❖ **Welfare of Laboure's:** Welfare of Laboure's also comes under the purview of the duties of welfare state. They are bound to make legislations to prevent exploitation of workers, and to ensure the security and welfare of those who work in industrial enterprises, factories, companies and all other sectors of employment.

### **FUNCTIONS OF WELFARE STATE**

Government places a welfare program to make sure there is a certain standard and quality of living for everyone in a country. It would primarily focus on children, making sure their parents will be able to and clothe feed them properly. Other things it covers are day care assistance, food stamps and unemployment.

*Welfare State undertakes numerous functions which are divided into:*

- A. Regulative
- B. Protective and
- C. Welfare functions

#### **A. Regulative Functions**

These include: (i) maintaining law and order, (ii) PROMOTING peace (iii) curbing anti-social elements and their activities, (iv) putting down communal, caste and class clashes, (v) checking exploitation of labourers by passing necessary legislation etc.

### **B. Protective Functions**

These include: (i) maintenance of internal ORDER, (ii) protecting territorial integrity, (iii) maintenance of basic institutions, (iv) maintenance of sound net-work of postal system, transport and communication systems (v) regulation of trade, markets, weights and measures, (vi) prevention of theft, dacoity and other criminal activities, (vii) conducting foreign relations with other countries, (viii) administering justice and punishing criminals, and (ix) safeguarding the country's territories sovereignty and independence against external attacks and invasions etc.

### **C. Welfare Functions**

These include: (i) eradicating the spread of contagious diseases like malaria, cholera etc. (ii) eradicating illiteracy by establishing educational institutions (iii) reducing the economic inequalities by taking steps for distribution of national income, (iv) providing employment opportunities to all qualified persons (v) improving the working conditions of the workers by fixing hours of work, compensation etc. (vi) creating healthy atmosphere in and outside industries. (vii) providing adequate social services such as unemployment benefits, disability benefits, maternity benefits etc. (viii) introducing jail reforms for speedy disposal of cases and reducing the cost of judicial litigation, (ix) introducing land reforms, (x) encouraging cottage and small-scale industries, (xi) undertaking Community Development Programmes, and (xii) checking social evils etc. In Brief Welfare State provides full employment, social security, housing, health and education for all people.

### **OTHER FUNCTIONS**

**(1) Maintenance of peace and order:** The welfare state ensures internal peace and order and provides security to its citizens. It efficiently guards its territory against external aggressions or threats. It maintains law and order and establishes political stability. This reduces constant tension and anxiety for its people.

**(2) Protects People's Rights and Provides Justice:** The welfare state assures for its people the inalienable fundamental rights. It assures right to life, liberty, and pursuit of happiness, equality,

property, freedom of thought and expression. It provides justice to all irrespective of class, colour, creed, caste, religion or region.

**(3) Conservation of natural resources:** In the general interest of the community the welfare state tries to conserve its natural resources against the competitive private interests. It prevents the wasteful consumption of the community's resources, its forests, fisheries, wild life, minerals, art treasures, etc.

**(4) Provision of Education:** The welfare state gives high priority for education. It creates opportunities for the individuals to develop their personality. It encourages more the weaker SECTIONS of the society to come up educationally and economically. Some states like India have introduced free but compulsory education at primary and secondary levels. The welfare state on its own provides for primary and secondary schools, colleges, universities, research centres, libraries, art classes, technical schools and institutes, medical and agricultural institutes, etc.

**(5) Arrangement of Public Utility Services:** The modern welfare states construct roads, railways and provide for irrigation, water-supply and electric works. It provides for post and telegraph, radio, television, Telephone and other services. It makes arrangement for transport such as buses, railways, aero planes and ships.

**(6) Encouragement of Trade, Industry, Commerce and Agriculture:** The welfare state on its own establishes some big industries to Promote industrial advancement and also to avoid exploitation. Iron and steel, locomotives, aircraft and other heavy industries, big dams, multi-purpose projects, major transport and communication-lines, etc., are often controlled by the states. Certain industries are nationalised in the interests of the people. Still the welfare state gives enough scope for the private parties and individuals to establish factories and start business to promote initial growth. The state also encourages cottage or household industries and agriculture.

**(7) Organisation of Labour:** The welfare state gives Special attention to needs of the working class. It makes appropriate labour legislations and prevents their exploitation. It promotes their welfare in various ways. It gives them freedom to organise labour unions to protect their rights. It tries to better the living conditions of the people also.

**(8) Protection of Old, Poor and the Handicapped:** The modern welfare states have taken it for granted as their main canon to protect the interests of the old, poor, and the invalid. The old and the retired people are given pension, the unemployed and the handicapped are given maintenance allowance. Various social security measures are undertaken in Order to give the needed protection to all the needy people of the state.

**(9) Maintenance of Public Health:** The welfare state provides many preventive and curative medical facilities to safeguard the public health. It makes provision for sanitation, hospitals, free medicine, vaccination and essential energising foods for the poor and so on. It arranges to control deadly diseases like malaria, cholera, small pox, plague, T.B., venereal diseases, skin-diseases, leprosy, etc. It runs medical colleges, research centres, training schools for nurses, etc.

**(10) Arrangement of Recreation:** The state provides for various means of recreation to its citizens, like films, drama, music, exhibitions, fairs, etc. It also establishes public parks, museums, libraries, playgrounds, conducts competitions to encourage merit, gives awards to the talented persons.

**(11) Maintains Social Harmony:** The welfare state lays down laws against evil and harmful customs and practices. By various means it tries to bring people with different socio-religious background nearer. It strives to Promote social harmony by creating better understanding among people.

**(12) Prevents Disorganisation:** The welfare state also tries to prevent or check the process of socio-economic disorganisation. By making use of various means, it tries to solve such socio-economic problems like crime, juvenile delinquency, prostitution, untouchability, population problem, poverty, beggary and so on. The efficiency of a welfare state can be measured by its successful attempts in removing these problems.

**(13) Protection of life and property:** The first and the most important duty of the State are to protect the life and property of its people. Some writers are of the opinion that the State came into existence for this very purpose. The State makes laws regarding life and property. It checks others from interfering into the affairs of the individual. If any individual violates the law of the State, he is punished. The State regulates social life of the individual through laws.

**(14) Protection from external invasion or defence:** External security means security from external danger either of a military invasion or of encroachment upon international rights. The

State should, therefore, be in a fit condition to defend itself against foreign attacks. For this purpose, it maintains a standing army, a navy and to fight in defence of the State. In times of peace too, the State has to deal with foreign powers and looks after its international interest. It also maintains diplomatic relations with other countries.

**(15) Dispensing justice:** It is an important function of the State that it should organize an independent and powerful judiciary. In the absence of an independent judiciary, people cannot have justice. The State must maintain civil and criminal courts to administer justice. No liberty is possible without rule of law. Those who violate law should be punished. The State should regulate the conduct and activities of individual in the interests of all.

**(16) Physical welfare:** Physical welfare of citizens is considered as an optional function of modern State. It is achieved by providing medical facilities, sanitation and conservancy system. Most of the modern States perform these functions. Public health and hygiene of the people are important in every State.

**(17) Regulation of import and export:** No State is self-sufficient today. It has to IMPORT certain goods from other countries and export certain goods to other countries. The State is to frame laws relating to import and export policies. The people cannot be given complete freedom to import and export goods. Those goods should be imported from other countries, which are essential, and those goods should be exported to other countries, which are surplus. If the State does not regulate import export, the people's plight will be quite miserable and there will be imbalance of trade.

**(18) Social and Economic Security:** The State is morally bound to remove poverty and unemployment. It should, therefore, provide protection against old age. Unemployment, etc. It can be done by introducing insurance schemes against accident, old age etc.

### **IMPLEMENTATION OF THE CONCEPT OF WELFARE STATE**

To a great extent, the concept of welfare state is effectively implemented by our democracies and this has helped governments in improving the scope for betterment of the citizens. But as in any other political policies, the concept of welfare state to has loopholes and is contaminated by improper management and corruption. From the grass root levels to the highest of the political system, the common man is compelled to bribe the officers in order to get his work done. From

the critic's point of view, the functions of welfare have made the citizens more lethargic and less hard working. Even then, in the present text, welfare states are effective in our democracies and it functions as a protector, dispenser of social services.

### **INDIA – A WELFARE STATE**

When India attained independence, it had innumerable problems and challenges. The social and economic inequality was all pervasive. Economically, India's situation was miserable. Socially also India was having a number of problems. There were social inequalities and all the vulnerable sections of the society such as women, Dalits, children were deprived of basic means of living. The Constitution makers were very much aware of the problems. That is why, they decided that India would be a welfare state. As you must have seen, India is described as a "sovereign socialist secular democratic republic" in the Preamble of the Indian Constitution. Accordingly, the Constitution has extensive provisions to ensure social and economic welfare of the people of India.

In this regard two specific provisions have been made, one in the form of Fundamental Rights and the other as Directive Principles of State Policy. The Fundamental Rights embodied in Part III of the Indian Constitution act as a guarantee that all Indian citizens can and will enjoy civil liberties and basic rights. These civil liberties take precedence over any other law of the land. They are individual rights commonly included in the Constitutions of liberal democracies. Some of these important rights are: equality before the law, freedom of speech and expression, freedom of association and peaceful assembly, freedom of religion, and the right to constitutional remedies for the protection of civil rights. But this was not enough. Indian citizens also needed opportunities for economic and social development. That is why Part IV on Directive Principles of State Policy was included in the Indian Constitution.

### **PROBLEMS OF WELFARE STATE**

- ❖ Early conservatives, under the influence of Thomas Malthus, opposed every form of social insurance "root and branch". Malthus, a clergyman for whom birth control was anathema, believed that the poor needed to learn the hard way to practice frugality, self-control and chastity.
- ❖ Traditional conservatives also protested that the effect of social insurance would be to weaken private charity and loosen traditional social bonds of family, friends, religious and non-governmental welfare organisations.



- ❖ Karl Marx opposed piecemeal reforms advanced by middle-class reformers out of a sense of duty. In his *Address of the Central Committee to the Communist League*, written after the failed revolution of 1848, he warned that measures designed to increase wages, improve working conditions and provide social insurance were merely bribes that would temporarily make the situation of working classes tolerable to weaken the revolutionary consciousness that was needed to achieve a socialist economy.
- ❖ In the 20th century, opponents of the welfare state have expressed apprehension about the creation of a large, possibly self-interested, bureaucracy required to administer it and the tax burden on the wealthier citizens that this entailed.
- ❖ Political historian Alan Ryan pointed out that the modern welfare state stops short of being an "advance in the direction of socialism.
- ❖ Historian Walter Scheibel has commented that the establishment of welfare states in the West in the early 20th century could be partly a reaction by elites to the Bolshevik Revolution and its violence against the bourgeoisie, which feared violent revolution in its own backyard.

### **CONCLUDING REMARKS**

Thus, it is clear now that the function of the welfare state is not merely administration, but an integral welfare and development of its subjects. In fact, there is no limit to what the welfare state can do for the service of the community. The popular statement state help kills self-help is not always true. Still, the Welfare State is not all in all. The state cannot interfere in all kinds of human activities in the name of welfare. It cannot prescribe morality, cannot dictate opinion, cannot proclaim new customs and fashions, cannot create a new culture and also cannot advocate new religious doctrines of universal application. The state should know its limitations. It should not venture to do a task for which it is unqualified.

Too much interference of the state in the life of the people would destroy the very spirit of freedom. It was the veteran Indian Sarvodaya leader Late Sri Jayaprakash Narayan, who said in unmistakable terms that "in the present world the state, not only in its totalitarian form but also in its welfare variety, is assuming larger and larger power and responsibility. The welfare state in the name of welfare threatens as much to enslave man to the state as the totalitarian. The people must cry halt to this creeping paralysis. The welfare state is such a convenient and elastic phrase

that it is tailored to fit various developments in the political field as well as the socio – economic fields.

The concept of welfare state is related to both the welfare and administrative activity of the state. Some of the concept highlights the role of government towards its citizens. It provides strategy and tactics to carry out several activities to attract the largest sections of the state.

## **UNIT-V**

### **DEMOCRACY, DICTATORSHIP AND SECULARISM**

#### **DEMOCRACY**

### **Synopsis**

- *Meaning, nature and Kinds*
- *Merits and Demerits, Conditions for Success of Democracy*
- *Direct democracy –Important devices and Practices*
- *Meaning, features, merits and demerits*

### **INTRODUCTION**

The word ‘democracy has its roots in the Greek term ‘demokratia,’ meaning ‘rule by the people’ (demos means ‘people’ and kratos means ‘rule’.) It is a political system in which people not monarchs (king or queens) or aristocracies (like lords) rule. Democracy is a type of social system in which everyone has an equal share of power. In large complex societies, however, it is impossible for every citizen to be involved in the political process. Thus, when we refer to ‘democratic’ power structure, we mean those structures in which people are allowed to vote for elected representatives. Most societies that describe themselves as political democracies are actually representative democracies in which citizens elect politicians who actually hold and exercise political authority. Pure democracy is quite rare. This is because the definition of ‘everyone’ always excludes some portion of population.

**MEANING:** Democracy is a system of government that bases its legitimacy on the participation of the people. While democratic governments come in many varieties. The origins of democracy as an idea and a practice go back to the city-states of Greece in the 5th century BCE. But contemporary democracies are very different from the ancient Greek model. The experience of the 20th century seems to show that citizens’ interests are best represented by either two or at the most three parties-as in Britain or the United States. Although there are many one-party systems in the world which claim to be democratic on the basis that they represent the collective will of the people. Political processes (elections, political socialization) are the lifeblood of all types of democracies. Political organization, political competitiveness, the big political gesture all these are integral to democracy.

### **DEFINITIONS**

- ❖ **Abraham Lincoln** - *"Democracy is Government of the people, by the people and for the people."*
- ❖ **Theodore Parker** - *"Democracy is a government of all the people, by all the people and for all the people".*

- ❖ **Seymour Lipset** - *“A political system supplying regular constitutional opportunities for changing the government by allowing the population to choose between alternative sets of policy makers”.*

### NATURE OF DEMOCRACY

- ❖ **Citizen rule;** A democratic government grants adult citizens the right to elect their representatives. It also establishes clear guidelines for election cycles and term limits so they key positions are contested at regular interval through this process of voting citizens are regularly given the ability to hire or fire their representatives.
- ❖ **Majority rule and minority rule:** The principle of majority rule is an important part of the democratic system. The majority rule in the election process but individual rights are protected by maintenance of decentralized, local government bodies.
- ❖ **Individual rights:** Democracies value the protection of individual rights. The word freedom is used synonymously with democracy to describe individual liberties afforded in this type of government. Equal treatment, under the law is assured for everyone in democratic society.
- ❖ **Free and fair elections:** The key to exercise of democracy is the election process. Free and fair elections are held at regular intervals for the election of representative at all levels of government.
- ❖ **Citizen participation:** Citizens of a democracy not only have the rights to vote but also responsibility to participate. Informed participation is key in a democracy. when the people elect their representatives, they are ensuring the preservation of the democratic process engaged citizenship is essential in a healthy democracy.
- ❖ **Cooperation and compromise:** Democracy is also a value cooperation and compromise to protect individual rights. To adequately safeguard diversity and accurately represent all communities, s democracy must protect the right to be different.
- ❖ **Transparency and Accountability;** Democracy is a form of government in which people’s participation is of primary importance. People may participate either directly or indirectly. It is a form of government in which people have equal opportunity and this type of government is based on individual merit and no place of hereditary privilege is to be found in democracy. Distribution of opportunities is adopted for reduction or removal of inequalities. Democracy recognize that all the sections of the community will receive their due shares.

### CHARACTERISTICS OF DEMOCRACY

Democracy is more than just a set of specific government institutions; it rests upon a well - understood group of values, attitudes, and practices - all of which may take different forms and expressions among cultures and societies around the world. Democracies rest upon fundamental principles, not uniform practices.

- ❖ Democracy is government in which power and civic responsibility are exercised by all adult citizens, directly, or through their freely elected representatives.
- ❖ Democracy rests upon the principles of majority rule and individual rights. Democracies guard against all-powerful central governments and decentralize government to regional and local levels, understanding that all levels of government must be as accessible and responsive to the people as possible.
- ❖ Democracies understand that one of their prime functions is to protect such basic human rights as freedom of speech and religion; the right to equal protection under law; and the opportunity to organize and participate fully in the political, economic, and cultural life of society.
- ❖ Democracies conduct regular free and fair elections open to citizens of voting age.
- ❖ Citizens in a democracy have not only rights, but also the responsibility to participate in the political system that, in turn, protects their rights and freedoms.
- ❖ Democratic societies are committed to the values of tolerance, cooperation, and compromise. In the words of Mahatma Gandhi, Intolerance is itself a form of violence and an obstacle to the growth of a true democratic spirit.

### **TYPES OF DEMOCRACY**

The democratic form of government is an institutional configuration that allows for popular participation through the electoral process. According to political scientist Robert Dahl, the democratic ideal is based on two principles: political participation and political contestation. Political participation requires that all the people who are eligible to vote can vote. Elections must be **free**, **fair**, and **competitive**. Once the votes have been cast and the winner announced, power must be peacefully transferred from one individual to another. These criteria are to be replicated on a local, state, and national level. The broadest differentiation that scholars make between democracies is based on the nature of representative government. There are two categories: direct democracy and representative democracy. We can identify examples of both in the world today.

❖ **Direct democracy:** A direct democracy is when citizens get to vote for a policy directly, without any intermediate representatives or houses of parliament. If the government has to pass a certain law or policy, it goes to the people. They vote on the issue and decide the fate of their own countries. The people can even bring up issues themselves, as long as they have a sustained consequence on the issue. Even taxes cannot be raised without the public support. Direct democracy places all power in the hands of the individual. When political decisions must be made, all members of a polity gather together and individuals cast a vote. In theory, this sounds like the ideal form of government. There are no intermediaries. Each person is treated as an equal, and each person is given a chance to directly influence the policymaking process. In practice, however, this system is hard to implement. Historically, small political communities tend to use direct democracy. In small towns or indigenous communities where everyone knows one another and the issues under debate directly affect them, such an arrangement is ideal. However, once there is an expansion in the size of the electorate and the scope of policy areas, direct democracy can become unwieldy. In America today, thousands of laws are implemented and repealed on a daily basis. Applying a direct democracy framework in this type of political environment would be quite difficult.

### **DEVICES OF THE DIRECT DEMOCRACY**

The chief direct democratic devices are:

1. Initiative
2. Referendum
3. Recall

The devices are followed by Switzerland, which practices direct democracy. They are followed in some other countries also. However, they have not been successful.

**1. Initiative:** Initiative is a method, which enables the voters to bring to the notice of the government of the need to bring in legislation in any subjects on which the government has not enacted a law. There are certain procedures prescribed and minimum requirement to be fulfilled for initiative. One of the important conditions is that a minimum of 50,000 votes should submit a bill asking the government to enact a law of the choice of the voters. Government may or may not accept, because this proposal of the people should have the support of the majority of the voters of the nation.

**2. Referendum:** Referendum is a procedure according to which laws enacted by the national parliament are referred to acceptance of the electors. Electors may accept or reject the enactment. If the electors accepted the enactment it will become a law. Referendum is of two kinds. One is compulsory referendum and the second is optional referendum. For this also there are certain procedures to be followed.

**3. Recall:** In democracies voters elect their representatives in the elections to various bodies such as legislatures, local self-government, councils and a few governing agencies. Once elected these representatives hold offices for the entire duration of the life of the body concerned. Representatives sometimes do not perform their duties and discharge their responsibilities. If the electors are not happy with their representative they cannot compel them to do the same. They have to wait till the next elections to remove such members from office. Therefore, a demand has arisen for removing such representatives and electing new faces in their place. This method of removing the representatives before the completion of their terms and electing new persons is called the method of 'Recall'. This is practiced in some countries like Switzerland and the United States of America.

❖ **Representative Democracy;** Representative democracy is when people choose to vote for who will represent them in parliament. This is the most common form of representative democracy. One of the classic examples of such a flawed model of democracy is the Republic of Singapore. As political communities change and evolve, so does our understanding of how democracy should be implemented. The second major type of democracy is referred to as representative democracy. This political arrangement establishes an intermediary political actor between the individual and the policy outputs of the state. Through the electoral process, one person or a group of people are elected and assigned with the task of making decisions on behalf of the group of citizens that they represent. In the United States, we have multiple intermediaries. Each state has two representatives in the upper house, or Senate. In the lower house, or House of Representatives, the number of intermediaries appointed is based on the population size of each state. It is important to note that while the power of the individual is diminished slightly, political representatives are still beholden to the group that they represent, also known as their "constituency". In the United States, members of both the House of Representatives and Senate face regular elections, during which the public evaluates their performance. If citizens are pleased, they will re-elect their representative. This

repetitive process creates a relationship of accountability between voters and those they put into power. Electoral defeat serves as a deterrent to a politician's temptation to veer from the preferences of his or her constituency.

### **SYSTEMS OF DEMOCRACY**

We can divide the broad category of "**types**" of democracy into "**systems**" of democracy. There are two subcomponents of the representative type: the **parliamentary system** and the **presidential system**. One "system," mixed regimes, is a subcomponent of the direct type. The factors that distinguish one system from another are electoral procedure, the distribution of power between the executive and the parliament, and the role of political parties. All systems have fully functioning legislatures that specialize in the following tasks: managing the budget, helping to form public opinion, representing the public at large, and controlling the government.

#### **❖ *The Parliamentary System***

There are more parliamentary systems in the world than presidential democracies. As the name suggests, parliamentary systems are distinct because of the power that they place in the hands of the legislative branch. Examples of this type of system are Germany and the United Kingdom. This institutional configuration involves voters selecting parliamentary representatives. The party that wins the largest number of congressional seats then selects the head of government also known as the Prime Minister, Chancellor, **or** Premier. One characteristic that is specific to this system of government is the **split executive**. The split executive consists of the head of government and the head of state. As a member of parliament, the head of government controls the legislative process and sets the policymaking agenda. Conversely, the head of state serves as the ceremonial representative of the country. For example, in the United Kingdom, Theresa May is the head of government. May collaborates with her party on domestic policy, works with opposition parties and negotiates with executives of other countries concerning issues of foreign affairs.

#### **❖ *Mixed system***



Some states practice a form of democracy that does not fit into either the presidential or parliamentary prototype but contains elements of both. In this system the executive exercise a broad range of powers just as in the parliamentary system he or she can be removed from office.

### **CONDITIONS FOR SUCCESS OF DEMOCRACY**

- ❖ **Education:** The greatest defect in the working of democracy lies in the fact that the masses in whom the power is vested are mostly uneducated, in the third world countries. They do not properly comprehend the political problems of their country and the value of their votes. Lack of consciousness is dangerous in a democracy. Without a spirit of reasonableness, democracy is bound to degenerate into mob rule. This defect can be remedied by universal education and wide dissemination of knowledge.
- ❖ **Vigilance:** Alertness of the people is essential condition without which the true idea of democracy cannot be realized. According to Bryce, “indolence and indifference on the part of the citizens are the two enemies of democracy.” Constant vigilance is the price of liberty. In the absence of proper vigilance, democracy is liable to be perverted.
- ❖ **Elaborate System of Local Self Government:** Another defect in the working of democracy lies in the fact that people do not possess a proper knowledge regarding the working of democratic institutions. This defect can be removed by establishing an elaborate system of self-governing institutions like village panchayats, municipalities, district boards, etc.
- ❖ **Civic Sense:** The citizens should possess a high degree of civic sense. They should take a living and healthy interest in the public life of their country. They should also possess a high standard of honest and moral rectitude. Power may be misused for ignoble purposes in the absence of these virtues.
- ❖ **Spirit of Toleration:** Democracy is a government by debate and discussion. A keen spirit of toleration is essential for constructive criticism and healthy discussion. Moreover, democratic government implies a government by the majority. The majority should be sympathetic towards the minorities and the minorities should be willing to submit to the decisions of the majority.
- ❖ **Freedom of Speech, Association and Press:** Individual liberty is the core of democracy. These freedoms allow a free scope for the proper expansion of human personality. Absence of individual liberty dwarf’s human personality and consequently affects democracy adversely.

- ❖ **A Written Constitution:** Some writers believe that a written constitution is also essential for a success of democracy. A written constitution helps in the safeguarding of individual liberty and keeping the different organs of government within the respective spheres of their authority.
- ❖ Sir Henry Maine says, with a wise constitution, the turbulence of democracy may be restrained and made as calm as in a reservoir”.
- ❖ **Removal of Gross Inequalities of Wealth:** Extremes of wealth and poverty impede the success of democracy to a very great extent. According to many scholars, political equality is impossible in the absence of economic equality. In the opinion of Karl Marx, state is not a neutral agency.

### **MERITS OF DEMOCRACY**

- ❖ The participation of the individual members in the government facilitates to enlist their sympathy and co - operation to the success of the government.
- ❖ It is an effective form to educate the public about political, economic and social affairs.
- ❖ It is helpful to promote patriotism among the people and prevents occurrence of violent revolutions.
- ❖ It helps to make progress and development and enables changes to take place in a peaceful manner.
- ❖ It ensures to the people freedom of speech, conscience, assembly and action.
- ❖ It guarantees liberty and equality, which are necessary for human development.

### **DEMERITS OF DEMOCRACY**

- ❖ It sometimes leads to establish the majority view over the minority view.
- ❖ Party leaders and political office holders in government control the citizens and the members of the party.
- ❖ It does not encourage individuals to give their opinions.
- ❖ It is a very expensive form of government because elections have to be conducted periodically to various office.
- ❖ It is difficult to prevent corruption and malpractices.

- ❖ It is also known as government by amateurs and lead to domination of masses.

### **CONCLUDING REMARKS**

In spite of its many pitfalls and weaknesses, democratization is one of the major political forces in the world today. Like many aspects of contemporary societies, the realm of government and politics is undergoing major changes. In many parts of the world, pro-democracy movements have been successful in toppling authoritarian regimes. In the former Soviet Union and Eastern Europe, communism was overthrown by such movements. But democracy is still not a reality of China, though a movement in favour of democracy was launched as early as in 1989 and a demonstration was held in Tiananmen Square in Beijing. Democratic forms of government have also been established in recent years in much of Latin America and some countries in Africa and Asia such as Afghanistan, Iraq and some Arab countries. In comparison to other regime types, democracies provide the most checks on the authority of government while providing the most protection of the civil rights and liberties of individuals. There is no "perfect" democracy. All democracies have their strong and weak points. What is important is that there is complementarity between democratic structures and the characteristics, needs, and priorities of the state in which democracy operates. When such complementarity does not exist, the democratic principles of tolerance and negotiation allow for the possibility of reform.

### **DICTATORSHIP**

#### **Synopsis**

- *Introduction and Meaning:*
- *Features of Dictatorship*
- *Advantages of Dictatorship*
- *Disadvantages of Dictatorship*

#### **INTRODUCTION AND MEANING:**

Dictatorship or Totalitarianism is a situation where a single person or political party rules the entire country. It does not involve any electoral process for the appointment. The person dominates all the subjects of the country or state which he's ruling. It has fewer advantages than disadvantages. A **dictatorship** is a form of government characterized by a single leader or group of leaders and little or no toleration for political pluralism or independent media. According to other definitions, democracies are a form of government in which "those who govern are selected through contested elections"; therefore, dictatorships are "not democracies". With the advent of the 19th and 20th centuries, dictatorships and constitutional democracies emerged as the world's two major forms of government, gradually eliminating monarchies, one of the traditional widespread forms of government of the time. Typically, in a dictatorial regime, the leader of the country is identified with the title of dictator; although, their formal title may more closely resemble something similar to *leader*. A common aspect that characterized dictatorship is taking advantage of their strong personality, usually by suppressing freedom of thought and speech of the masses, in order to maintain complete political and social supremacy and stability. Dictatorships and totalitarian societies generally employ political propaganda to decrease the influence of proponents of alternative governing systems.

***Well known dictators of the world;*** Adolf Hitler, Antonio López de Santa Anna, Benito Mussolini, Ferdinand Marcos, Joseph Stalin, Juan Manuel de Rosas, Mobutu Sese Seko, Colonel Mengistu Haile Mariam and Isaias Afwerki of Eritrea. Idi Amin of Uganda, Etc.

### **FEATURES OF DICTATORSHIP**

1. **One Party, One Leader and One Programme:** In dictatorship only ***one party*** is allowed to exist and it is the dictator's own party. Other political parties, associations and organizations are not allowed to function. These are banned. All opposition to the dictator is ruthlessly suppressed. Hitler used to say, "Swastika or gallows". ***One Leader:*** Under dictatorship, leadership is given to a single man. Full faith is to be concentrated in the leader. The leader is supposed to represent national unity. He is considered to be a symbol of national prestige. He is the final authority in every matter and his word is supreme. ***One Programme:*** The whole country is supposed to have one political programme and it is the programme of dictator's own party.

2. **Absence of Individual Liberty:** The individual does not enjoy any liberty or rights under dictatorship. Maximum obedience to the laws is equated to the maximum liberty. People are not allowed any liberty of speech, association and press. All agencies of education and propaganda such as schools, colleges, radio, papers and films are controlled by the state. In the words of Mussolini "people do not want liberty but they want law and order." No criticism against the dictator is tolerated. People are supposed to believe and obey. Democratic slogans of liberty, equality and fraternity are replaced by slogans like duty, discipline and sacrifice. Mussolini asserted, "Liberty is a dead carcass, I kick it."
3. **National Glorification:** Dictators glorify their nations to an illogical extreme. A mad sense of patriotism is inculcated in the minds of the people. They are made intensely nationalistic. The state is regarded as the march of God on earth. The state is considered to be the end and the individual a means to that end. People are supposed to sacrifice their lives on the altar of state.
4. **Glorification of War:** Dictators glorify war. War is considered to be essential for the normal health of body-politic. The state is all powerful and it must enhance its prestige. The dictators adopt a war-like policy and glorify brute force as the means for achieving national greatness. In the opinion of Hitler, "In eternal warfare, mankind has become great; in eternal peace it will be ruined." To quote Mussolini, "War is to the man what maternity is to the woman."
5. **Totalitarian State:** Dictatorship is a totalitarian state which controls each and every aspect of human personality, and takes into its fold all human activities in the social, economic, political, educational, religious and cultural spheres. No margin for individual liberty is left behind. "Nothing against the state, everything for the state, nothing outside the state" is the basic principle of dictatorship.
6. **Racialism:** Dictators preach racialism. The Germans under Hitler regarded themselves to be superior to the people living in the rest of the world. They claimed that they belonged to the ancient Aryan stock. As such they regarded themselves to be superior to others. Similarly, the Italians claimed that they belonged to the race of the ancient Roman conqueror and that they had a divine mission to conquer the world.

#### **ADVANTAGES OF DICTATORSHIP**

- **Low crime rates:** In a dictatorship, usually, there are very strict rules and punishment for even a small crime or violation of the law. Such strict punishments arise threat among people. Thus, there are lower crimes as compared to the countries which do not have a dictator form of government.
- **Rapid progression;** The dictators have access and control over everything right from the economy to the laws and the people. Hence, they do not have to worry about this field. They set their goals in which they have to progress and develop. The absence of other concerns helps them to achieve their goal easily.
- **Efficient administration;** They set the rules and regulations which they think are suitable. No one amongst the citizens dares to object them. Because there is no consultation or debates taking place over any issue, hence quick actions can be taken. This makes a dictator country always stay ahead of rival nations.
- **We get a stable government.**
- **There's less space for corruption amongst citizens.**
- **They prove very crucial during the times of emergency.** Because there's only one person taking the decision so there's no last moment ambiguity in opinions. However, in case something goes wrong the person responsible is only blamed.

### **DISADVANTAGES OF DICTATORSHIP**

- It leads to abuse of power. The dictator misuses his power at the expense of the citizens.
- Dictators always oppress and suppress the people. Or even promote their own favourites' and interests. This causes inequality but no one really objects because it would mean putting oneself in danger at the hands of the ruling government.
- Mass killings. Large numbers of innocent people are killed. Because the people might get frustrated with the policies of the government and this makes the dictator consider the person as enemies of the government.
- The population is never happy with such a government. So, it's possible that at some point the masses will protest and agitate against the policies of unity and try to overthrow the government.
- This dictatorship is not permanent and never sustains for long. It somehow leads to war. At present North Korea is the biggest example of power dictatorship and the country is so

advanced with all its technologies and nuclear weapons that despite this being the 21<sup>st</sup> century even if multiple countries join hands and come along to wage war against it then they will suffer a greater loss and does not even ensures their victory.

## **TOTALITARIANISM**

### **Synopsis**

- *Introduction*
- *Background of The Theory*
- *Features of The Theory*
- *Criticism*

## **TOTALITARIANISM**

*“The state of which it conceives, resting on the free consent and co-operation of the moral will of every citizen, may be laid up in heaven, but it is not established on earth.” - Barker*

### **INTRODUCTION**

The ‘totalitarianism’, ‘idealists’, or ‘absolutist’ theory of the state is the oldest theory relating of the state activity. It purports to say that the state, being a moral entity, is the creator and guarantor of the true personality of the individual. Therefore, it possesses an absolute power to command and control the conduct of the individual in its totality. Conversely, the individual can elevate himself to the higher levels of morality only if he submerges himself in the state and quietly submits to its unbounded authority. This theory which, thus, puts the state on a high pedestal of unquestioned supremacy, does not admit of any restraint or limit on its authority, nor does it accept the principle of people’s participation in managing the public affairs of society. In

sum, the state is omnipotent and there is hardly any aspect of the life of either the individual or of society over which its decree may not run. It is both totalitarian and authoritarian in character.

## **BACKGROUND OF THE THEORY**

This theory traces its beginning to the classical political theory of the ancient Greeks, more specifically to the writings of Plato and Aristotle. The Greeks did not make any distinction between the state and society. Aristotle, for instance, once remarked that ‘man is a political animal’. In fact, what he was saying was that man is a *social* animal. That is why he further said that one ‘who does not live society is either a beast or a good.’ Not conscious of the distinction between the state and society, the Greeks expected the state to perform even those functions which are today entrusted to the care of society. The lack of distinction between the state and society apart, they regarded the state as a natural institution, one that has gradually emerged into existence because of the gregarious instinct of man. Marking the culmination of the process of institution-building (the earlier two being the family and the village), the state alone provides all those facilities as are required for the full development of human personality. The state must, therefore, exercise full control over the individual. Moreover, the Greeks considered the state as a moral entity. Therefore, it maddingly, becomes incumbent on the state to act as the custodian of the total interests of its citizens and help them in every possible way to morally uplift them. It was in this context that Plato suggested that the command of the state should be entrusted to the care of the philosopher-kings who should rule it in an absolute way. Thus, the great classical traditions were the precursors of the totalitarian theory.

In the modern period, this theory assumed its typical form in the writings of a German political philosopher, Hegel (1779-1831). Then, it was elaborated by a group of three eminent British professors – Thomas Hill Green (1836-82), F. H. Bradley (1846-1924) and B. Bosanquet (1848-1923). Later on, this theory emerged into prominence in the form of Fascism and Nazism. The former was enunciated and put into operation by Mussolini in Italy, and the latter by Hitler, in Germany in the second quarter of the twentieth century. Today, totalitarianism has become a creed with almost half of the world. Most of the third world countries had ambitiously set on the path of democracy and constitutionalism, but when the democratic system failed to deliver the goods (for various reasons), they switched over to totalitarian and authoritarian systems. Socialists/Communists have also been under the command of the totalitarian regimes – the only consolation being that the type of totalitarian regimes that they have, bear the semblance of



proletarianism. They describe themselves as ‘the dictatorships of the proletariat. ‘Thus, the absolutist theory commands a good deal of following right till this day.

### **FEATURES OF THE THEORY**

- **The state, a moral entity.** With a view to making the state omnipotent, the totalitarian philosophers try to approach the whole question political activity from a metaphysical angle. To them, the state is not a political machine which might have been contrived to secure the welfare of the people. On the contrary, they regard it as an organism, a natural entity, with a highly laudable objective to achieve. Hegel, for instance, holds the view that the whole universe is a coherent whole and at its back lies (what he variously describes) the ‘Spirit’ the ‘Reason’, the ‘Idea’, or the ‘Divine Mind’. It is in the nature of this Spirit that it must know all things. In this quest, it has passed through a number of phases. The establishment of the state marks the culmination of this process of the development of the Spirit. Thus, the state is the best embodiment of the Spirit. ‘It is a march of God on earth.’ Green, too, regards the state as an expression of the Spirit.
- **It is an embodiment of the general will.** Philosophers like Bosanquet (and much earlier than him, Rousseau) consider the state as an embodiment, not of the Spirit, but of the General Will. Bosanquet’s thesis was that every individual’s will is composed of two parts – the ‘actual’ will and the ‘real’ will. The ‘actual’ will represents that part of the will of the individual which is irrational in nature. While the ‘real’ will represents the rational aspect of his personality. The former tends to keep the individual away from other individuals, whereas the latter induces him to co-operate with others. When the real wills of all individuals combine together and get merged into one another, the General Will of the state emerges. Thus, the General Will is the transmuted whole of the real wills of all individuals. In other words, the state being the embodiment of this will, the state represents ‘the common substance of the minds of all citizens.
- **The state has own personality.** Conceived as such, the state, like an individual, has a distinct personality of its own. Hegel describe it as actualizing individual.’ Bosanquet describes it as an ethical idea, rather the ethical idea, which merged and transcended the minds of all persons. Thus, having an independent entity of its own, the state possesses definite characteristics and makes itself felt through (as Hegel puts it) ‘a particular religious form of worship, customs and

constitution, political laws – in the whole complex of its institutions – in the event of transactions that make up its history.

- **The state is an end.** Since the state has its own distinct personality, it is an end in itself. The individuals who compose it can be likened to various parts of a human body, which derive their sustenance from the whole and continuously work for the well-being of the whole. They are a means to the attainment of the welfare of the state, as well as its beneficiaries.

The state also possesses a morality and rights of its own. They override the ‘so-called’ rights of the individual – so called in the sense that individuals can have no real rights. Whatever they have, they get them only from the state. It is the state which decides what rights its citizens are to have and what duties they are to perform.

- **The state has a moral purpose to achieve.** The state has a positive role to play in the life of the individual as well as in his other institutions. The role that the idealist thinkers assign to it is not an ordinary one. It is in fact a noble one, highly spiritual in character. An ordinary individual is prone to be led away by the outward appearances of the things which are deceptive in character. What matters is the real will of the individual which lies dormant in every person and which alone can truly guide his activities and can make him conscious of his true end. The state is the only institution which helps the individual raise his outward self to the level of his inward self, which activities the spirit in him and which divert him from falsehood to truth, and from deception to reality. Thus, the state, in the eyes of the idealists has a higher moral purpose to achieve for its citizens.
- **The state is the source of freedom.** Hegel opines that it is only in the state that man achieves his real freedom. To explain his logic; the Spirit, according to him, is free. It can move anywhere it likes. The matter, on the other hand, is not free because it is subject to the laws of gravity. The march of the Spirit, therefore, symbolizes the development of freedom. Since the emergence of the state marks the culmination of the process of the development of the Spirit, it is in the state alone that freedom finds the best and the truest expression. ‘Therefore, the perfect state’, as Wayper very aptly puts it, ‘is the truly free state, and the citizen who gives perfect willing obedience to the perfect laws of the perfect state has perfect freedom.’ Speaking almost in the same vein, Bradley, too, says that what an individual is, it is all due to the state. Without it, he is a mere abstraction.

• **Man must willingly obey.** If the state is a moral entity and it has a moral purpose to achieve, then it is very much in the order of things that man must voluntarily submit himself to the state and willingly obey its laws, since it is in his interest to do so. Bosanquet goes to the extent of remarking that even the punishment that it awards to the people, is morally just and therefore, it should be welcomed. When a person is given some punishment, 'his consciousness of the meaning of the whole system is awakened' and he becomes morally high. Thus, punishment too has a moral purpose and must therefore be willingly accepted by each one.

- **Hegel's view.** Hegel puts across his viewpoint regarding the supremacy of the state in a somewhat different manner. He says that the Spirit, which is enshrined in the state, also dwells in the mind of man, though in a dormant way. This sleeping Spirit continuously impels him, like a school master, to willingly obey – the state and its laws, and thereby identify himself with the highest embodiment of the Spirit. Conversely, the state gives him an opportunity to find freedom for himself. Thus to Hegel 'the idea of freedom outside the state and society', remarks V.R.Mehta, 'is inconceivable. There cannot be any idea of liberty without a system of obedience in which we occupy a definite status.
- **Bradley's view.** Bradley hammers this point in a different manner. He says that, since the state is a moral organization and is informed by a common purpose, it co-ordinates the activities of various institutions on the one hand, and assigns duties to the individuals, on the other. Man must therefore perform his allotted duty (station) and therein lies his welfare, as well as the welfare of the community at large.
- **Fascist view.** The Fascists also upheld the view of the omnipotence of the state. 'The citizens gain his true personality and freedom not by safeguarding some private interest or by giving expression to some individual capacity but only by losing or merging himself in larger unities – his family, his church and finally, the state. Fascism forces the individual to develop his personality in behalf of the nation, and restrains him from acting, even in 'self-realization', in opposition to the state.' *Gentile* once remarked. 'Thus, always the maximum of liberty coincides with the maximum of state force.'
- **Green's view.** Thus, the totalitarian theorists seek to vest so much of power and authority in the state that the individual is completely submerged in it. He does not have any entity or personality of his own. Whatever he is, he is because of the state. Green (another staunch proponent of the idealist theory) does not however wholly subscribe to this view. While he agrees with Hegel that the state is an embodiment of the Spirit, he

holds the view that man has a free moral will which makes him conscious of himself. This free moral will does not want to be shackled in any way. It demands an unhindered freedom to enjoy those things which are worth-enjoying. Green, therefore, suggests (to quote Ernest Barker) that ‘the one thing the state must not do is to check its self-determination; the one thing the state must do is to liberate its energies by removing obstacles to their action.’ It is in the context of this liberty for the individual that he comments that ‘Will, not force, is the basis of the state.’

But where Green demands that the state should leave the individual to himself so that his free moral will may have a free play, at the same time, he concedes to it the power to use force against those who obstruct its functioning. To explain his viewpoint, he refers to the right to contract. He says that although it is the primary duty of the state to uphold the sanctity of contracts, yet those contracts wherein one of the parties is too weak to freely express its terms, cannot be allowed to be negotiated nor maintained. For, such contracts ‘become an instrument of disguised oppression.’

- **The state is above law.** The totalitarian theorists further maintain that the state gives command to everyone, but it itself is under no law or morality. Whatever law or morality exists in society, it is the creation of the state. This alone binds the conduct of man. On his part, man must quietly submit himself to that law and morality. He cannot challenge it. For, to go against it, is to go against his own higher self. Thus, whatever the state does is always right – irrespective of the cost involved in it.
- **The state’s authority in war.** The highest watermark of state absolutism is reached only in war when it commands every one of its citizens to go to the war-front and make a supreme sacrifice of their lives for the sake of their motherland. At that time, none can refuse or question the wisdom of war. This is the reason why Hegel remarks that ‘it is war, not peace, which the health of the state.’

### CRITICISM

Perhaps no other theory has attracted such wide and bitter criticism as the totalitarian theory. At the same time, it has also created a profound impact on the world history. Had there been no Hitler or Mussolini (not to speak of other despots), the shape of the world would have definitely been quite different today. Both these despotic rulers and numerous others derived their initial

impulse and inspiration from this theory. The long trail of woes and sufferings that they let loose on their people, further lent support and strength to the argument of the critics of this theory. The reaction against its teaching and practice of its followers was so pervasive and violent that there grew up a school of thought, called 'anarchism', which would not compromise with anything short of the total abolition of the very institution of the state. Thus, individualism, as Joad rightly remarks, 'is unsound in theory, untrue to fact and liable to extend a dangerous sanction to the more unscrupulous actions of existing states in the sphere of foreign policy. We discuss below some of the important points of criticism against this theory.

- **Provided a handle to the dictators.** In the first place, it may be pointed out that the theoretical argument of the totalitarian philosophers that the state is the embodiment of the Divine Spirit or that it symbolizes the real will of all its citizens as aggregated and transmuted in (what they describe) the general will, ultimately degenerates on the practical plane, into the will of the ruler. History bears testimony to the fact that the ambitious rulers, fired with a despotic spirit, have taken support of this theoretical argument in making their sole will override the wills of all their subjects. They have further sought to elevate their personal morality to the level of the morality of the state, thereby making it the highest standard to judge the actions of the people. It has also been observed that, in the name of this morality, innumerable innocent persons have been (to use a Marxian phrase) 'purged' from society. The critics are not, therefore, far wrong in maintaining that the idealist thinkers had some heavenly state in mind while developing this theory. Voicing this point of view, *Barker* remarks, 'The state of which it conceives, resting on the free consent and co-operation of the moral will of every citizen, may be laid up in heaven, but it is not established on earth.'

- **The state not an end.** The second argument advanced against this theory is that it considers the state as an end and the individual a means. This thesis creates many a doubt in the minds of the critics. To maintain that the state is an end is to beg the question. What is the state? Whose end is to be attained? Narrowly conceived, the state symbolises either the people who constitute it, or the ruler who commands it. Since people are to serve as a means, obviously it is the ends of the ruler which are to be served. If that is so, then this theory does not recognize the individual's right to independent existence. The state is, after all, a collective institution of the people. It exists only for the people and is committed to their welfare. Conversely, if it fails to effectively serve them, it forfeits its right to existence. Therefore, the fact is that the individual

is the end, whereas the state is a means to the end. The logic on which the totalitarian theory rests does not fit into the framework of the modern age, the dominant theme of which is the welfare of the individual and not that of the ruler. This theory may thus be dubbed as reactionary.

In continuation of this point, a reference may also be made to Hegel's thesis that an individual gets his true freedom only in the state and by quietly obeying its laws. *Green* very aptly explodes this thesis by saying : 'To an Athenian slave, who might be used to gratify a master's lust, it would have been a mockery to speak of the state as realization of freedom, and perhaps it would not be much less to speak of it as such to an untaught and underfed denizen of a London yard with gin shops on the right hand and on the left,,,,, Hegel's account of freedom as realized in the state does not seem to correspond to the facts of society as it is, or even as, under the pursue his life. Those 'absolutely essential' functions, in the unalterable conditions of human nature, it ever could be.'

- **Ignores the existence of social groups.** The third major flaw in the theory is that it does not recognize any distinction between the state and society. Most of the totalitarian thinkers hold the view that in between the individual and the state, there does not exist anything else and that the state and society are one and the same thing. The result of this mistaken view is that they shut their eyes against that multitude of associations and organizations which the individual has set up to take care of his numerous needs and interests. Had the totalitarian thinkers recognize their existence and utility, they might not have assigned the whole power of society to the state alone. For, the general tendency on the part of the individual is that he attaches greater importance to these associations than to the state. This is probably for the reason that they serve those interests of his which are dearer to him, whereas the state is that institution with which he does not have much of a direct contact. Thus, the totalitarian theory is not in accord with the facts of social life.

- **Ignores human needs.** Finally, the critics find fault with this theory on the ground that it attaches too much importance to such abstract things as ideas and morality, while it totally ignores such matter-of-fact things as one's joys and sorrows, comforts and welfare. On this basis, William James describes it as 'a rationalistic philosophy that may indeed call itself religious, but that keeps out of all definite touch with concrete facts and joys and sorrows.'

In the end, it may be remarked that even though this theory had some relevance to the situation in which it took birth, it is completely out of tune with the modern times and that is why it is no longer looked upon with respect.

## **FASCISM AND NAZISM**

### **Synopsis**

- *Introduction*
- *Statement of Fascism*
- *Criticism on Fascism*
- *Fascism and Communism*
- *Nazism*
- *The Reasons for The Rise of Nazism*
- *Theory of Hitler Of Nazism*
- *Criticism on Nazism*

### ➤ **FASCISM AND NAZISM**

***“We want to be definite and real. We want to come out of the cloud of discussion and theory. My programme is action and not talk.”- Mussolini***

### **INTRODUCTION**

The philosophy of Fascism which is a 20th century phenomenon came to the front after the close of First World War. It found its practical expression in Germany, Austria, Spain and Italy. The philosophy preaches the dictatorship of the leader and stands to check proletariat revolution. It has been said that it is rule of finance bourgeoisie with power a violence. As soon as the capitalists find national economy slippery with the possibility of its dipping in the hands of the working classes the finance bourgeoisie comes to the front. It dispenses with democratic institutions and with the use of authority captures power. It came to front in Italy under Mussolini who took full advantage of the miserably poor economic conditions of the masses and their utter frustration with the then existing political institutions. According to *Gettell*, “The Fascists attacked the liberal and democratic theories of the 19th century with their emphasis on equality an individualism and their belief that the purpose of state is to promote the welfare of its individual members.” The term Fascism has been derived from Italian word *Fascio* which means a bundle of wood. In ancient times the national symbol of Roman empire was a bundle of wood and an axe. The bundle of the wood was the symbol of unity and axe was the symbol of strength. Therefore, in order to exhibit national unity, Mussolini used the word ‘*Fascio*’.

### **STATEMENT OF FASCISM**

Fascism has no philosophy of its own because chief exponent of the theory, Mussolini used to say that he did not believe in theory but only in practice and action. He used to say that “We have no theory; we want to come out of cloud of discussion and theory. My programme is action and not talk”. According to Coker, Fascism is empirical. They form their theory after action has already taken place, thus theory follows action. Though according to Sabine, this theory is quite vague yet in practice it is not so. We cannot deny that Fascist political philosophy has definite come to stay and in fact it has correctly been said that refutation of democracy, liberalism and socialism are the novelties of the philosophy. The Fascists in a nutshell believe in the concept of ‘*one nation, one state, one party and one leader*’.

❖ **Fascist State.** According to Fascists, state was something above the collection of individuals. According to *Gettell*, “It has a life and unity of its own; its existence and ends were more important than those of its individual members, and in case of conflict interest of individuals must be subordinated to those of the state.” It is believed by them that the state represents the mind of the society and it is a spiritual creation. It guarantees internal and external safety of the country. Individual has no importance without state. They believe that state is not means



to an end but an end in itself. The individuals are the means which the state should use throughout its existence for achieving highest ends.

- ❖ **Concept of Individual Liberty.** According to *Mussolini*, “Liberty is dead carcass” and as such the individuals should not have any liberty at all. The state is supreme and as such the individuals have no liberty in strict sense of the term. Individual’s liberty lies in obedience of the orders of the state. As *Gettell* has pointed out “It was the duty of the citizen to subordinate his interests to those of the state and the right of the state, if necessary, to compel him to do so.”
- ❖ **Economic Structure.** Since the Fascists raised the state to the highest pedestal and wanted that the people should worship it, they wanted that all economic activities should be controlled by the state. They also wanted to abolish monopolies and instead desired to establish corporate bodies. They believed that there should be no aspect of economy in which punch of state control is not felt. They accordingly favour maximum production and wish to put legal ban on all strikes and lock-outs. They plead for the abolition of class distinction and in actual practice they abolished trade unions and reduced wages of workers. They wished to bring to prominence the finance bourgeoisie. According to them since demand for rights and higher wages by the workers leads to deadlocks and strikes, these should be denied to them so as to boost production. The people were denied some of the basic democratic rights, namely the freedom of speech and action.
- ❖ **Rule of Elite.** According to Fascists, the conceptions like ‘constitution’ and ‘Rule of Law’ were all vague. They, therefore, did not encourage the formation of political parties nor did they agree that nation’s will is expressed through these parties. They instead believed in the rule of a few and that the authority should be to base on the principle of hierarchy. *Mussolini* believed in the doctrine. “My command, my guidance and my sense of balance and judgement.” They believed in an oligarchy on fascist lines.
- ❖ **Distrust in Democratic Institutions.** They did not favour democratic institutions and conception of popular sovereignty. They believed that it was the state and not the people in whom the sovereignty was vested. Democracy in its real sense was impracticable and that the best interests of individuals could be protected in the state alone. It was the duty of the citizens not to clamour for democratic institutions but only to obey the commands of the state. The individuals had neither time nor knowledge to understand complex state problems and thus could not to real participants in democratic institutions. According to *Gettell*, “They

believed that Government should be in the hands of a few strong and able men, wisely selected and that the masses, misled by schemers and demagogues are not competent to choose wisely. Hence they opposed parliamentary Government based on a wide electorate.”

- ❖ **Violence.** The Fascists believed that it was not at all possible to use peaceful means for bringing about any change in the real sense of the term. They, therefore, believed that violent means should be used. They glorified war and pleaded that it was health of the nation. It was holy action and was moral and justified on all grounds and was also unavoidable. According to *Mussolini*, “When violence is inspired by loftily nationalistic motives, it is to be regarded as normal, moral and useful.”
- ❖ **Inequality of Human Beings.** The Fascists did not believe in the equality of human beings but on the contrary believed that the conception of human equality was really absurd. The rulers and leaders have definitely better talents than the masses and the ruled. It was wrong to believe that all had equal development of mind. It was development of mind and natural gifts which made them unequal.
- ❖ **Ideas about Race and National Superiority.** Fascists fundamentally and basically believed in the national and racial superiority. They wished to establish superiority to the extent that for them all other races were poor in cultural heritage and parentage. Their culture and race had the proudest place and that all other cultures should be merged in it. Their nation was the only race which was fit to rule while all other nations should be ruled. They wished to psychologically capture and masses the wage war in the name of superiority of their race and culture.
- ❖ **Concept of One Leader.** In Fascist set-up leader holds a very high and important position. He represents national unity and is considered as the only person to represent the will of the nation. He does not wish that he should be loved but wants to be feared. His personality should be above all doubts and for all purposes he should be worshipped. He is considered to be the only competent person to mould and capture the sentiments of the masses for national welfare. It is believed by them that human weakness politically requires to be tackled on personal rather than institutional basis and the leader is the only person who can tackle them properly.
- ❖ **Ideas about Imperialism.** They believe in their national glory and racial supremacy and as such propagate that all other nations of the world should be brought under their control.

Accordingly, they follow the policy of '*national expansion*'. War is health of nations and therefore they believe in imperialism as it is considered essential for national solidarity.

- ❖ **Anti-Intellectual Doctrine.** According to Fascists it is wrong to believe that there is any absolute truth. If the concept of absolute truth is accepted that will be dangerous for the state. They refuse to assign any place to rational thinking in politics. They also argue that the masses can more easily be captured sentimentally than mentally. It is more useful to appeal to their mind than their brain. Their passions rather than their brains should be mobilised. They also believe that in politics non-racial side can easily be captured than the racial one.

### **CRITICISM**

- i. In practice the theory has denied individual liberty which is the greatest drawback. It cannot be denied that denial of liberty to the individuals will be great set-back to human civilization.
- ii. The philosophy believes in racial supremacy and expansion of territories. It thus perpetuates war and war-like tendencies. Any such tendency is naturally to be reacted unfavourably and responded to by war-like activities of other nations. This is a most undesirable and unwanted tendency.
- iii. It believes in nationalism as against internationalism. If nationalism is adopted in its strict sense it will bring with it its evils. In fact, it is not possible to very strictly follow nationalism because each nation has international obligations and nationalism should be kept in tune with those obligations. No nation can be self-sufficient.
- iv. It is opposed to parliamentary institutions which is not very healthy.
- v. It preaches use of violence brings with its hatred and repulsion which are quite undesirable in any walk of life.
- vi. According to this philosophy man is '*means to an end*' but who can deny today that man is an end itself and every state activity should be so moulded that it takes into consideration the welfare of man.
- vii. It believes in the doctrine of; one *leader*' means rule of the man. This again is unwanted because tyranny of man against man is unwanted.

### **FASCISM AND COMMUNISM**

Both the Fascists and Communists are opposed to the existing democratic institutions, which it is believed, are cult of inefficiency and thus must be scrapped. They believe that as long as democratic institutions exist there can be no possibility of any national progress. Both believe in a type of dictatorship which will exercise all responsible work, but beyond that they differ in execution of their policy and programme, *e.g.*

<b>Communism</b>	<b>Fascism</b>
(i) It believes in the dictatorship of the proletariats (working classes). It is in this dictatorship alone that the interests of both the consumers and the producers will be protected.	It believes in the dictatorship of only one man, <i>i.e.</i> , that of one leader who will guide the nation.
(ii) It wishes to do away with the capitalist classes because it believes that this class promotes exploitation.	Backbone of their economic policy in finance bourgeoisie who will help in getting the nation out of all economic instabilities.
(iii) The communists believe that there will be a transitory period in which there will be rule of the proletariat.	They do not believe that there will be any transitory period.
(iv) It has a definite philosophy which is based on rationalism, is scientific as well as very convincing. They wish that their programme should be in accordance with their theory.	It has no theories. They believe that every theory should follow programme. No theory but solid work is their only aim.
(v) It ultimately wishes to have a state in which the individuals should have opportunities to express their personality. Its ultimate aim thus is to give maximum liberty to the individuals. In other words, it stands for individual liberty.	It denies individual liberty and believes that individual is means to an end and he should not be allowed to enjoy any liberty. In other words, it denies individual liberty.
(vi) It has international outlook of the whole philosophy. The workers have no <i>fatherland</i>	It believes in nationalism and racial supremacy. To it all other nations should be subordinate under them because of their racial

and whole world in their native land. It believes in the philosophy ' <i>workers of the world unite.</i>	supremacy.
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### **NAZISM**

After the First World War (1914-18) the principles preached by Hitler are known as Nazism. There is no need to give details of Nazism, because its principles are identical to those of Fascism.

### **THE REASONS FOR THE RISE OF NAZISM**

Germany faced a defeat in the First World War. Heavy war reparations were imposed on her. Many of her parts were given away to the neighbouring states and the German armed forces were reduced considerably. Many types of restrictions were imposed or their increase or the manufacture of various types of weapons of war. Germany suffered a severe loss in the war and its treasury lay empty. She had no money to give to the allies, i.e., England, France the U.S.A., etc., but the allies wanted to realize the money from Germany by force. Thus, the economic condition of Germany deteriorated considerably.

After World War I, Weimer Constitution of Germany was framed. According to it, democracy was established. This democracy continued till 1919-1933. The democratic government of Germany could not solve the problems which had arisen owing to World War I and the Treaty of Versailles. Hitler took undue advantage of this situation. He preached against communism and democracy and laid emphasis on the obedience to one leader. Hitler's principles and programmes became very popular in Germany. In 1933 he was elected the Chancellor (Prime Minister) of Germany.

### **THEORY OF HITLER OF NAZISM**

Like Mussolini, Hitler condemned communism and democracy and supported his personal dictatorship. He raised the slogan of turning the Jews out of Germany for their seditious activities and for the restoration of the parts of Germany-to-Germany mainland. He laid special emphasis on the renunciation of rights, liberty and equality, and on dutifulness, discipline and sacrifice. He too, wanted to make the state omnipotent and considered it his duty to control and

regulate economic spheres in the national interest. He also supported the view that was inevitable and believed in violent means to achieve his ends. He believed in racialism and imperialism and said that the Germans were connected with the Aryan race and they had the right to rule over the whole world. In order to achieve his purposes, Hitler invaded Austria, Czechoslovakia, Poland, Belgium and France. It resulted in the outbreak of the Second World War. Germany was defeated in 1945 and Hitler committed suicide. In this way, Nazism came to an end in Germany after World War II and once again democracy was established there.

### **CRITICISM**

Though Hitler made efforts to consolidate the unity of his country, to infuse patriotism among the people and to increase the production, yet his imperialist wars and the use of force is condemnable. The propaganda of racialism is also not desirable. His propaganda against democracy and in favour of dictatorship was totally unfair.

### **SECULARISM**

#### **Synopsis**

- ***Introduction***
- ***What Is Secularism?***
- ***Inter-Religious Domination***

- *Concept of Secular State*
- *Western Model of Secularism*
- *Kemal Ataturk's Idea of Secularism*
- *Indian Model of Secularism*
- *Nehru's Idea of Secularism*
- *Criticisms of Indian Secularism*
- *Concluding Remarks*

## **INTRODUCTION:**

When different cultures and communities exist within the same country, how should a democratic state ensure equality for each of them? This is the question that emerged in the previous chapter. In this chapter we will try and see how the concept of secularism may be applied to answer that concern. In India, the idea of secularism is ever present in public debates and discussions, yet there is something very perplexing about the state of secularism in India. On the one hand, almost every politician swears by it. Every political party professes to be secular. On the other hand, all kinds of anxieties and doubts beset secularism in India. Secularism is challenged not only by clerics and religious nationalists but by some politicians, social activists and even academics.

### **What Is Secularism?**

Though Jews faced discrimination for centuries throughout Europe, in the present state of Israel, Arab minorities, both Christian and Muslims, are excluded from social, political and economic benefits available to Jewish citizens. Subtle forms of discrimination also continue to persist against non-Christians in several parts of Europe. The condition of religious minorities in the neighbouring states of Pakistan and Bangladesh has also generated considerable concern. Such examples remind us of the continuing importance of secularism for people and societies in today's world.

#### **❖ Inter-religious Domination**

In our own country, the Constitution declares that every Indian citizen has a right to live with freedom and dignity in any part of the country. Yet in reality, many forms of exclusion and discrimination continue to persist. Consider three most stark examples:

- ❖ More than 2,700 Sikhs were massacred in Delhi and many other parts of the country in 1984. The families of the victims feel that the guilty were not punished.
- ❖ Several thousands of Hindu Kashmiri pandits have been forced to leave their homes in the Kashmir valley; they have not been able to return to their homes for more than two decades.
- ❖ More than 1,000 persons, mostly Muslims, were massacred during the post-Godhra riots in Gujarat in 2002. The surviving members of many of these families could not go back to the villages in which they lived.

What do these examples have in common? They all have to do with discrimination in one form or the other. In each case members of one community are targeted and victimised on account of their religious identity. In other words, basic freedoms of a set of citizens are denied. Some might even say that these incidents are instances of religious persecution and they reflect inter-religious domination. Secularism is first and foremost a doctrine that opposes all such forms of inter-religious domination. This is however only one crucial aspect of the concept of secularism. An equally important dimension of secularism is its opposition to intra-religious domination.

**Intra-religious Domination:** Some people believe that religion is merely the ‘opium of the masses’ and that, one day, when the basic needs of all are fulfilled and they lead a happy and contented life, religion will disappear. Such a view comes from an exaggerated sense of human potential. It is unlikely that human beings will ever be able to fully know the world and control it. We may be able to prolong our life but will never become immortal. Disease can never be entirely eliminated, nor can we get rid of an element of accident and luck from our lives. Separation and loss are endemic to the human condition. While a large part of our suffering is man-made and hence eliminable, at least some of our suffering is not made by man. Religion, art and philosophy are responses to such sufferings. Secularism too accepts this and therefore it is not anti-religious. However, religion has its share of some deep-rooted problems. For example, one can hardly think of a religion that treats its male and female members on an equal footing. In religions such as Hinduism, some sections have faced persistent discrimination. For example, Dalits have been barred from entering Hindu temples. In some parts of the country, Hindu woman cannot enter temples. When religion is organised, it is frequently taken over by its most conservative faction, which does not tolerate any dissent. Religious fundamentalism in parts of the US has become a big problem and endangers peace both within the country and outside.



Many religions fragment into sects which leads to frequent sectarian violence and persecution of dissenting minorities. Thus, religious domination cannot be identified only with interreligious domination. It takes another conspicuous form, namely, intra-religious domination. As secularism is opposed to all forms of institutionalised religious domination, it challenges not merely interreligious but also intra-religious domination. We now possess a general idea of secularism. It is a normative doctrine which seeks to realise a secular society, i.e., one devoid of either inter-religious or intra-religious domination. Put positively, it promotes freedom within religions, and equality between, as well as within, religions. Within this larger framework, let us now consider a narrower and more specific question, namely: What kind of state is necessary to realise these goals? In other words, let us consider how a state committed to the ideal of secularism should relate to religion and religious communities.

### **CONCEPT OF SECULAR STATE**

Perhaps one way of preventing religious discrimination is to work together for mutual enlightenment. Education is one way of helping to change the mindset of people. Individual examples of sharing and mutual help can also contribute towards reducing prejudice and suspicion between communities. It is always inspiring to read stories of Hindus saving Muslims or Muslims saving Hindus in the midst of a deadly communal riot. But it is unlikely that mere education or the goodness of some persons will eliminate religious discrimination. In modern societies, states have enormous public power. How they function is bound to make a crucial difference to the outcome of any struggle to create a society less ridden with inter-community conflict and religious discrimination. For this reason, we need to see what kind of state is needed to prevent religious conflict and to promote religious harmony.

How should a state prevent domination by any religious group? For a start, a state must not be run by the heads of any particular religion. A state governed directly by a priestly order is called theocratic. Theocratic states, such as the Papal states of Europe in medieval times or in recent times the Taliban-controlled state, lacking separation between religious and political institutions, are known for their hierarchies, and oppressions, and reluctance to allow freedom of religion to members of other religious groups. If we value peace, freedom and equality, religious institutions and state institutions must be separated.

Some people think that the separation of state and religion is sufficient for the existence of a secular state. This does not appear to be so. Many states which are non-theocratic continue to have a close alliance with a particular religion. For example, the state in England in the sixteenth century was not run by a priestly class but clearly favoured the Anglican Church and its members. England had an established Anglican religion, which was the official religion of the state. Today Pakistan has an official state religion, namely Sunni Islam. Such regimes may leave little scope for internal dissent or religious equality.

To be truly secular, a state must not only refuse to be theocratic but also have no formal, legal alliance with any religion. The separation of religion-state is, however, a necessary but not a sufficient ingredient of a secular state. A secular state must be committed to principles and goals which are at least partly derived from non-religious sources. These ends should include peace, religious freedom, freedom from religiously grounded oppression, discrimination and exclusion, as also inter-religious and intra-religious equality. To promote these ends the state must be separated from organised religion and its institutions for the sake of some of these values. However, there is no reason to suggest that this separation should take a particular form. In fact, the nature and extent of separation may take different forms, depending upon the specific values it is meant to promote and the way in which these values are spelt out. We will now consider two such conceptions: the mainstream western conception best represented by the American state, and an alternative conception best exemplified by the Indian state.

### **WESTERN MODEL OF SECULARISM**

All secular states have one thing in common: they are neither theocratic nor do they establish a religion. However, in most commonly prevalent conceptions, inspired mainly by the American model, separation of religion and state is understood as mutual exclusion: the state will not intervene in the affairs of religion and, in the same manner, religion will not interfere in the affairs of the state. Each has a separate sphere of its own with independent jurisdiction. No policy of the state can have an exclusively religious rationale. No religious classification can be the basis of any public policy. If this happened there is illegitimate intrusion of religion in the state. Similarly, the state cannot aid any religious institution.

It cannot give financial support to educational institutions run by religious communities. Nor can it hinder the activities of religious communities, as long as they are within the broad limits set by

the law of the land. For example, if a religious institution forbids a woman from becoming a priest, then the state can do little about it. If a religious community excommunicates its dissenters, the state can only be a silent witness. If a particular religion forbids the entry of some of its members in the sanctum of its temple, then the state has no option but to let the matter rest exactly where it is. On this view, religion is a private matter, not a matter of state policy or law. This common conception interprets freedom and equality in an individualist manner. Liberty is the liberty of individuals.

Equality is equality between individuals. There is no scope for the idea that a community has the liberty to follow practices of its own choosing. There is little scope for community-based rights or minority rights. The history of western societies tells us why this is so. Except for the presence of the Jews, most western societies were marked by a great deal of religious homogeneity. Given this fact, they naturally focused on intrareligious domination. While strict separation of the state from the church is emphasised to realise among other things, individual freedom, issues of inter-religious (and therefore of minority rights) equality are often neglected. Finally, this form of mainstream secularism has no place for the idea of state supported religious reform. This feature follows directly from its understanding that the separation of state from church/ religion entails a relationship of mutual exclusion.

### **KEMAL ATATURK'S IDEA OF SECULARISM**

Very different kind of secularism practised in Turkey in the first half of the twentieth century. This secularism was not about principled distance from organised religion, instead it involved, active intervention in and suppression of, religion. This version of secularism was propounded and practised by Mustafa Kemal Ataturk. He came to power after the First World War. He was determined to put an end to the institution of Khalifa in the public life of Turkey. Ataturk was convinced that only a clear break with traditional thinking and expressions could elevate Turkey from the sorry state it was in. He set out in an aggressive manner to modernise and secularise Turkey. Ataturk changed his own name from Mustafa Kemal Pasha to Kemal Ataturk (Ataturk translates as Father of the Turks). The Fez, a traditional cap worn by Muslims, was banned by the Hat Law. Western clothing was encouraged for men and women. The Western (Gregorian) calendar replaced the traditional Turkish calendar. In 1928, the new Turkish alphabet (in a modified Latin form) was adopted. Can you imagine a secularism that does not give you the freedom to keep the name you are identified with, wear the dress you are used to, change the

language you communicate in? In what ways do you think Ataturk's secularism is different from Indian secularism?

### **INDIAN MODEL OF SECULARISM**

Sometimes it is said that Indian secularism is an imitation of western secularism. But a careful reading of our Constitution shows that this is not the case. Indian secularism is fundamentally different from Western secularism. Indian secularism does not focus only on church-state separation and the idea of inter-religious equality is crucial to the Indian conception. Let us elaborate this further. What makes Indian secularism distinctive? For a start it arose in the context of deep religious diversity that predated the advent of Western modern ideas and nationalism. There was already a culture of inter-religious 'tolerance' in India.

However, we must not forget that tolerance is compatible with religious domination. It may allow some space to everyone but such freedom is usually limited. Besides, tolerance allows you to put up with people whom you find deeply repugnant. This is a great virtue if a society is recovering from a major civil war but not in times of peace where people are struggling for equal dignity and respect. The advent of western modernity brought to the fore hitherto neglected and marginalised notions of equality in Indian thought. It sharpened these ideas and helped us to focus on equality within the community. It also ushered ideas of inter-community equality to replace the notion of hierarchy. Thus, Indian secularism took on a distinct form as a result of an interaction between what already existed in a society that had religious diversity and the ideas that came from the west. It resulted in equal focus on intra-religious and interreligious domination. Indian secularism equally opposed the oppression of Dalits and women within Hinduism, the discrimination against women within Indian Islam or Christianity, and the possible threats that a majority community might pose to the rights of the minority religious communities.

This is its first important difference from mainstream western secularism. Connected to it is the second difference. Indian secularism deals not only with religious freedom of individuals but also with religious freedom of minority communities. Within it, an individual has the right to profess the religion of his or her choice. Likewise, religious minorities also have a right to exist and to maintain their own culture and educational institutions. A third difference is this. Since a secular state must be concerned equally with intra-religious domination, Indian secularism has

made room for and is compatible with the idea of state-supported religious reform. Thus, the Indian constitution bans untouchability.

The Indian state has enacted several laws abolishing child marriage and lifting the taboo on inter-caste marriage sanctioned by Hinduism. The question however that arises is: can a state initiate or even support religious reforms and yet be secular? Can a state claim to be secular and not maintain separation of religion from state? The secular character of the Indian state is established by virtue of the fact that it is neither theocratic nor has it established any one or multiple religions. Beyond that it has adopted a very sophisticated policy in pursuit of religious equality. This allows it either to disengage with religion in American style, or engage with it if required. The Indian state may engage with religion negatively to oppose religious tyranny. This is reflected in such actions as the ban on untouchability. It may also choose a positive mode of engagement. Thus, the Indian Constitution grants all religious minorities the right to establish and maintain their own educational institutions which may receive assistance from the state. All these complex strategies can be adopted by the state to promote the values of peace, freedom and equality.

### **NEHRU'S IDEA OF SECULARISM**

‘Equal protection by the State to all religions. This is how Nehru responded when a student asked him to spell out what secularism meant in independent India. He wanted a secular state to be one that “protects all religions, but does not favour one at the expense of others and does not itself adopt any religion as the state religion”. Nehru was the philosopher of Indian secularism. Nehru did not practise any religion, nor did he believe in God. But for him secularism did not mean hostility to religion. In that sense Nehru was very different from Ataturk in Turkey. At the same time Nehru was not in favour of a complete separation between religion and state. A secular state can interfere in matters of religion to bring about social reform. Nehru himself played a key role in enacting laws abolishing caste discrimination, dowry and sati, and extending legal rights and social freedom to Indian women. While Nehru was prepared to be flexible on many counts, there was one thing on which he was always firm and uncompromising. Secularism for him meant a complete opposition to communalism of all kinds. Nehru was particularly severe in his criticism of the communalism of the majority community, which posed

a threat to national unity. Secularism for him was not only a matter of principles, it was also the only guarantee of the unity and integrity of India.

### CRITICISMS OF INDIAN SECULARISM

Indian secularism has been subjected to fierce criticism. What are these criticisms? Can we defend secularism from them?

- ❖ **Anti-religious:** First, it is often argued that secularism is anti-religious. We hope to have shown that secularism is against institutionalised religious domination. This is not the same as being anti-religious. Similarly, it has been argued by some that secularism threatens religious identity. However, as we noted earlier, secularism promotes religious freedom and equality. Hence, it clearly protects religious identity rather than threatens it. Of course, it does undermine some forms of religious identity: those, which are dogmatic, violent, fanatical, exclusivist and those, which foster hatred of other religions. The real question is not whether something is undermined but whether what is undermined is intrinsically worthy or unworthy.
- ❖ **Western Import:** A second criticism is that secularism is linked to Christianity, that it is western and, therefore, unsuited to Indian conditions. On the surface, this is a strange complaint. For there are millions of things in India today, from trousers to the internet and parliamentary democracy, that have their origins in the west. One response, therefore, could be: so, what? Have you heard a European complain that because zero was invented in India, they will not work with it? However, this is a somewhat shallow response. The more important and relevant point is that for a state to be truly secular, it must have ends of its own. Western states became secular when, at an important level, they challenged the control of established religious authority over social and political life. The western model of secularism is not, therefore, a product of the Christian world. What of the claim that it is western? The mutual exclusion of religion and state, which is supposed to be the ideal of western secular societies, is also not the defining feature of all secular states. The idea of separation can be interpreted differently by different societies. A secular state may keep a principled distance from religion to promote peace between communities and it may also intervene to protect the rights of specific communities. This

exactly is what has happened in India. India evolved a variant of secularism that is not just an implant from the west on Indian soil. The fact is that the secularism has both western and non-western origins. In the west, it was the Church-state separation which was central and in countries such as India, the idea of peaceful coexistence of different religious communities has been important.

- ❖ **Minoritism** : A third accusation against secularism is the charge of minoritism. It is true that Indian secularism advocates minority rights so the question is: Is this justified? Consider four adults in a compartment of a train travelling at the fastest speed imaginable. In the middle of the journey, one of the four passengers expresses a desire to smoke. The second one complains that he cannot bear cigarette smoke. The other two passengers smoke too but say nothing. Clearly there is a conflict here between two passengers. A suggestion is made that it be resolved by vote. The two mild smokers go along with the addict and the non-smoker is defeated by a margin of two votes. The person in the minority loses but the result appears fair because a proper democratic procedure adopted by common agreement was followed. Now alter the situation a bit. Suppose that the non-smoker suffers from asthma.

Smoking can induce a life-threatening attack in him. His preference that the other person does not smoke expresses now his fundamental and very urgent interest. Would the procedure previously followed, of going with the decision of the majority, be fair in such a context? Do you not think that the addicted smoker should refrain till the train reaches its destination? You will agree that when it comes to fundamental interests, voting as a democratic procedure is inappropriate. A person has a prior right to the satisfaction of his or her significant interests. What holds true of individuals also holds for communities. The most fundamental interest of minorities must not be harmed and must be protected by constitutional law. This is exactly how it is in the Indian Constitution. Minority rights are justified as long as these rights protect their fundamental interests. At this point someone might still say that minority rights are special privileges which come with some costs to others.

Why then should such special privilege be given? This question can be best answered by another example. Consider that a film is being shown in an auditorium on the first floor. The auditorium is accessible by a staircase. Everyone is free to buy a ticket, go up the



stairs and see the film. Or, are they? Is everyone really free? Suppose that among avid film-goers are some old people, some who have recently broken a leg and others who have long been physically challenged. None of them can really climb up the stairs. Do you think it would be wrong if a lift or a ramp was provided for people in wheel chairs? Doing so enables them to achieve exactly what others routinely procure through the staircase. Yet, this group in minority needs a different mode of getting to the first floor. If all spaces are structured in such a way that they suit only young, able-bodied persons, then some category of persons will forever be excluded from a simple benefit such as watching a film. To make a separate arrangement for them is not to accord them any special treatment. It is to treat them with the same respect and dignity with which all others are being treated. The lesson is that minority rights need not be nor should be viewed as special privileges.

- ❖ **Interventionist:** A fourth criticism claims that secularism is coercive and that it interferes excessively with the religious freedom of communities. This misreads Indian secularism. It is true that by rejecting the idea of separation as mutual exclusion, Indian secularism rejects non-interference in religion. But it does not follow that it is excessively interventionist. Indian secularism follows the concept of principled distance which also allows for non-interference. Besides, interference need not automatically mean coercive intervention. It is of course true that Indian secularism permits state-supported religious reform. But this should not be equated with a change imposed from above, with coercive intervention. But it might be argued: does it do this consistently? Why have personal laws of all religious communities not been reformed? This is the big dilemma facing the Indian state.

A secularist might see the personal laws (laws concerning marriage, inheritance and other family matters which are governed by different religions) as manifestations of community specific rights that are protected by the Constitution. Or he might see these laws as an affront to the basic principles of secularism on the ground that they treat women unequally and therefore unjustly. Personal laws can be seen as manifestations of freedom from inter-religious domination or as instances of intra-religious domination. Such internal conflicts are part and parcel of any complex doctrine but they are not something that we need to live with forever.



Personal laws can be reformed in such a way that they continue to exemplify both minority rights and equality between men and women. But such reform should neither be brought about by State or group coercion nor should the state adopt a policy of total distance from it. The state must act as a facilitator by supporting liberal and democratic voices within every religion. Vote Bank Politics Fifth, there is the argument that secularism encourages the politics of vote banks. As an empirical claim, this is not entirely false. However, we need to put this issue in perspective. First, in a democracy politician are bound to seek votes. That is part of their job and that is what democratic politics is largely about. To blame a politician for pursuing a group of people or promising to initiate a policy with the motivation to secure their votes is unfair. The real question is what precisely the vote is sought for. Is it to promote solely his self-interest or power or is it also for the welfare of the group in question? If the group which voted for the politician does not get any benefit from this act, then surely the politician must be blamed.

If secular politicians who sought the votes of minorities also manage to give them what they want, then this is a success of the secular project which aims, after all, to also protect the interests of the minorities. But what if the welfare of the group in question is sought at the cost of the welfare and rights of other groups? What if the interests of the majority are undermined by these secular politicians? Then a new injustice is born. But can you think of such examples? Not one or two but a whole lot of them such that you can claim that the whole system is skewed in favour of minorities? If you think hard, you might find that there is little evidence that this has happened in India. In short, there is nothing wrong with vote bank politics as such, but only with a form of vote bank politics that generates injustice. The mere fact that secular parties utilise vote banks is not troublesome. All parties do so in relation to some social group.

- ❖ **Impossible ideology:** A final, cynical criticism might be this: Secularism cannot work because it tries to do too much, to find a solution to an intractable problem. What is this problem? People with deep religious differences will never live together in peace. Now, this is an empirically false claim. The history of Indian civilisation shows that this kind of living together is realisable. It was realised elsewhere too. The Ottoman Empire is a stirring example. But now critics might say that coexistence under conditions of

inequality was indeed possible. Everyone could find a place in a hierarchically arranged order. The point, they claim, is that this will not work today when equality is increasingly becoming a dominant cultural value. There is another way of responding to this criticism. Far from pursuing an impossible objective Indian secularism mirrors the future of the world. A great experiment is being carried out in India watched with razor-sharp eyes and with great interest by the whole world. It is doing so because with the migration of people from the former colonies to the west, and the increased movement of people across the globe with the intensification of globalisation, Europe and America and some parts of the Middle-East are beginning to resemble India in the diversity of cultures and religions which are present in their societies. These societies are watching the future of the Indian experiment with keen interest.

### **CONCLUDING REMARKS**

It should be clear by now why the complexity of Indian secularism cannot be captured by the phrase “equal respect for all religions”. If by this phrase is meant peaceful coexistence of all religions or interreligious toleration, then this will not be enough because secularism is much more than mere peaceful coexistence or toleration. If this phrase means equal feeling of respect towards all established religions and their practices, then there is an ambiguity that needs clearing. Indian secularism allows for principled state intervention in all religions. Such intervention betrays disrespect to some aspects of every religion. For example, religiously sanctioned caste-hierarchies are not acceptable within Indian secularism. The secular state does not have to treat every aspect of every religion with equal respect. It allows equal disrespect for some aspects of organised religions.

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