

# INTRODUCTION TO POLITICAL THEORY

## Unit Structure

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- 1.3 Definition of political theory
- 1.4 Nature and scope of political theory
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## 1.1 OBJECTIVE

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- To understand political theory with its nature and scope with respect to the contemporary world.
- To learn idea of political theory through the approaches to the study of Political theory.
- To Understand the Traditional and Contemporary approach of Political theory.

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## 1.2 INTRODUCTION

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Political theory in a broader sense discussed everything that is political in nature. Political theory is a theory and science of politics, which constructs the base of approaches through which political theory can understand. Political theory can understand by methods and approaches. The approaches are very important to study the objectivity behind it. Political theory is concerned with political ideas, values and concepts, and the explanation of prediction of political behaviour. There are two broad branches of political theory; one is the traditional approach, with its value, analytic, historical and speculative concerns. The other is the contemporary approach, with its efforts to explain, predict, guide, research and organize knowledge through the formulation of abstract models, and scientifically testable propositions.

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## 1.3 DEFINITION OF POLITICAL THEORY

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The terms 'polity', 'politics' and 'political' are derived from the Greek word 'polis' which denoted ancient Greek city-state. The institutions and

activities which are aimed at securing 'good life' for the community were regarded to be the part of 'polities'. However, in the contemporary world the scope of politics is not regarded to be so comprehensive. Today we draw a distinction between public and private spheres of human life, and confine the usage of the term 'politics' to the institutions and activities falling in the public sphere. Thus the decisions of cabinet and parliament, election campaigns and other activities of political parties, people's movements seeking change in law and public policy, etc. belong to politics but the object of our faith and worship, the content of our education, art and culture, etc. do not properly belong to the sphere of politics until some regulation thereof is required to maintain public order and safety

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## **1.4 NATURE & SCOPE OF POLITICAL THEORY**

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Political theory and political philosophy may overlap, but a difference of emphasis can nevertheless be identified. Anything from a plan to a piece of abstract knowledge can be described as a 'theory'. In academic discourse, however, a theory is an explanatory proposition, an idea or set of ideas that in some way seeks to impose order or meaning upon phenomena. As such, all enquiry proceeds through the construction of theories sometimes thought of as hypotheses that is, explanatory propositions waiting to be tested. Political science, no less than the natural sciences and other social sciences, therefore has an important theoretical component. For example, theories, such as that social class is the principal determinant of voting behaviour, and that revolutions occur at times of rising expectations, are essential if sense is to be made of empirical evidence. This is what is called empirical political theory.

Political theory is, however, usually regarded as a distinctive approach to the subject, even though, particularly in the USA, it is seen as a subfield of political science. Political theory involves the analytical study of ideas and doctrines that have been central to political thought. Traditionally, this has taken the form of a history of political thought, focusing upon a collection of 'major' thinkers – for instance, from Plato to Marx – and a canon of 'classic' texts. As it studies the ends and means of political action, political theory is clearly concerned with ethical or normative questions, such as 'Why should I obey the state?', 'How rewards should be distributed?' and 'What should be the limits of individual liberty?' This traditional approach has about it the character of literary analysis: it is primarily interested in examining what major thinkers said, how they developed or justified their views, and the intellectual context in which they worked. An alternative approach has been called formal political theory. This draws upon the example of economic theory in building up models based on procedural rules, usually about the rationally self-interested behaviour of the individuals involved. Most firmly established in the USA and associated in particular with the Virginia School, formal political theory has attempted to understand better the behaviour of actors like voters, politicians, lobbyists and bureaucrats, and has spawned 'rational choice,' 'public choice' and 'social choice' schools of thought

(see p. 246). Although its proponents believe it to be strictly neutral, its individualist and egoistical assumptions have led some to suggest that it has an inbuilt bias towards conservative values.

Political theory is concerned with three types of statements: (1) *Empirical statement*, which is based on observation, through sense-experience alone; (2) *Logical statement*, which is based on reasoning (e.g. 'two plus two is four'); and (3) *Evaluative statement*, which is based on value-judgment (e.g. 'men are born free and equal'). Political science relies only on empirical and logical statements. It is argued that correct observation and correct reasoning by different persons would lead to the similar conclusion; hence empirical and logical statements are capable of verification. On the other hand, it is alleged that evaluative statements are based on individual or group preferences which differ from individual to individual or group to group; there is no reliable method of determining what is right or wrong, good or bad; one cannot scientifically discover the purpose of the universe or human life.

Dwelling on the nature of political theory, George Catlin (*Political Quarterly*, March 1957) significantly observed: "the theory (of politics) itself is divided into *political science* and *political philosophy*." Pleading for combining the study of political science with sociology, Catlin asserted: "it is the supreme virtue of the fusion of sociology and political science that it could enable us to be sharp-eyed for *the phenomena of control* in its many forms, over all the *processes* of the whole social field." Then defining the scope of political philosophy, Catlin explained: "Our concern here is with the kingdom of ends or final values. So soon as a man begins to ask, 'What is for the national good?' or 'What is the good society?', he is asking questions in philosophy." In short, Catlin proceeds to identify the nature of political theory by pointing to its two important components: political science and political philosophy. As he has suggested, political science deals with *the facts* of political life (i.e. what is the real situation and which laws govern our actual behaviour) while political philosophy is concerned with values (i.e. what is good for us).

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## 1.5 APPROACHES TO THE STUDY OF POLITICAL THEORY: TRADITIONAL

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The traditional approach is value based and lays emphasis on the inclusion of values to the study of political phenomena. The adherents of this approach believe that the study of political science should not be based on facts alone since facts and values are closely related to each other. Since the days of Plato and Aristotle "the great issues of politics" have revolved around normative orientations. Accordingly there are a large number of traditional approaches like legal approach, philosophical approach, historical approach, institutional approach etc. Thus traditional approach with its entire intrinsic feature has made tremendous contribution to the understanding of political problems. Even now political researchers adhere

to traditional approach for understanding issues of government and politics which shows significance of traditional approach

Historical approach believes that political phenomena could be understood better with the help of historical factors like age, place, situations etc. Political thinkers like Machiavelli, Sabine and Dunning believe that politics and history are intricately related and the study of politics always should have a historical perspective. Sabine is of the view that Political Science should include all those subjects which have been discussed in the writings of different political thinkers from the time of Plato. Every past is linked with the present and thus the historical analysis provides a chronological order of every political phenomenon.

The term 'historical approach' to politics may be used in two senses. Firstly, it may denote the process of arriving at the laws governing politics through an analysis of historical events that is events of the past, as exemplified by the theories propounded by Hegel and Marx. Karl Popper has described this approach as 'historicism'. It implies that historical processes are determined by their inherent necessity which is beyond the control of human ingenuity. Popper has criticized historicism because it insists on discovering what is inevitable, and then advocates totalitarian methods for its realization, as Hegel and Marx have done for the realization of their respective visions of future society. In the second place, historical approach stands for an attempt at understanding politics through a historical account of political thought of the past, as exemplified by George H. Sabine's '*A History of Political Theory*'.

According to Sabine, the subject-matter of political science coincides with the major themes of discussion in the writings of the well-known political philosophers Plato, Aristotle, Hobbes, Locke, Rousseau, Bentham, Mill, Green, Marx and others. Leading examples of the questions raised by these philosophers are: what ideals are sought to be realized through the state; what is the meaning of freedom and equality; what are the grounds and limits of political obligation, etc.? Sabine points out that each political theory is advanced in response to some specific situation. It is necessary to recapitulate the circumstances under which a particular theory was produced, for understanding its relevance to the present situation. Moreover, any political theory is not only a product of history; it also served as an instrument of moulding history by its ideological force. However, all great political theories are valid for all times. Critics of the historical approach point out that it is not possible to understand ideas of the past ages in terms of the contemporary ideas and concepts. Moreover, ideas of the past are hardly any guide for resolving the crises of the present-day world which were beyond comprehension of the past thinkers. David Easton has warned against living 'parasitically on ideas a century old' and failing to develop a 'new political synthesis'. This challenge to historical approach of course encouraged the development of the 'behavioural approach'. However, the recent revival of interest in values

has led to a renewed interest in the rich heritage of political thought for evolving guiding principles for our own age.

*Normative Approach* The normative conception in political theory is known by different names. Some people prefer to call it philosophical theory, while others refer to it as ethical theory. The normative conception is based on the belief that the world and its events can be interpreted in terms of logic, purpose and ends with the help of the theorist's intuition, reasoning, insights and experiences. In other words, it is a project of philosophical speculation about values. The questions, which are asked by the normativists, would be: what should be the end of political institutions? What should inform the relationship between the individual and other social organisations? What arrangements in society can become model or ideal and what rules and principles should govern it? One may say that their concerns are moral and the purpose is to build an ideal type. Hence, it is these theorists who have always conceived 'utopia' in the realm of political ideas through their powerful imagination. Normative approach poses questions based on 'norms' or 'standards' in the study of social sciences with an aim to appraise values. Unlike the empirical approach that is concerned about 'what happened and why' the normative approach emphasises 'what should have happened'. It must, nonetheless, be underlined that these assumptions are not always valid because at times the two approaches might overlap. The exponents of empirical theory criticise normativist for: a) Relativity of values b) Cultural basis of ethics and norms c) Ideological content in the enterprise and d) Abstract and utopian nature of the project But in the distant past those who championed normative theory always tried to connect their principles with the understanding of the reality of their times.

A normative approach underscores the probable course of action that may uphold an innate value, the primacy of which is an end in itself. For instance, if a normative statement establishes the pre-eminence of values such as truth, good or beautiful or any one of them, it has served its purpose.

### **Institutional Approach:**

An institution is a set of offices and agencies arranged in a hierarchy, where each office or agency has certain functions and powers. Each office or agency is manned by persons with definite status and role; other persons also expect them to perform this role. The activities of an institution are not confined to its office-holders. For instance, People elect their representative to hold the office of representation, thus people do not hold office directly.

Accordingly the upholders of the institutional approach proceed to study the organization and functioning of government, its various organs, political parties and other institutions affecting politics. Classification of governments, starting from Aristotle (monarchy, tyranny, aristocracy, oligarchy, polity and democracy) to modern classification (democracy and

dictatorship, parliamentary and presidential, unitary and federal, etc.), identification of levels of government (federal, state and local) as well as branches of government (executive, legislative, judicial), composition and powers of each of these and their interrelationships

(Largely in legal terms), etc. are the chief concerns of this approach. It aims at giving an elaborate description of facts. Hence it exemplifies a shift from normative to empirical approach and from a historical to a contemporary concern within the sphere of traditional approaches. However, it relies heavily on description rather than explanation. Hence it fails to qualify as a contemporary approach.

Institutional approach lays stress on the study of political institutions and structures like executive, legislature, judiciary, political parties, interests groups etc. Among the ancient thinkers Aristotle is an important contributor to this approach while the modern thinkers include James Bryce, Bentley, Walter Bagehot, Harold Laski, etc.

Legal approach regards state as the creator and enforcer of law and deals with legal institutions, and processes. Its advocates include Cicero, Jean Bodine, Thomas Hobbes, Jeremy Bentham, John Austin, Dicey and Sir Henry Maine. Legal institutional bias: formal aspects of government such as constitution, the organs of government, and the laws of election and so on have been the concern of traditional political thought. The institutional approach has legal orientation as emphasis is placed on laws, rules and regulations that determine the structure and processes of governmental institutions.

Legal approach stands for an attempt to understand politics in terms of law. It focuses its attention on the legal and constitutional framework in which different organs of government have to function, inquiries into their respective legal position, their powers and the procedure which makes their actions legally valid. For instance, legal approach to Indian politics will proceed to analyse legal implications of various provisions of the Indian Constitution, duly documented by the decisions of the Supreme Court of India as well as by the opinions of legal luminaries, procedure of formation and legal position of the two Houses of the Indian Parliament and State legislatures, procedure of election or appointment, powers and position of the President, Prime Minister, Governors, Chief Ministers, Central and State Cabinets, etc., role and powers of the Supreme Court of India and High Courts, full legal implications of the federal set up, position of Fundamental Rights and Directive Principles of State Policy, etc. Similarly, legal approach to international politics will largely tend to analyse it in terms of the requirements of international law.



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## 1.6 APPROACHES TO THE STUDY OF POLITICAL THEORY: CONTEMPORARY

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Contemporary approaches to the study of politics signify a departure from traditional approaches in two respects: (a) they attempt to establish a separate identity of political science by focusing on the real character of politics; and (b) they try to understand politics in totality, transcending its formal aspects and looking for those aspects of social life which influence and are influenced by it. Contemporary approaches are legion, and all of them may not fulfil these conditions. The following may be regarded as the most important: (a) Empirical approach (b) behavioural approach; (c) post-behavioural approach

**Empirical Approach** which derives theories from empirical observations was dominated political theory in the twentieth century and not normativism. Empirical political theory refuses to accord the status of knowledge to those theories which indulge in value judgements. Usually, therefore, normative political theory is debunked as a mere statement of opinion and preferences. The drive for value free theory started in order to make the field of political theory scientific and objective and hence, a more reliable guide for action. This new orientation came to be known as Positivism. Under the spell of positivism, political theorists set out to attain scientific knowledge about political phenomena based on the principle which could be empirically verified and proved. Thus, they attempted to create a natural science of society and in this endeavour; philosophy was made a mere adjunct of science. Such an account of theory also portrayed the role of a theorist as of a disinterested observer, purged of all commitments and drained of all values.

This empirical project in political theory was premised on the empiricist theory of knowledge which claims to have the full blown criteria to test what constitutes truth and falsehood. The essence of this criterion is lodged in the experimentation and the verification principle. When political theory was reeling under this influence, a so called revolution started and became popular as the 'Behavioural Revolution'. This revolution reached a commanding position within political theory in the 1950's and engulfed the entire field of study and research by advocating new features. They include: a) Encouragement to quantitative technique in analysis b) Demolition of the normative framework and promotion of empirical research which can be susceptible to statistical tests c) Non – acceptance and rejection of the history of ideas d) Focus on micro–study as it was more amenable to empirical treatment e) Glorification of specialisation f) Procurement of data from the behaviour of the individual and g) Urge for value – free research.

**Behavioural Approach:** *Behaviouralism*, or the behavioural approach to the analysis and explanation of political phenomena, is particularly associated with the work of American political scientists after the Second

World War (1939), but its origins may be traced back to the works of Graham Wallas (*Human Nature in Politics*) and Arthur Bentley (*The Process of Government*), both published as early as 1908. Both Wallas and Bentley were inclined to lay greater emphasis on the informal processes of politics and less on political institutions in isolation. Wallas sought to introduce a new realism in political studies in the light of the new findings of contemporary psychology. While classical economists, the champions of the *laissez-faire* doctrine, had treated man as a rational creature following his self-interest, the new psychology had revealed that man was not a rational creature in this sense and that his political actions were not totally guided by reason and self-interest.

Human nature was too complex to be explained by simplistic utilitarian propositions. Wallas, therefore, insisted on exploring facts and evidence for understanding human nature and its manifestations in human behaviour. His chief message was that the political process could be understood only by analysing as to how people actually behaved in a political situation, not merely by speculating on how they *should* or would behave. Bentley, on the other hand, a pioneer of 'group approach' to politics, primarily sought not to describe political activity, but to provide for new tools of investigation. He was so much fascinated by the study of informal groups that he tended almost completely to ignore the formal political institutions. Greatly inspired by sociology, he proceeded to undertake a study of the roles of pressure groups, political parties, elections and public opinion in the political process. Despite these early attempts, behaviouralism in political science was systematically developed only after the Second World War, particularly through the writings of American political scientists. David B. Truman published his paper 'The Impact on Political Science of the Revolution in the Behavioural Sciences' in 1955.

Accordingly the political scientists who undertook the study of political behaviour sought to account for the psychological and social influences on behaviour of the individual in a political situation. This involved the study of such processes and factors as political socialization, political ideologies, political culture, political participation, political communication, leadership, decision-making, and even political violence. An understanding of most of these processes involved interdisciplinary and cross-disciplinary research. In any case, behaviouralism as a movement in political science did not remain confined to the study of individual based political behaviour, but developed into a set of orientations, procedures and methods of analysis. In practice it embraced all that lends a scientific character to the modern political science.

According to David Easton, the intellectual foundations of behaviouralism consist of eight major tenets:

- **Regularities:** It implies that there are discoverable uniformities in political behaviour which can be expressed in theory-like statements



so as to provide for explanation and prediction of political phenomena.

- **Verification:** It requires that the validity of such theory-like statements must be testable, in principle, by reference to relevant behaviour.
- **Techniques:** It means that the means for acquiring and interpreting data should be examined self-consciously, refined and validated for the purpose of observing, recording and analysing behaviour.
- **Quantification:** It is necessary because precision in the recording of data and statement of findings requires measurement which should be expressed in terms of actual quantities to facilitate proper analysis.
- **Values:** The behaviouralists drew a clear distinction between ethical evaluation and empirical explanation, which were concerned with values and facts respectively. They insisted that objective scientific inquiry has to be value-free or value-neutral.
- **Systematization:** It stands for establishing close interrelationship between theory and research, because research untutored by theory may prove trivial while theory unsupported by data may turn out to be futile.
- **Pure Science:** It holds that the understanding and explanation of political behaviour is essential to utilize political knowledge in the solution of urgent practical problems of society.
- **Integration:** It signifies integration of political science with other social sciences in order to evolve a comprehensive view of human affairs, to strengthen its validity and the generality of its own results.

Any political inquiry conducted according to these guidelines would be most conducive to generate reliable theory and scientific explanations. The behavioural movement had such a profound effect on political science that these tests became the rule of political inquiry.

#### **Post-behavioural- Post-Behavioural Revolution:**

By the mid-1960s behaviouralism gained a dominant position in the methodology of political science. However, its critics like Leo Strauss ('What is Political Philosophy?', *Journal of Politics*; 1957) had started arguing that the rise of behaviouralism was symptomatic of a crisis in political theory because of its failure to come to grips with normative issues. Sheldon Wolin ('Political Theory as a Vocation', *American Political Science Review*; 1969) declared that the preoccupation of political science with method signified an abdication of true vocation of political theory. Within the sphere of philosophy of science the publication of Thomas Kuhn's *The Structure of Scientific Revolutions* (1962) had promoted the view that significance of scientific method lies in its capacity of problem-solving and crisis-management, not in methodological sophistication.

In late 1960s even the exponents of behaviouralism realized that its strict adherence to 'pure science' was responsible for its failure to attend to the pressing social and political issues of the period. In 1969, David Easton himself in his presidential address to the American Political Science association announced a new revolution in political science 'a post-behavioural revolution' that represented a shift of focus from strict methodological issues to a greater concern with public responsibilities of the discipline and with political problems. Relevance and action were the twin slogans of post-behaviouralism. It represented no complete departure from behaviouralism. Rather it stood for consolidating its gains and applying them for problem-solving and crisis management.

Easton emphatically drew the attention of contemporary political scientists to the impending threat of the nuclear bomb, inner conflicts within the US which might lead to civil war or dictatorship, and undeclared war in Vietnam which was perturbing moral consciousness the world over. He lamented that the behavioural political scientists were taking refuge in their 'ivory tower', seeking to perfect their methodology, as if they were not at all concerned with the outside world. Emphasizing the intellectuals' historical role in protecting the humane values of civilization, Easton warned that if they failed to play this role, they would be reduced to mere technicians or mechanics for tinkering with society.

Reminding them of their responsibility to reshape society Easton concluded that scientists could adopt a rational interest in value construction and application without denying the validity of their science. Accordingly, post-behaviouralism seeks to reintroduce a concern for values in the behavioural approach itself.

In the contemporary social science the behavioural approach has shown increasing concern with solving the prevailing problems of society. In this way it has largely absorbed the 'post-behavioural' orientation within its scope.

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## 1.7 SUMMARY

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Political theory can understand by methods and approaches. The approaches are very important to study the objectivity behind it. Political theory is concerned with political ideas, values and concepts, and the explanation of prediction of political behaviour. There are two broad branch approaches in political theory one is traditional and second is contemporary. Traditional approach deals with historical, normative, institutional and legal methods of approaches approach. Whereas, the contemporary approach in political theory deals with Empirical, behavioural and post-behavioural methods of approaches.

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## 1.8 UNIT QUESTIONS

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1. Discuss about Normative approach of political theory

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2. Define Political Science and Explain its Nature

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3. Evaluate the Empirical approach to the Political theory

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## 1.9 REFERENCE

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## STATE, CIVIL SOCIETY AND MARKET

### Unit Structure

- 2.0 Objective
- 2.1 Meaning and Definition
- 2.2 Features of State
- 2.3 Historical Evolution of the State
- 2.4 Theories of the State
- 2.5 Civil Society- Definition and Features
- 2.6 Civil Society- Historical Development
- 2.7 Civil Society- Theoretical Perspectives
- 2.8 Market- Introduction and Definition
- 2.9 Characteristics of Market
- 2.10 Theories of Market
- 2.11 Summary
- 2.12 Unit End Questions
- 2.13 Suggested Reading

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### 2.0 OBJECTIVES

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- 1) To understand and analyze the nature, feature and theories of State
- 2) To understand and analyze the meaning, feature and theories of Civil Society
- 3) To understand and analyze the nature, feature and theories

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### 2.1 MEANING AND DEFINITION

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The term 'state' is refer to many things like territory, institutions, philosophical idea, and welfare activities etc. The modern states in which we live have come into existence from fifteenth century. Today there are 193 states as member of the United Nation Organization.

**R.G. Gettel** defined political science as 'the science of the state'.

**J.W. Garner** claimed that 'political science begins and ends with state'.

**Machiavelli** defined state as, 'the power which has authority over man'.

**Max Weber** said, 'A State is a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory'.

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## 2.2 FEATURES OF STATE

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1. The first and foremost important feature of the state is sovereignty. It refers to the absolute and unrestricted power of the state. The state laws and extends on the given territory and over all other associations and groups residing on the territory. The famous English political philosopher Thomas Hobbes portrayed the state as Leviathan- a giant sea monster. Sovereignty is the distinctive feature of the modern state that sets it apart from other social institutions.
2. The second important aspect of the state is a form of authority also known as government. Government comprises of the machinery small and big in order to run the state. The authority of the government is territorially limited. This legal power is called jurisdiction of the state. The governmental machinery of the state the flow of persons and goods within the territory. In modern times the land, sea, airspace comes under the jurisdiction of the state. The jurisdiction of the state is universal and is applicable to everyone living within.
3. The state confers membership to the people living on its territory. This is known as citizenship which entails bundle rights and duties given to the people. A person becomes citizen of the state either naturally (birth or descent) or by acquisition. People living in a particular state but who are not its citizens are called foreigners or aliens. They are not entitled to certain rights, like the right to vote or hold public office, and may be exempt from particular obligations, such as jury service or military service, but they are nevertheless still subject to the law of the land.
4. Fourth every state has coercive power which is used to enforce law and order in the territory. Max Weber defined the coercive aspect of the state as 'the state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory'. The monopoly over legitimate violence is the expression of state sovereignty.
5. Fifth, the state in the modern time has become permanent and inclusive political community. All types of social, economic, cultural and religious activities and organizations are regulated by the state.
6. Sixth the state is viewed as a central actor on the world stage. In spite of the rise of supra national organizations, multinational corporations and global networks the state continues to hold primacy on the international arena.

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## 2.3 HISTORICAL EVOLUTION OF THE STATE

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The state has evolved over the course of history. As human beings began transition from the nomadic life to agricultural society there was development of state like character. The relative geographical immobility caused by agricultural mode of existence gave rise to the development of

the institutions which were able to govern huge swathes of territory. In the early stages of its development the state was largely despotic in character. It heavily relied on coercive use of power to control the population. In the formative stage religion became important factor in maintaining the order in the state. Religion gave legitimacy to the rule of the sovereign ruler. In the ancient time the ruler of the state was often considered as the incarnate of the divine. If not then ruler would justify its rule of ground of divine right theory. Other than religion the role of military power played significant role in the further development of the institutional capacity to govern and regulate a geographical territory. The association between the state and military might persists to the present day.

The origin of the modern state had its roots in the Western Europe. It emerged in the sixteenth- and seventeenth-century Europe as a system of centralized rule that succeeded in subordinating all other institutions and groups, including (and especially) the Church. The Peace of Westphalia (1648), concluded at the end of the Thirty Years War led to the formalization of the modern form of state system based on the principle of sovereignty.

By the end of eighteenth century the concept of nation and state fused together and nation state became the central feature of the world politics. In Europe with the growing democratization the nation state began to assume wider economic and social responsibilities. The rise of colonialism led to the spread of the idea of nation state outside Europe. The growth of anti colonial movement in Asia, Africa and South America engendered the formation nation state in these continents. In the middle of the twentieth century the decolonization in Asia, Africa and South America made nation state system a universal phenomenon.

In the 1950s with role of the state as important actors in both domestic and world politics had gained salience. Political thinkers began to analyze the characteristics and functioning of different types of states like capitalist states, communist states, post colonial states, authoritarian states. The purpose was to understand complex relation between the state, society and citizens. Overall the focus of political theory was to understand how states are evolving and shaping the system. In the 1980s, there was growing shift in the understanding of the state. The rise of market economy and the resultant privatization and liberalization in the western world had changed the character of the state. State was seen as one of the many actors-market, nongovernmental organizations, civil society, supra national organizations etc. On the other hand underdevelopment in the non western world was seen through the lens of state capacity or incapacity and state – society relationship.

The 1990s saw the rise of globalization on the world wide scale raised fundamental questions on power and significance of the state. Some thinkers argued that the state will become redundant in the age of globalization. It was argued the economic activities of the state would be



overtaken by the global markets. The welfare activities will be shared and co ordinate by the civil society and nongovernmental organizations. On the other end of the spectrum were thinkers who argued that state is the primary factor behind the process of globalization. In this view the state has not decline its functions have changed. The growing role of non state actors has only increased the regulatory and overseeing functions of the state. Between the two positions are thinkers who see the relationship between state, market and globalization as interactive process which shapes and transforms each other.

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## 2.4 THEORIES OF THE STATE

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There are various theories to explain the state each of which offers a different account of its origins, development and impact on society. The theories play important role in the modern political analysis.

### **The pluralist state:**

The pluralist theory belongs to the liberal traditions. According to the tenets of liberalism the state is an artificial institutions established by man to protect the natural liberty. The state accordingly acts as an umpire or referee in society. The origin of pluralist theory has its origin in the writings of social contract thinkers like Thomas Hobbes and John Locke. Accordingly, the state is the outcome of social contract by free human beings. The purpose of the establishment of a sovereign power was to safeguard them from the insecurity, disorder and brutality of the state of nature. The pluralist assumes that free people pursue their own self interest and often like minded people form groups to secure their interest. Thus society is composed of competing interest groups vying for acquisition of material and non material goods in the market place. The role of the state is to set out fair rules for everyone and remain unbiased allowing each group to have fair chance in the competition.

Regarding the internal functioning of the state pluralism believes a democratic state is essential for pluralism to work. Therefore the state must be representative and accountable to the people. In other words, party competition and interest-group activity ensure that the government of the day remains sensitive and responsive to public opinion. Therefore the state is not an organic entity but a composite reality.

In recent times the pluralist thinkers have questioned the neutral character of the state. Theorists such as Robert Dahl, Charles Lindblom and J. K. Galbraith have come to accept that modern industrialized states are both more complex and less responsive to popular pressures than classical pluralism suggested. They argue that business groups play privileged role and have advantage in terms of access to the state agencies which other groups clearly cannot rival. Further state agencies have own sectional interests. State elites composed of senior civil servants, judges, police chiefs, military promote the bureaucratic interests of their sector of the state, or the interests of client groups.

**Marxist theory of State:**

Marxists theory of the state is an important theory which is based on the premise that state is not separate entity but belongs to the economic structure of society. This view is based on the the formulation that the state is an instrument of class oppression.

Karl Marx was the founder of the Marxist of the state. He considered the society and state have base and super structure relationship. Throughout history every society is divided between two antagonistic classes- haves and haves not. In the age of capitalism the two opposing classes are bourgeoisie and the proletariat i.e. working class- the former exploiting the latter. State according to Marx is an artificial institution created by the capitalist class to protect its interest. In other words the state is part of a superstructure that is determined or conditioned by the economic base.

Accordingly, the economically dominant class controls the levers of the society and controls the institutions of the state. The state uses its oppressive structures like police and military to keep the proletariat under control. The only way proletariat can emancipate itself is through a revolution and taking control of the state. After the revolution the proletariat will dismantle the capitalist structures like private property and all means of production will be nationalized. This is the transition phase known as socialism. After this the proletariat will work towards the creation of egalitarian society wherein the institution of private property is completely abolished and the end result is classless society. In the twentieth century Marx's prophesy of worldwide communist revolution did not realized. Instead there was rise of fascism and Nazism in Europe. Hence neo Marxist thinker Antonio Gramsci emphasized the degree to which the domination of the ruling class is achieved by ideological manipulation, rather than just open coercion.

**Feminist theory of State:**

The rise of feminist movement in the twentieth century has contributed in the theorization of the state. The core idea of feminism is to liberation of women in the political, cultural, social and economic spheres. Feminism has critiqued the role of patriarchy in the subjection of women. Feminists have usually not regarded the nature of state power as a central political issue, preferring instead to concentrate on the deeper structure of male power centered on institutions such as the family and the economic system and public spaces. However, since the state wields political power feminist have turned attention to examined how the state or its institutions are rooted or manifest patriarchal power.

Liberal feminists are of the pluralist view of the state and believe that sexual or gender equality can be brought about through incremental reform. According to liberal feminists believe that social groups in the society have equal access to state power. It is possible to access the institutions of state power to promote gender justice and the common good

of all. Liberal feminist have positive view of the state and consider it as a means of redressing gender inequality and enhancing the role of women.

Another strand of feminism known as radical feminism is critical of the state power because it considers the state embedded in the deeper structure of oppression in the form of patriarchy. It rejects the view of the state as an autonomous body having its own distinctive interests. Radical feminists argue that the character of the state is reflection of patriarchal power. Modern radical feminists have studied the emergence of the welfare state and have viewed it as the expression of a new form of patriarchal power. Welfare may uphold patriarchy by bringing about a transition from private dependence (in which women as 'home makers' are dependent on men as 'breadwinners') to a system of public dependence in which women are increasingly controlled by the institutions of the extended state.

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## 2.5 CIVIL SOCIETY- DEFINITION AND FEATURES

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Civil society generally can be understood as a realm of voluntary and associative action that is based on common purposes, values and interests that is separate from state and market. Civil society is a broad term and may include variety of actors like charities, community groups, development NGOs, women's groups, faith-based organizations, professional groups, trade unions, social movements, coalitions and advocacy groups. However civil society is not homogeneous and the boundaries between civil society and government or civil society and commercial actors can be blurred. The idea of civil society became fashionable in political discourse after the fall of the Berlin Wall in 1989 and the worldwide collapse of communist rule and the adaption of democratic system by the former communist states. With the onset of globalization in the 1990s civil society was largely associated with democracy, good governance, pluralism, civic virtue. In a way civil society was sought as an alternative to the deadening effects of state centralization.

### **Definition:**

Charles Taylor defined civil society as 'a web of autonomous associations independent of the state, which bind citizens together in matters of common concern, and by their existence or actions could have an effect on public policy'.

Schmitter defined civil society as 'set or system of self-organized intermediary groups'.

John Dunn defined civil society as 'the modern representative democratic republic'.

Chandhoke defined civil society 'as the public sphere where individuals come together for various purposes both for their self-interest and for the reproduction of an entity called society'.

Andrew Heywood defined civil society as ‘a realm of associations, business, interest groups, classes’ families and so on.’

### **Features of Civil Society:**

1. Civil society is based on the assumption on the plurality of life-forms. Human beings live in groups which are diverse and civil society accommodates the diverse forms of life. It further assumes that difference within diverse social groups can be resolved through peaceful means.
2. Civil society has moral dimension. Civil society according to the Robert Putnam aims at fostering social capital in the form of relations of co-operation, trust and social engagement. Civil society can be seen as a place that enables individuals to share common experience and develop a sense of community and responsibility.
3. Hannah Arendt has focused on the epistemic aspects of civil society. She views civil society as a realm of free and open communication making it possible for the members for exchanging perspectives and opinions. According to Arendt liberty is not an individual attribute but a collective achievement. Liberty is necessary in the world governed by commercial relations. It gives a sense of identity to the individual.
4. The organizational aspects of civil society are of special importance. Civil society is the outcome of spontaneous associations and institutions. Churches, clubs, unions, professional groups, unions etc provide institutional space for the citizens to freely express their views on the social, cultural and political aspects of the society. These spaces enable the cultivation of the virtues of citizenship and a sense of civic responsibility.
5. Civil society also has an economic perspective. Thinkers believing in the free market economy contend that the existence of free market and minimum state creates space for the emergence of civil society. Market provides the space for rational and self interested individuals to pursue their wants by engaging in the system of production, distribution and exchange of goods and services. In the course of time the pursuit of self interest develops into social harmony as the market provides freedom and liberty to satisfy individual wants.
6. Civil society is also related to the concept of power. Power is often considered as an attribute of the state. Jurgen Habermas argues that citizens can develop power by becoming active in political issues. Civil society is the forum that enhances communicative power of the citizens when they engage in free discussions and debates.

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## **2.6 CIVIL SOCIETY- HISTORICAL DEVELOPMENT**

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The normative definition of civil society has its roots in ancient Greece. In the ancient Greece city state was the central organization of politics. Participation in the life of the city state was defining feature of citizenship.

For the ancient Greeks a civil society was a public ethical-political community of free and equal citizens under the rule of law. According to Aristotle a person can live virtuous life as an active member of the city state. The ancient Greeks did not make any distinction between civil society and state rather for the Greeks civil society is possible only in the city state.

In the seventeenth century the ideas of civil society took a new life due to the socio-political and economic changes in the European landscape. The rise of secular state, capitalist mode of economy and social differentiation led to the separation of the state, economy and religion. The French and American revolutions created the idea of democratic citizenship and representative government. Civil society was viewed as voluntary associative mode of life that will protect the freedom and liberties of the citizens from the intrusive powers of the state. It was also seen a way that would enable individuals to participate in the economic sphere to pursue self interest. Civil society as a self-regulating universe of associations committed to the democratic ideals was perceived as a strong bulwark against despotism.

Towards the end of 19<sup>th</sup> century the notion of civil society as space of freedom came under criticism from thinkers like Karl Marx. As capitalism flourished in Europe its exploitative character became evident especially in the context of the working class. Now civil society was perceived as another vehicle for furthering the interests of the dominant class under capitalism. Later in first half of the 20<sup>th</sup> century civil society was seen as generating hegemony i.e civil society was tactfully securing the consent of the working class by making them voluntarily accept the moral and cultural values of the capitalist or bourgeoisie class. Thus more than the state civil society was considered responsible for the plight of the working class.

In the 1960s thinkers like John Dewey and Hannah Arendt influenced by the Gramsci's ideas about civil society developed the theory of the public sphere as a significant dimension of liberal democracy. Public sphere referred to the shared experience of political life that underpinned public deliberation. Anything that eroded this public sphere - like the commercialization of the media or the commodification of education - was to be resisted

Outside Europe and America civil society institutions were developing in Latin America and Eastern Europe as an instrument to resist and fight against an authoritarian state. After the fall of communism and the subsequent rise of globalization civil society transcended national borders. It was seen as a component of global governance i.e. governance without government. The global spread of information and communication technology enabled the expansion of civil society on the global scale.

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## 2.7 CIVIL SOCIETY- THEORETICAL PERSPECTIVES

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### **Thomas Hobbes on Civil Society:**

In modern era the idea of civil society was outlined by the social contract thinker Thomas Hobbes. He saw no reason to distinguish between the state and civil society. Hobbes argued that before the emergence of state human beings lived in state of nature. Human nature is driven by self interest and the multiplicity of such self results in constant conflicts which Hobbes called as anarchy. To overcome anarchy human beings entered a social contract that resulted in the creation of a powerful state, the *Leviathan*. The sole purpose of the state was to protect the citizens and prevent the condition of war of all against all. Hobbes's civil society is not prior to the state but is co terminus with it. Civil society is inhabited by individuals who compete for the material and cultural resources. But for this a coercive mechanism it requires to maintain order in the society. Hobbes knew that economic activity, science, and arts and letters require respect for the private realm of individual desire and autonomy but he argued this is possible only in the presence of strong and durable state.

### **John Locke on Civil Society:**

Locke shares a similar view with Hobbes on the state of nature and the origin of the state but argued against the idea of absolutist state. Locke believed that human beings are endowed with natural rights and primarily the rights to life, liberty and property. To overcome the confusion prevailing in the state of nature the human beings enter into a social contract to constitute a common authority with the power to enact laws and maintain order. Thus the social contract process first involves the formation of the civil society and then the state. Civil society in the understanding of Locke is antecedent and superior to the state. The sole purpose for which the state was created in Locke's view was to protect the natural rights of man. Hence Locke forwarded the idea of limited government. The rational men will pursue their economic interest and accumulate wealth. The state should ensure that the property rights of the individual are not violated either by the state or private entity. Locke is making a clear distinction between the state and the market. The state is political sphere and market belongs to the realm of economy. However, Locke didn't bring out the distinctive features of civil society.

### **Adam Smith on Civil Society:**

Adam Smith was the first English thinker who in his book *Wealth of Nations* explained the concept of civil society having its own distinctive characteristics. He conceptualizes the idea of civil society as an autonomous sphere of economic activities wherein rational individual engage in competition and exchange. Smith made clear distinction between the political domain and the economic domain. He stated the importance of political authority to provide for defense, organize the rule of law, and provide public goods. However, he was more concerned in the economic sphere that enables individual to pursue self interest. It is the civil society that transforms the self serving individual into a mutually



interdependent member of the society. The role of invisible hand of the market is the necessary condition to build community of individuals based on the values of freedom, trust and morality.

### **Georg Hegel on Civil Society:**

G. W. F Hegel's *Philosophy of Right* made a clear distinction between the state and civil society. Hegel was aware of the fact that moral autonomy and freedom do not automatically exist by the presence of equality before the law, republican institutions, and civil liberties. Freedom is generated when individual and collective actions are in accordance with reason. Hegel developed a teleological view of freedom. Freedom and reason develop through the unfolding of history. He identified the moments of history that connect freedom and reason. The three stages of history are family, civil society and state.

In the family state freedom and reason are limited to the institution of family which binds its members by sentiments and loyalty. There is no scope for individuality and difference. Civil society is located between the family and the state. And it is the sphere of social life where individuals are at liberty to pursue their own selfish interest within universally recognized bounds. Civil society enables individual to act independently by moving him out of the bounds of family relations. In the realm of civil society each individual tries to fulfill his needs which are multiple and diverse. Economic sphere or the market is the sphere allowing every individual to pursue his needs. Further it is the place where individual puts his labour to produce goods and service. In modern economy the division of labor goes on multiplying due to modern technology and production thus resulting into economic inequalities. Economic inequalities generate social and political inequalities. The contradiction arising in the civil society is resolved when the institution of state emerges.

### **Karl Marx's view on Civil Society:**

Marx rejected the possibility put forward by Hegel that civil society could reconcile individual self-interest with the demands of the community. For Marx civil society is as a distinct economic sphere is not evolutionary but an outcome of the rise of modern states. He looked at civil society as the base where productive forces and civil relations were taking place. On the top of the base lies the superstructure which is the political sphere. Marx rejects Hegel's claim that the state mediates conflicts that arise within civil society due to clash of interests. On the contrary the state plays important role in legitimizing the interests of the dominant class in the capitalist system. Civil society is the very base of socio economic relations and the state is a manifestation of these relations and their conflicts. Marx further holds that civil society contributes to the destruction of real community by splinting the society into political, social, and economic domains. For him, civil society constitutes individuals as competitors whose aims are interest maximization at the expense of other members of the society.

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## 2.8 MARKET: INTRODUCTION AND DEFINITION

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### **Introduction:**

In modern times economic activities happens all across the world that includes activities like buying, selling, purchasing, mortgaging, stocking and storing. The myriad of practices can be reduced to terms according to modern economics- demand and supply. In contemporary times capitalism has become the mainstay production, supply and distribution. The institutional site through which these things happen is known as market. Money is the means used in market for conducting exchange and transaction of goods and services. Markets are of different types like financial markets, housing markets, labour market or agricultural market. Similarly often we talk about local market, regional market, national market and international market. Thus from the perspective of political theory market has two dimensions. The first is empirical and second normative. Political theory aims to understand the relation between market, society and state by analyzing the role of the market in state and society. Further, it aims to comprehend the impact of the market in term of political values like justice, equality, liberty and rights.

### **Definition of Market:**

Chapman defines the market as, 'not to a place but a commodity or commodities and buyers and sellers who are in different competition with one another'.

The Economist defines market as 'a type of economy that promotes the production and sale of goods and services, with little to no control or involvement from any central government agency. The economic system is primarily based on supply and demand.'

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## 2.9 CHARACTERISTICS OF MARKET

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1. Markets are impersonal in nature. It is not owned by any particular person or by a community. According to the proponents of liberalism market is not a artificially designed phenomenon, but one that emerge as a result of human action. The prices of commodities bought and sold in the market are based on the complex interplay of various factors like producers, sellers and buyers.
2. The process of demand and supply are the central mechanisms of the market. Market is site where flows of goods and services take place. Many actors are involved in the process like the producers, wholesalers, agents, suppliers and buyers. Each actor in some way influences the functioning of the market. The entire supply and demand networks operating in the market makes it functional.
3. Markets are also local and dynamic. The prices of goods and services differ in different markets and it may also change over time. All of these

are perceived as so natural since prices reflect the demands and perceptions in a society which also vary by the time and place.

4. The players operating in the market are driven by the motive of self-interest. Buyers in the market will try to buy things at cheaper rates. The entrepreneurs on the other hand will try to secure higher profits for their businesses. The workers in the factories and industries will bargain for higher wages and salaries.

5. Competition is an important hallmark of the market. Every actor in the market has to compete with one another in order to maximize profits. Ideally it is presume that competition in the market should be based on free and fair rules. The end result of such competition cannot be questioned on the grounds that some have garnered the profits and others have lost in the game.

6. Markets are based on the principle of self regulation according to some thinkers. The fluctuations in the market in the long run tend to move towards equilibrium. Hence outside forces like state should not intervene in the process of lest it will create distortion in the market. The state should play minimal role that of a regulatory agency observing whether every actor in the market is behaving according to the rules of the market.

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## 2.10 THEORIES OF MARKET

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### **Mercantilist view of market:**

Mercantilism is one of the prominent theories of the market. It referred to the economic doctrine that emerged during the inception of nation state system. The modern nation state emerged after the treaty of Westphalia of 1648. The newly emerged states in Europe developed competitive relationship amongst themselves. The term was coined by the Scottish political economist Adam Smith who defined mercantilism as a economic theory that promotes export and restrict import.

Mercantilism is based on the idea that resources are limited in the world and each state has to compete with other states to gain control over the resources. The gain for one state is loss for another state is known as zero sum game. Mercantilist considers the state as a major actor having primacy over society, economy and individuals. In their perspective, market is one component of the state and cannot exist independently of the state. Production, consumption, exchange and investment must be governed by the state to increase its power.

Markets have significance so far as its serves the purpose of the state both in domestic and international politics. Market must gear its activity to increase the self sufficiency of the state. The surplus wealth generated by the market can be used by the state to wage war with hostile state. Mercantilism was fashionable from 15<sup>th</sup> to 18<sup>th</sup> century which was also the era of colonial expansion. Countries like Spain, England, Holland and

France were engaged in intense rivalry to capture colonies in Asia, Africa and South America which in part aimed at increasing the national power of the European states.

Mercantilism believes in promoting domestic market. Industries, firms and corporation which will enhance economic and military power of the state are given strong support. Even infant industries that are inefficient are supported. Mercantilist policies are protectionist which means state imposes high tariffs on imported goods. This will prevent the consumers from buying imported goods and consequently benefit the domestic markets. Mercantilism doctrine also promoted population growth as it was an important indicator the labour of state power. With more labour, it was believed, the market productivity and profits can be increased. This will ultimately benefit the state.

### **Classical Liberal perspective on market:**

The liberal theory or the classical political economic theory emerged as a critique of mercantilism. The *Physiocrats* like Quesnay and Mirabeau were the first who gave importance to free market. They strongly believed in non-interference of state in the economic activity. Basically were arguing that state should not interfere in the agricultural market. It was Adam Smith who propounded the idea of *laissez-faire* as the central principle of market economy. Smith stated that the 'economic man' is a self-interested, rational actor who enters the market with the intention to make profit. Competition becomes the self-regulating mechanism of the market. In the long run the free hand of the market brings prosperity to all. David Ricardo was another thinker who advocated the role of free market. He criticized the Corn Laws a protectionist policy of the British government that restricted imports of wheat. He formulated the famous idea of comparative advantage which became the mainstay principle of the theory of global free trade. Comparative advantage principle argues for the creation of efficient market conditions at the domestic level. It means a country should produce only those goods and services at have minimum production cost and quality is optimum. It can import rest of the things from other countries. If all countries follow this principle it will bring prosperity to the whole world.

*Laissez-faire* ideas opposed all forms of state intervention in the market. In the 19<sup>th</sup> century starting with Britain the rest of Europe began to follow *laissez-faire* model of economy. Outside Europe United States became the biggest champion of market economy. Even after World War I the faith in the market remained strong. The great depression of 1930s followed by World War II raised question on the model of free market.

### **Marxist view of market:**

As capitalism flourished in 19<sup>th</sup> century and market became the central principle of organizing capitalist society it led to new a crisis. The working class was exploited by the capitalist and bourgeoisie classes who were the main beneficiary of market economy. Karl Marx was the first thinker who

made systemic critique of the market economy. Marx propounded economic determinism to explain the character of capitalism. According to it the economic and material factors play primary role in any society. He called the material aspect as base and the political, social and cultural aspects as the superstructure. In capitalism the market is the base that determines other aspects of the society. Marx argued that market is the arena wherein the working class is exploited by the capitalist class. Workers have no real freedom in the market as the wage structure is always against the interest of the working class. Marx argued that only a worldwide revolution by the working class and establishment of communism will result in the formation of classless society. In Marx's view in communist society private property will be abolished and material resources will be collectively owned by the society and will be equally distributed among all. The communist revolution in the 20<sup>th</sup> century experimented with Marxian policy by abolishing private property and state regulated market. However, the communist system failed in the 1990s.

### **Modern Liberal perspective on Market:**

In the mid of the twentieth-century thinkers began to question the doctrine of *laissez-faire*. John Keynes in his book in *The General Theory of Employment, Interest and Money* challenged the belief in a self-regulating market by influencing the level of aggregate demand. Further, he argued that the state should reduce unemployment by either increasing public spending or cutting taxes. Keynes argued that unregulated market is merely an ideal and cannot work in the real world i.e. complex industrial society. State intervention in the market was necessary to promote prosperity and harmony in civil society. The industrial western world and the post colonial states implemented Keynesian ideas of regulated market or what was popularly known as welfare states. At least in the western world Keynesian policies were credited for bringing unprecedented economic growth of the 1950s and 1960s.

### **Neo liberalism and the market:**

In the 1970s there was economic crisis in the western world. Some thinkers began to critique the welfare model and supported the revival of free market economy. This theory came to be known as neo liberal thought. Friedrich August von Hayek was a strong supporter self regulating and freedom generating ability of the free market. Hayek considered most forms of state intervention in the economy as a path to government engineered despotism. Milton Friedman stated in his theory of monetarism that only the self-regulating free market allows a balance between right amount of production and sufficient wages for the workers. Robert Nozick defended market economy on the grounds of natural rights. He argued a person has ownership over his life and the resources he has produced through his own talents. Market is the institution that guarantees the property rights of a person. The intellectual arguments paved the way for rise of neo liberal policies that gave primacy to the role of the market. In the 1980s Ronald Reagan in United States and Margaret Thatcher in United Kingdom implemented neo liberal policies. Later the World Bank

and International Monetary Fund prescribed neo liberal policies for the developing world. Later in the 1990s neo liberalism became fundamental aspect of globalization.

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## 2.11 SUMMARY

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The chapter has explored and analyzed three important institutions namely state, civil society and market. The state is an ancient institution where as civil society and market has emerged in the modern times. The chapter has also analyzed the features of the three institutions and propounded the theories explaining the nature and scope of the same.

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## 2.12 UNIT END QUESTIONS

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1. Define State and explain the features and historical development of State.
2. Examine the important theories of the State.
3. Define Civil Society and discuss the features and historical growth of Civil Society
4. Elucidate the various theoretical approaches to Civil Society
5. Define the term Market. Discuss the characteristics of Market.
6. Critically examine the theoretical aspects of Market.

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## 2.13 SUGGESTED READING

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Heywood Andrew, *Political Ideologies an Introduction*, Palgrave MacMillan, London, 2017.

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Bhargava, Rajeev and Acharya, Ashok, *Political Theory an Introduction*, Pearson, New Delhi, 2008.

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## POWER, AUTHORITY AND LEGITIMACY

### Unit Structure

#### 3.0 Objectives

#### 3.1 Power: Concept; sources and forms of power:

3.1.1 Meaning and definition of power

3.1.2 Various forms of power

3.1.3 Sources of power

3.1.4 Different dimensions or faces of power

#### 3.2 Authority:

3.2.1 Meaning and definition of Authority

3.2.2 Types of Authority / Weber's Classification of Authority

#### 3.3 Legitimacy:

3.3.1 Meaning of legitimacy

3.3.2 Features of legitimacy

3.3.3 Sources of Political Legitimacy

#### 3.4 Unit End Questions

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### 3.0 OBJECTIVE

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- To understand the Concept and forms of Power in Politics
- To understand the difference between authority and legitimacy

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### 3.1 POWER: CONCEPT; SOURCES AND FORMS OF POWER

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#### Introduction:

In the study of political theory the concept of power is the most crucial one. The term power is central to the notion of politics. Politics actually deals with the exercise and struggle for power. As a student of the subject of political science it is important study how power is gained, how it is maintained, how it is used and what are the criterion on basis of which it is exercised?. The concept of power subsists at the center of the term politics and therefore a proper understanding of power enables us to also understand various dimensions of politics. There are multiple dimensions of power. Several thinkers have evaluated the term power in their own ways. Therefore there is no single definition of power. There are multiple definitions and interpretations of power given by various thinkers. Power

in simple words can be described as a form of domination or an ability to control the behavior of others. It means it is an ability to force others to obey and secure compliance.

Ever since the meaning of politics has changed from the study of state and government' to the study of power', the theme of power has received extraordinary importance. It is understood as a capacity to develop unwanted consequences within social interaction. In this sense power is a type of behavior that derives from the existence of social relationships and organized social interactions. In other words power is the ability to determine the behavior of others in accordance with one's own wishes. For instance if someone has power, then it is understood that he/she has capacity to influence the behavior of others in accordance with his own intentions. It is interesting to note that power can be ascribed to those who can influence other's behaviour against their will.

### 3.1.1 Meaning and definition of power:

Power is control to the understanding and practice of politics. Many scholars and academicians have tried to define power by using different yardsticks. Power is generally associated with influence, force or control over resources. The term power has been synonymously identified with authority, coercion or force and due to this its precise meaning has become very fluid affair. Generally "Power is understood as an ability to get someone to do something, he or she otherwise would not have done." Few definitions of power are discussed:

- **Robert Dahl:-** "Power is an ability to exert influence over B – to be more specific for e.g. A has power over B' to the extent that 'A' can get 'B' to do something which B would not otherwise do. This definition assumes two things about powers :
  - i) Power is an attribute of individuals which is exercised over other individuals and
  - ii) Power is domination over others, that is, power is used to make others do what one wants, against their own will.
- **E. M. Coulter:** He defines "Power as the capacity to cause a thing to happen that would not happen without that capacity."
- **Michael Oakeshott:** "Power is a particular kind of relationship in which one party has the ability to procure with certainty a wished for response in the conduct of another".
- **Henri Gouverde:** Power is shaped by and in turn, shapes the socially structured and culturally patterned behavior of groups and the practices.
- **Hannah Arendt:** Political power arises not from violence, but from individuals acting in concert. That means politics is the sphere of persuasion, not force.
- **Michel Foucault:** power does not only consist of the possibility of influencing the actions of others, against their will but is also produced

by the dominant and the dominated through identity constituting discursive practices.

- **Max Weber:** “The ability of an individual or group to achieve their own goals or aims when others are trying to prevent them from realizing them”.

We have seen that there are number of definitions and viewpoints given by different scholars of repute to get a perspective on power and to understand its dynamics. It appears that power as a relationship between state and individuals, state and groups, groups and individuals can manifest in several forms. In view of the debates about exact meaning of power as given in above mentioned definitions, Steven Lukes, maintains that power is a 'contested concept'. The controversies surrounding different definitions of power may be resolved when we accept that power is a contested concept. This understanding of power as essentially a contested concept is developed by Steven Lukas in his celebrated work 'Power': A radical view.

### **3.1.2. Sources of power:**

There are many sources for power. Several scholars have identified different sources of power based on their own perceptions.

#### **1. Wealth and Property:**

Wealth can be defined as an abundance of valuable resources or valuable material possessions. Wealth is considered as the most important attribute of power as most of the powerful persons have control over the limited resources. The possession of property allows people to acquire anything they want and thereby making others to submit to them. For generation wealth has been one of the most important sources of power. In contemporary period also wealth has become a basic source of influence. With increased globalization, the disparity between rich and poor has widened and more and more wealth has passed into corporate control.

#### **2. Personality:**

Personality means mind, morality, physique and competence one possesses. Personality has the ability to persuade and influence others. This source is also known as referent power which is discussed in length by Bertram Raven in his theory of five bases of social power. This power comes from the ability of individuals to attract others and build their loyalty. It is based on the personality and interpersonal skills of the power holder. A person may be admired because of a specific personal trait, such as charisma or likability, and these positive feelings become the basis for interpersonal influence.

#### **3. Prize and Reward:**

Reward may be defined as something that is given in return for good or evil done or that is offered or given for some service or attainment. This is also the most important source of power. To be more specific, power depends on the ability of the power wielder to confer valued material

rewards, it refers to the degree to which the individual can give others a reward of some kind such as benefits, desired gifts, promotions or increases in pay or responsibility. Reward power comes from the ability to confer valued material rewards or create other positive incentives. It refers to the degree to which the individual can provide external motivation to others through benefits or gifts.

#### **4. Coercive force :**

Coercion force can be used by a person or a group to threaten others to make them act according to his/her desires. Coercive force can be of physical, mental or other form. People opt for submission to the coercive power possessor out of fear of punishment or fear of loss of their freedom or any other reason. The threats could be real or imaginary perception. the threat and application of sanctions and other negative consequences. These can include direct punishment or the withholding of desired resources or rewards. Coercive power relies on fear to induce compliance. Coercive power is the application of negative influences.

It includes the ability to demote or to withhold other rewards. The desire for valued rewards or the fear of having them withheld that ensures the obedience of those under power. Coercive power tends to be the most obvious but least effective form of power as it builds resentment and resistance from the people who experience it. Threats and punishment are common tools of coercion. Implying or threatening that someone will be fired, demoted, denied privileges, or given undesirable assignments – these are examples of using coercive power. Extensive use of coercive power is rarely appropriate in an organizational setting, and relying on these forms of power alone will result in a very cold, impoverished style of leadership.

#### **5. Cultural hegemony :**

Cultural hegemony is a concept which was effectively used by Italian philosopher Antonio Gramsci. Cultural hegemony refers to rule or power established by dominant class with help of ideology or culture. The term refers to the ability of a group of people to hold power over social institutions, and thus, to strongly influence the everyday thoughts, expectations, and behaviour of the rest of society by directing the normative ideas, values, and beliefs that become the dominant worldview of a society. Cultural hegemony functions by achieving the consent of the masses to abide social norms and the rules of law by framing the worldview of the ruling class, and the social and economic structures that go with it, as just, legitimate, and designed for the benefit of all, even though they may really only benefit the ruling class. It is distinct from rule by force, like in a military dictatorship, for achieving rule through the realm of ideas, norms, and expectations.

#### **6. Political party:**

The reason for the supreme position of the party lies in the very nature of democracy. The party permits the presentation of particular and, quite

frequently, very egoistic interests as national interests. At the same time, however, it prevents the total domination of national interests by particular interests. The function of the political party in democracy is thus ambiguous. The democratic process compels each social group to strive for mass support. Each group, therefore, must present its egoistic interests as universal. Politics in a democracy, the struggle for political power, thus becomes far more ideological than in any previous period in history.

### **3.1.3 Different Forms of power /faces of power :**

#### **1. Power through Decision-Making:**

The first form of power comes very closer to the theory of Robert Dahl who says that power is explicitly seen in a relationship. According to Dahl those who have power takes control over the decision making process. He discusses power from the context of decision making. Luke's conception of power addresses the issue that is prevalent in the present contemporary society. The principal focus here lies in the behavior of the actors that is those who take part in decision making.

**Importance-** In this situation those who wins the argument, or an issue, has the power. This is similar to the viewpoint of Classical Pluralist approach to power. For example in a classroom a teacher wins an argument with a student that means teacher has power. Similarly in political system government makes a decision through legislative branch and gets obedience of the citizens. In a nutshell the one dimensional view of power is often called the 'pluralist' approach and emphasizes the exercise of power through decision making and observable behavior.

#### **2. Power as Agenda setting :**

The second form of power is about agenda setting or non decision making. In their important work '*The two faces of power*', Bachrach and Baratz described non decision making as the second face of power. This dimension is concerned with influencing the topic that is likely to come for the debate. In this case power may be exercised to ensure that certain issues and topics never come up for debate at all. In other words power can shape the setting of agenda for debate itself and exclude certain issues from the beginning. The second form of power gives emphasis on decisions that are not made. It focuses on decision making as well as control over the agenda. For example a Chairperson of a meeting can decide before the meeting about the agenda of meeting, which means that he is not at risk of being questioned and opposed as he can alter the topic of discussion.

**Importance-** This type is comparatively well guarded and discreet in nature since power is exercised behind closed doors. Those who have the power to set the political agenda also have the power to determine what can, and more importantly, cannot be discussed. The most important point highlighter here is that power is not just about decision making it is about preventing decisions being made or reducing the choices of making the decisions.

### 3. Manipulating the view of others:

This form of power includes manipulating the psychology of the people and finally shaping their preferences. This can be seen as similar to the Marxist view of ideological power, where the ability to control can lead to acceptance of biased decisions without questioning.

**Importance-** The third face of power described how power can manipulate others to do something they might not actually want to do. Lukes, a Marxist, said this can create a false consciousness as the working class will be convinced that what the ruling class wants is actually what they want too, thus the third face of power can be described as manipulation. This dimension can be seen as a 'deceptive face', where trickery and psychological methods is the primary tool in shifting values and changing what people consider to be important.

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## 3.2 AUTHORITY

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Authority is known as that power which is legitimised in nature. In other words legitimate power is known as authority. Whereas power is defined as the ability to influence the behaviour of another, authority can be understood as the right to do so. Power brings about compliance through persuasion, pressure, threats, coercion or violence. Authority, on the other hand, is based upon a perceived 'right to rule' and brings about compliance through a moral obligation on the part of the ruled to obey. Power is known as ability to influence others behaviour, authority is the right to influence other's behaviour. In other words **Authority = Power + Legitimacy**. Authority therefore can be discussed as that concept which is based on acknowledged duty to obey rather than any form of coercion or manipulation. The greatest exponent of the concept of authority is Max Weber. He was determined to explain why and under what circumstances, people were prepared to accept the exercise of power as legitimate?

### 3.2.1 Meaning and definition of Authority:

Etymologically the term authority is derived from the Latin word *autorite* meaning right to exercise the power or ability to settle disputes. Power necessarily means the power of the state. Authority is based upon an acknowledged duty to obey rather than any form of coercion or manipulation.

Authority can be discussed as a right to rule and it slowly takes the form of moral claim wherein people are obliged morally to accept the authority of those who hold it. For example political leaders in this sense continue to claim the right to rule, on the basis of election results or constitutional rules.



### **Definition of Authority :**

- **Gerhard Kohler:** “Authority rests on intransitive power, since it can only take place in a common space of action in which the relationship of command and obedience is fundamentally accepted”.
- **Max Weber:** Authority is the “probability that a command with a given content will be obeyed by a given group of persons.”

### **3.2.2 Types of authority / Weber’s classification of authority:**

Max Weber, a German sociologist and political economist best known for his thesis of the “Protestant ethic,” relating Protestantism to capitalism, gave a systematic typology of authority. Weber in his philosophical and sociological discourse has discussed three types of authority. He wrote in German language and while advancing his theory of authority he actually has used the term *Herrschaft* and its English translation is ‘domination’ or ‘rule’. Since domination is generally not recognized as an established political concept the term domination as used by Weber is referred in English as authority.

#### **1. System of domination:**

Weber was interested to put forth a ‘system of domination’, and aimed to explore in each case the grounds upon which obedience was established. He evaluated the concept of system of domination by constructing three ‘ideal-types’ of domination. The ‘ideal types’ which he accepted were only conceptual models that would help to make sense of a highly complex nature of political rule. Weber defined authority (domination) as the chance of commands being obeyed by a specifiable group of people. Legitimate authority is that which is recognized as legitimate and justified by both the ruler and the ruled. Legitimate does not necessarily imply any sense of rationality, right, or natural justice. Rather, domination is legitimate when the subordinate accept, obey, and consider domination to be desirable, or at least bearable and not worth challenging. It is not so much the actions of the dominant that create this, but rather the willingness of those who subordinate to believe in the legitimacy of the claims of the dominant.

#### **2. Three types of authority:**

Weber outlined three major types of authority or what he called legitimate domination: traditional, charismatic, and legal -rational. These three forms do not constitute the totality of types of domination but they show how it is possible for some people to exercise power over others. Authority extends and maintains power and demonstrate how people come to accept this domination as a regular and structured phenomenon. It is important to note that these are ideal types, with actual use of power being likely to have features of more than one type of authority, and perhaps even other forms of power such as the use of force or coercion.

Traditional authority is based on the idea of historical precedence and perception that one has right to rule because of a long-standing belief system. Charismatic authority is derived from the exceptional skills or competence of the leader. The third type is rational-legal authority, the one most interesting to Weber, is possible only in the modern world and is based on a set of rational rules that are formally enacted. This type of authority is highly bureaucratized in nature, and its increasing presence increases rationalization of society. Three types of authority can be discussed as follows:

#### **A. Traditional Authority :**

Traditional authority is the first type of authority discussed by Max Weber. In this type those who holds power assumes extraordinary importance and no one challenges his right to exercise power. These could be (i) religious, sacred, or spiritual forms, (ii) well established and slowly changing culture, or (iii) tribal, family, or clan type structures. Important features of traditional authority are as follows:

##### **i) Immemorial custom:**

In his analysis Max Weber propounds that in traditional societies, authority was based upon the esteem regard for old traditions and customs. Consequently traditional authority was regarded as legitimate, because it had always existed and had been accepted by earlier generations. This form of authority is therefore sanctioned by history and is based upon immemorial custom.

##### **ii) Belief in the sanctity of everyday routine:**

The status of dominant personality is not exactly defined in traditional authority. The dominant personality could be a priest, leader of a clan, family head, or some other patriarch. In most circumstances, traditional authority is reinforced by culture such as myths or commitment to sacramental rites, spiritual beliefs, symbols such as a cross or flag. There is also a strong devotion to the structures and institutions which perpetuate this traditional authority. In Weber's words, this traditionalist domination "rests upon a belief in the sanctity of everyday routines."

##### **iii) Two types of traditional authority:**

Weber has further discussed two types of traditional authorities, namely (i) gerontocracy or rule by elders. It is a form of social organization in which a group of old men or a council of elders dominates or exercises control (ii) Patriarchalism where important positions are inherited by male inheritor. It involves the 'subordination of children and women to the male head of family who hold control over the wealth of the family, the sexuality of its women, and the labour power of all its members.

##### **iv) Traditional authority creates inequality:**

Weber maintains that the traditional authority is a means by which inequality is created and preserved. In this authority there is no scope to challenge the authority of the traditional leader or group. Weber notes that

traditional authority blocks the development of rational or legal forms of authority.

### **B. Charismatic Authority:**

Weber's second type of authority or form of legitimate domination is Charismatic authority. This form of authority is based entirely upon the power of an individual's personality, that is his or her *Charisma* which means magical charm, gift or favor. Weber defines charismatic authority as "resting on devotion to the exceptional sanctity, heroism or exemplary character of an individual person, and of the normative patterns or order revealed or ordained by him". Charisma is a quality of an individual personality that is considered extraordinary, and followers may consider this quality to be endowed with supernatural, superhuman, or exceptional powers or qualities. Whether such powers actually exist or not is irrelevant – the fact that followers believe that such powers exist is what is important. Some of the features of Charismatic authority are as follows:

#### **i) Popular acceptance and reverence:**

Weber considers charisma to be an inspiring and innovative force which cascades through traditional authority and established rules. The sole basis of charismatic authority is the recognition or acceptance of the claims of the leader by the devotional followers. There is popular acceptance of leaders and the dominant leader is highly revered. Interestingly it has capacity to challenge the traditional rule and can even confront legal authority.

#### **ii) It creates a spectre of total power:**

Whether charismatic authority possesses popular acceptance or not, its way of functioning is authoritarian in nature. It is for this reason that it is looked upon with suspicion. Charismatic authority demands unquestioned obedience and imposition of authority regardless of consent.

#### **iii) Power is based on faithful devotion:**

In charismatic authority the followers or adherents not only recognize but also endorse personal mission of the charismatic leader. Here the edifice of power rests solely upon realistic recognition that founts from faithful devotion. Authority legitimized by *charisma* rests on the devotion of followers to the exceptional sanctity, heroism, or exemplary character of leaders as well as on the normative order sanctioned by them.

### **C. Legal or Rational Authority:**

The third type of authority identified by Weber is Legal-rational authority. According to Weber this is the most important type of authority since it has acquired a dominant mode of organization within modern industrial societies. This type of authority rests on a belief in the legality of enacted rules, regulations and laws. Under such rules those who are elevated to authority generally issues commands. Important features of legal-rational authority is as follows :

**i) Bureaucratic organizations :**

Weber maintains that legal-rational authority is a classic example of the large scale, bureaucratic organization that had come to dominate modern society. It operates through the existence of a body of clearly defined rules. In this type of authority the respect and obedience is attached entirely to the office and its powers and not to the office bearer. In this sense it is completely different from the charismatic and traditional authority.

**ii) Respect for the rule of law:**

Legal-rational authority is based on rules and regulation and therefore it respects the principle of rule of law. Modern government can be said to operate on the basis of legal-rational authority. The powers of the office holder is determined in all circumstances by formal, constitutional rules which constrain or limit what an office holder is able to do. According to Weber this kind of authority is to be preferred to traditional or charismatic authority.

**iii) It creates a rationalized political system:**

The legal rational authority gives rise to a legal rational system, and consequently leads to the development of political system which becomes rationalized in nature. Associated with this are constitutions, written documents, offices, regular elections and political procedures and so on. This type of authority thus stands in opposition to earlier types of authorities which is based on tradition or charisma. In a nutshell we can say that when a political or legal system develops in rational manner, then the resultant authority takes on a legal form.

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### **3.3 LEGITIMACY**

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Legitimacy is an important concept of political theory and it is closely connected with the term political obligation. The term political obligation and legitimacy finds a significant place in the subject matter of political sociology. So far as political science is concerned the concepts like authority and legitimacy becomes important area of study with reference to understanding the structure and function of a political system. To be more specific a political scientist is expected to be concerned with the question of authority as well as its legitimacy in terms of the decision making process that characterizes the operation of a modern political system.

**3.3.1 Meaning of legitimacy :**

The term legitimacy is derived from the Latin term *legitimare* meaning ‘to declare lawful’. Legitimacy broadly means rightfulness and actually transforms power into authority. Legitimacy is a belief, held by individuals, about the rightfulness of a rule or ruler. Legitimacy is defined and discussed differently by philosophers and political scientists. Political philosophers treat legitimacy as a moral or rational principle, while political scientists view legitimacy in sociological terms, that is as a

willingness to comply with a system of rule regardless of how this is achieved.

### **3.3.2 Features of legitimacy :**

#### **1. Subjective and normative connotation:**

Broadly speaking the concept of legitimacy is subjective and normative in nature. It is important to note that it exist only in the beliefs of an individual about the rightfulness of rule. The subjective approach to legitimacy is grounded in the work of Max Weber, who emphasizes the macro-social consequences of citizens' belief in the legitimacy of their rulers. The normative approach to legitimacy attempts to identify a moral or rational basis for legitimacy, thereby suggesting a clear and objective difference between legitimate and illegitimate forms of rule.

#### **2. Justification of authority:**

the most important function of legitimacy is to transform power into authority. Political legitimacy is often seen as a concept which provides justification of authority. The main function of political legitimacy, on this interpretation, is to explain the difference between merely effective or *de facto* authority and legitimate authority. John Locke put forward such interpretation of legitimacy.

#### **3. Sources of legitimacy:**

Max Weber gives three main sources of legitimacy understood as the acceptance both of authority and of the need to obey its commands. He identifies three sources of legitimacy that is tradition, charisma and legality. People may have faith in a particular political or social order because it has been there for a long time (tradition), because they have faith in the rulers (charisma), or because they trust its legality - specifically the rationality of the rule of law.

#### **4. Closely connected with Political Obligations:**

Historically speaking, legitimacy is closely connected with the concept of political obligation. John Locke is the greatest exponent of this viewpoint. He says that every man gives his consent to formulate a sovereign power or a government and voluntarily puts himself under an obligation to submit himself to the determination of majority.

### **3.3.3 Sources of Political Legitimacy:**

#### **A. Consent :**

Consent came to be seen as the most important source of legitimacy during seventeenth century. Philosophers like Hugo Grotius, Hobbes, and Samuel Pufendorf in their discourse advanced an argument that consent is the most important source of legitimacy. Philosophical base of consensual legitimacy may be understood in three ways. i) Political authority is required to get consent of all subjugated or the inhabitants in order to establish its legitimacy over them. ii) The position of legitimate authority is that the subdued masses are under an obligation to give their consent in order to lead a secured life. iii) Consent is not directly a condition for

legitimacy, but the conditions for the legitimacy of authority are such that only political authority that enjoys the consent of those governed can meet them.

### **B. Beneficial Consequences :**

Beneficial consequences means utility of a particular thing depends upon its consequences. This general approach is applied at different level in normative political theory. The most notable example of this is about whether a ruler posses a moral right to rule. This view point is advanced by utilitarian theorists who suggest that the legitimate political authority should be grounded on the principle of utility. This conception of legitimacy is necessarily a moralized one that is the legitimacy of political authority depends on what morality requires.

### **C. Public Reason :**

Public reason is different from consent or utilitarian principle. It is based on the principle that our political principles must be justifiable and reasonably acceptable to all those persons to whom the principles are meant to apply. Hobbes, Kant and Rousseau are major exponent of this theory. Contemporary thinkers like John Rawls and Jurgen Habermas have also used this theory to delineate the grounds of political legitimacy. Rawls' says that "political power is legitimate only when it is exercised in accordance with a constitution (written or unwritten) the essentials of which all citizens, as reasonable and rational, can endorse in the light of their common human reason". In the way public reason is perceived as the source of legitimacy.

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## **3.4 UNIT END QUESTIONS**

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1. Give meaning of power and discuss various forms of power.
2. Define power and give important sources of power
3. What is authority? Evaluate Max Weber's classification of authority
4. Write meaning of legitimacy and illustrate its sources
5. What is legitimacy? Give its important features
6. Write short notes:
  - Different dimensions of power
  - Traditional authority.
  - Charismatic authority.
  - Legitimacy.

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# CONCEPT OF LAW AND POLITICAL OBLIGATION

## LAW – NATURE, SCOPE AND TYPES

### Unit Structure

- 4.1 Objectives
- 4.2 Introduction
- 4.3 Law: Definition Meaning
  - 4.3.1 Features and Nature of Law
  - 4.3.2 Sources of Law
  - 4.3.3 Types of Law
  - 4.3.4 Scope and importance of Law
- 4.4 Political Obligation and Types of Resistance
  - 4.4.1 Introduction
  - 4.4.2 Meaning and Nature of Political Obligation
  - 4.4.3 Grounds of Political Obligation
  - 4.4.4 Right to Resistance
- 4.5 Unit End Questions
- 4.6 References

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### 4.1 OBJECTIVES

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- To understand the concepts of law, its nature and types in Politics.
- To understand the theory of Political and legal Obligations.

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### 4.2 INTRODUCTION

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Law is the most important feature of the modern state. Laws, which are commonly known as sets of uniform principles, operate in all fields of human activity from science to society. In political science we are concerned with the laws of the state. The concept of law is one of the basic concepts in political theory because the state is human and a legal association and enjoys monopoly of power. Human community faces two major organizational problems. One is regulation of human behaviour and to maintain law and order. Second is to find a common method of deciding claims and disputes. The ultimate objective of laws is to secure freedom and justice for the people. Because when law limits and regulates human action in society, it is in fact, safeguarding individual freedom against encroachment from others. Common people know that laws are made by

the government, laws must be obeyed and that laws are necessary because their absence will lead to anarchy.

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### 4.3 DEFINITIONS AND MEANING OF LAW

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Definitions of law are many and varied. Different schools of jurisprudence have put forth various definitions of law. Some definitions are as follows:

- The Term Law is derived from the word „Lag“ which means fixed or, „Uniform“. It means rules of behaviour which will be uniform for all.

**John Austin Says:** - “Command of the sovereign is called a law”. It may be Monarch or Parliament. In that sense state is sovereign and rules of the state are called a law.

**T.E. Holland:** - “Law is a general rule of external human action enforced by a sovereign political authority”.

**John Salmond defines:** - “Law means the body of principles recognized and applied by the state in the administration of justice”.

#### **Definition of Law:**

Jurists have defined law differently from different point of views. It has been called Dhama in Hindu jurisprudence and “Hukum” in Islamic system.

Defining the term ‘law’ is not an easy task because the term changes from time to time and different scholars define the term variously. Definition of the term may vary due to the different types of purposes sought to be achieved. Definitions given to the term law are as many as legal theories.

- b) These external actions or threats of action always involve coercion or force;
- c) Individuals whose official role is to enforce the law must enforce the coercive action.

He refers to state particularly when he talks about officials who enforce the law because they are state officials who are empowered to do that.

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### 4.4 FEATURES AND NATURE OF LAW

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The above definitions tell us that the concept of law have several dimensions and features. These are as follows: -

#### **1. A Law expresses the will of the state:**

Law is considered to be the expression of the absolute sovereignty of the state. Rules and regulation of the state in called law.

## **2. A law is made by the Government:**

Government is the authority which works on behalf of the state. Government has three organs, Legislature, Executive and judiciary. Legislative organ of the Government make the laws.

Executive organ of the Government implement and enforce the laws.

Judicial organ of the Government interprets the law and grants punishment to those who violate the law.

Thus a law is made by the Government and reflects the will of the State.

## **3. Law regulates the external conduct and actions of the people:**

Internal thoughts, feeling sentiments cannot be regulated by the laws e.g. gender equality laws can only lay down how men should behave with women, it can not regulate what men think about women.

Thus a law can only regulate what members of a society do. It cannot regulate what they think and feel.

## **4. Laws are universal:**

It means laws are universally applicable to all. It means the „rules of law“. A law must apply to all citizens equally and treat them similarly e.g. equality before the laws and equal protection of law to all. e.g. the penalty for committing a narcotic offence - such as carrying prohibited drugs on one's person is the same for all Indians from Bollywood actor to common man. Thus laws are universally applicable without any discrimination.

## **5. A law must be constitutionally valid:**

Government makes the laws within the framework of constitution. Laws are precisely written down. There is a coercive authority behind law: - Violation of law invites punishment by the state e.g. Police force identify a violation of the act and judiciary punish the accused. Thus laws are backed up by a system of coercion and punishment.

## **6. The supreme purpose of law is welfare of the people.**

## **7. People give obedience to the law as it has the validity and sanction of the state.**

## **8. Laws are compulsory:**

All individuals and associations are bound by the law of the state. It is not optional. No one can be excused for breaking a law on the grounds of ignorance. Individuals and associations are supposed to know the law of the state

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## **4.5 SOURCES OF LAW**

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Sources of law mean various factors that contribute to determine the content of law. A law is made by the Government and expresses the will

of the State. However, a Government does not take decisions in isolation. There exist various Non-Governmental factors that influence the creation of law. These factors or sources are as follows:-

**1. Customs:** It is the first source of law. It came into existence before the state came into being. Customs are earliest form of regulation of human society. They were obeyed during earlier times because of their social utility and later on due to habit. Customs are valued and respected by the people. Violation of customs leads to public displeasure. After the emergence of the state, customs slowly gave way to laws. The state understood the utilitarian value of customs. The State initially enforced only the customary law. Customs is not a law unless it is recognized by the state. In England customs form an integral part of the common law. However the state does not ratify all customs. Some customs are evil which have to be abolished by law. E.g. the customs of sati, child marriage, unsociability are abolished by law.

**2. Religion:** In the primitive society customs had religious sanction. Every aspect of life was regulated by religion. People had faith in religion and therefore followed religious practices meticulously. Eventually, religious rules were translated into legal rules for controlling and regulating human behaviour e.g. Hindu laws are based on the code of manu and the Muslim law on the Koran.

**3. Judicial Decisions:** The primary function of the judges is to interpret and apply law. While doing so, the judges may come across the gap in the law. Under such circumstances, he uses his knowledge and experience and applies the law to specific cases. Such judgments can be used as precedents in future. It may create new laws. The power of judicial review in the U.S. and India can become the law making power of the judiciary.

**4. Scientific Commentaries:** There are the writings of eminent jurists which contain important legal principles. Jurists collect and compare lot of information. They study the existing legal systems, find out the drawbacks in it and suggest measures to reform it. Lawyers and judges both use the writings of these experts. When they are accepted by the judge, they become part of a law.

**5. Equity:** Use the common sense by the judges. It means the principle of fairness and justice. When the civil law becomes rigid and unrealistic, it gives rise to equity. When the judge finds that justice cannot be achieved with the help of existing law, he decides the case on the basis of fairness. By doing this, precedent is set and it becomes the basis of new law. It is an informal method for making a new law or improving an old law.

**6. Legislation:** Legislature is the law making body of the government. Today most of the laws are product of legislature. Law making is the primary responsibility of the legislature e.g. Indian parliament works as a law making body

**7. Ordinance:** To meet an, emergency, the government issue ordinance. It is issued when the legislature is not in session. It is as effective as law. Very often, the legislature converts an ordinance into a law. It is issued when the legislature is not in session. It is as effective as law. Very often, the legislature converts an ordinance into a law.

**8. Different thinkers and philosophical schools put forth different views about the nature and sources of law:-**

**A. The Analytical view:** Austin, Hobbes and Bentham are the chief exponents of this view. According to them sovereign authority is the only source of law i.e. the state. The sovereign authority creates and enforces law. It is authorized to punish those who disobey law. According to them people obey law because the state has coercive power. This view is criticized on several grounds. It is emphasis on a formal source of law. A part from sovereign authority, there are other sources of law like custom, religion. Secondly they neglect the evolutionary character of law. Laws are not made overnight, several historical forces enter into making of laws.

**B. The Historical View:** This school of thought is opposed to the Analytical view, According to them customs; religion, traditions etc are main sources of law. Useful traditions automatically take the form of law. Hence the law is the result of the process of historical evolution, social development and influences of the past.

**C. The Sociological View:** According to them there is a close relationship between law and society. Law is the product of social forces. The state does not create law but only imparts legal value to the existing social rules. Laws serve the social needs and interest of the society. People obey law because it promotes social welfare.

**D. The Philosophical View:** According to them law is a result of culture and is also a means of enhancing it, their interest lies in securing an ideal basis for law.

**E. Communist or Marxian View:** According to them state and its laws protect the interest of the privileged class. They dominate the state. So people should change the entire political system.

### **Conclusion**

In modern times, legislature is the most important source of law. But the content of law is determined by several above factors,

### **Types of Law:**

Law are classified into different categories depending on its: -

Source,

Nature,

Usage and

Function.

Aristotle, John Locke and Thomas Hobbes have spoken of natural law and its rule in the functioning of the state. They say that natural laws are those that cannot be destroyed by any authority.

Natural laws have been created by nature itself.

These laws exist above and beyond the law of the state

### **Basic Features of Law:**

Analysing the features and nature common to all laws would help us to understand the concept of law.

Among these features and natures, the ones considered as essential include

### **Generality, Normativity and Sanction.**

#### **I) Generality:**

Law is a general rule of human conduct. It does not specify the names of specific persons or behaviours. Hence, its generality is both in terms of the individuals governed and in terms of the social behaviour controlled.

The extent of its generality depends on whom the law is made to be applicable. Consider the following illustrations.

“Everyone has the right to life, liberty and the security of a person.” [Art 3, UNDHR; 1948].

- This law is made to be applicable to every person on this world. Therefore, it is universal.

“Every person has the inviolable and inalienable right to life, the security of person and liberty.” [Article 14 of the 1995 Constitution of the Federal Democratic Republic of Ethiopia].

- This constitutional provision is made to be applicable to every person in Ethiopia. so, the extent of its generality is national. This is less general than the first illustration.

“Every Ethiopian national, without any discrimination based on colour, race, nation, nationality, sex, status, has the following rights...

(b) On attainment of 18 years of age, to vote in accordance with the law.” [Article 38(1)(b) of the 1995 Constitution of the Federal Democratic Republic of Ethiopia].

- This law is made to be applicable only to Ethiopian nationals who attain 18 years of age. Therefore, it is even less general than the second illustration.

“Whoever intentionally spreads or transmits a communicable human disease is punishable with rigorous imprisonment not exceeding ten years.” [Article 514 (1) of the 2004 Criminal Code of the Federal Democratic Republic of Ethiopia].



- This law is made to be applicable only on a person who commits the crime.

Therefore, it is even less general than the third illustration.

“The term of office of the presidents shall be six years. No person shall be selected president for more than two terms” [Article 70(4) of the 1995 Constitution of the Federal Democratic Republic of Ethiopia].

- This law is made to be applicable only to a person who becomes a president in Ethiopia. Therefore, it is even less general than the fourth illustration.

Under all these illustrations, the subjects of laws are given in general terms. However, the extents of the generalities decrease from universality to an individual person. Generality of the subject of the law may serve two purposes. Firstly, it promotes uniformity and equality before the law because any person falling under the group governed by the law will be equally treated under the same law. Secondly, it gives relative permanence to the law. Since it does not specify the names of the persons governed, the same law governs any person that falls in the subject on whom the law is made to be applicable. There is no need to change the law when individuals leave the group. This is what can clearly be seen from the fifth illustration. Even if the former president’s term of office has lapsed, the same law governs the present and future presidents without any need to change the law. The permanence of law is indicated as relative for there is no law made by person, which can be expected to be applicable eternally.

Generality of law, as indicated above, does not only refer to the subjects governed but also the human conduct, which is controlled. The human conduct in any law is given as a general statement on possible social behaviour. It does not refer to any named specific act like stealing, killing by shooting and killing by spearing. Just a law can govern millions of similar acts and that saves the legislator from making millions of laws for similar acts, which may make the law unnecessarily bulky.

## **ii) Normativity:**

Law does not simply describe or explain the human conduct it is made to control. It is created with the intention to create some norms in the society. Law creates norms by allowing, ordering or prohibiting the social behaviour. This shows the normative feature of the law. #

**Based on this feature, law can be classified as Permissive, Directive or Prohibitive.**

### **A) Permissive Law:**

Permissive laws allow or permit their subjects to do the act they provide. They give right or option to their subjects whether to act or not to act. Most of the time such laws use phrases like:

- has/ have the right to

- is/are permitted/allowed to
- shall have the right
- shall be entitled to
- may
- is/are free to

### **Illustrations:**

“Every person is free to think and to express his idea.” [Article 14 of The 1960 Civil Code of Ethiopia].

- The human conduct to think and to express ideas is permitted by this law. Therefore, it is a permissive law.

“Accused persons have the right to be informed with sufficient particulars of charge brought against them and to be given the charge in writing.” [Article 20(2) of the 1995 Constitution of the Federal Democratic Republic of Ethiopia].

- “have the right to” in this law shows that the subject is given the right or permitted to get the charge in writing and to be informed its particulars. Therefore, it is permissive law.

### **B) Directive law:**

Directive law orders, directs or commands the subject to do the act provided in the law. It is not optional. Therefore, the subject has legal duty to do it whether s/he likes it or not, otherwise, there is an evil consequence that s/he incurs unless s/he does it as directed by the law. Directive law usually uses phrases like:

- must
- shall
- has/have the obligation
- is/are obliged to
- is/are ordered to
- shall have the obligation/duty

### **Illustrations:**

“The debtor shall personally carry out his obligations under the contract where this is essential to the creditor or has been expressly agreed.” [Civ. C. Art. 1740(1)]. “Shall.... carryout” in this law shows that the contracting party, the debtor, is directed, ordered or commanded by the law as it is provided. Therefore, this law is directive law.

“Every worker shall have the following obligations to perform in person the work specified in the contract of employment.”[Article 13(1) of the 2003 Labour Code Proclamation No. 377/2003].

“Shall have the obligations to” in this law shows that the worker is directed by the law as it is provided in the law. Therefore, it is directive law.

In general, directive laws are mandatory provisions of laws. They oblige the subject to act, as they require him/her to act.

### **C) Prohibitive law:**

Prohibitive law discourages the subject from doing the act required not to be done. If the subject does the act against the prohibition, an evil follows as the consequence of the violation. All criminal code provisions are prohibitive laws. Prohibitive laws usually use phrases like:

- must not;
- shall not;
- should not;
- no one shall/should;
- no person shall/should;
- may not;
- is/are not permitted/allowed;
- is/are prohibited;
- is/are punishable; and
- is a crime.

### **III) Sanction:**

Each and every member of a society is required to follow the law. Where there is violation the law sanction would follow.

Sanction according to Black's Law Dictionary [Garner; 2004: 1368], is a penalty or coercive measure that results from failure to comply a law. The main purpose of sanction is to prompt a party (a wrong doer) to respond. In other words, sanction will make the wrong doer to think that s/he made a fault and s/he should correct it. Sanction may be criminal. Criminal sanction is a sanction attached to criminal liability. If the fault committed is defined by criminal law, the person will be liable to a sanction provided under the criminal law.

**Political laws are the laws which exist within states and between states.**

Political laws may be divided into two classes.

- 1) National law
- 2) International law

### **Political Law:**

National law

International Law

Constitutional Law  
Ordinary Law  
Private law - Public Law  
Administrative Law General Law

### **1. International Law:**

It regulates the relations between the states. It lays down the rules of behaviour of one nation state with another. It is not the creation of any sovereign law making body. The states voluntarily accept this law. No state can be forced to obey international law. It is only the moral binding which makes them accept and obey the law. This is because in contemporary world politics each nation state is sovereign. International law can only request but not compel. It is entirely up to the government of nation states to decide whether the law will be followed or not. In the event that it is not followed no international body can penalize the nation state.

### **2. National Law:**

National law is created by the state. It governs the relation of the individual with the states, as well as relation of the individual with other individuals. It is uniformly applicable to all individuals and associations. It is compulsory for all. Force is the sanction behind national law. Anybody disobeying the national law is punished. National law is created by the Legislature, implemented by the Executive and interpreted by the Judiciary. Hence it is backed by the state, and its organs, as well as the coercive authority of the police and security. Individuals are expected to know the laws of the state. They cannot plead ignorance about it.

### **3. Constitutional Law:**

National law is further classified into constitutional law and ordinary law. Constitutional law flows from the constitution of the state. It is the basic and fundamental law of land. It determines the structure, functions of the state, nature and scope of governmental authority, fundamental rights and duties of the citizens. The government derives its authority from the constitutional law. It may be enacted or evolved. It may be written or unwritten e.g. It is written in India, USA and unwritten in England.

### **4. Ordinary Law:**

Ordinary law is also a branch of national law. It is also known as statutory law. It is passed by the state legislature. It is subordinate to constitutional law. It is prepared as per the necessity; generally it is prepared keeping in mind the basic principles of the constitution. It governs the relationship between the people and the government. It is divided into private law and public law.

### **5. Private Law:**

It governs the relationship between individuals e.g. marriage, divorce laws.

## **6. Public Law:**

It includes all laws that govern the interaction of one citizen with another in the public sphere or the interaction of a citizen with a public entity such as employers and business houses. It deals with the structure and functions of the state. It defines the relationship of the state with its citizens. The individual has to obey public laws.

## **7. Administrative Law:**

It deals with the relationship between the state and its officials. It comprises those laws that regulate the relationship between government officials and the state. It decides the powers and responsibilities of government employees, cases against government employees are run in the administrative courts and judgments are given as per administrative law.

## **8. General Law:**

It deals with the relationship between the private citizens and the state. These laws are classified on the basis of their source or the manner in which they are prepared.

**Thus they are:-**

- 1. Constitutional Law**
- 2. Common Law**
- 3. Statute Law**
- 4. Ordinance**
- 5. Case Law**
- 6. Administrative Law**
- 7. Initiative**
- 8. International Law**

Out of these we have already studied constitutional law, statute law, administrative law and international law.

**Common law:** These laws are derived from customs, traditions, usages etc. It evolves over a period of time. Many times there is no formal documentation of common laws, e.g. In England.

**Ordinance:** It is issued by highest executive authority e.g. In India the President can issue an ordinance, in case of emergency, when the Parliament is not in session. It lasts for six months.

**Case Law:** When the judges give judgment on cases that come to them keeping in mind the principle of equity, it creates case law. Such judgments are used in similar cases later on. Initiative: - These laws are proposed or initiated by the electorate. It is the sign of a mature and enlightened citizen. The democracy can be said to be really meaningful in such a state.

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## 4.7 SCOPE AND IMPORTANCE OF LAWS

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It means purpose and necessity for obeying laws.

**1. A law expresses the sovereignty of the state:** Barker states “The state exists for law, in law, through law and as law”. For meaningful and successful functioning of democracy, it is essential to obey laws.

**2. A law regulates human behaviour and social interactions:** Law is essential for maintaining peace, order and stability in the society. Laws are created keeping in mind the interest of sections of people. Without law there will be anarchy in the society. Man is a social animal; He lives in a civil society. When he is living in such society, it is necessary to control his behaviour. This function of regulating his behaviour is done by law.

**3. Law protects the weak:** It curbs the activities of anti-social elements. The objective of law is creation of such an atmosphere, where there is no fear. In a democracy, it is expected that people participate freely in the affairs of the state. If there is no law, the weak, poor and powerless will not be in a position to participate in the affairs of the state. The state functions through law and makes sure that the weaker section is protected. Without law there is no liberty. Purpose of law is to protect liberty of the people.

**4. A law enables civilization to progress:** If the state wants to proceed rapidly on the path of economic development peace is essential. In the absence of social security, peace development is impossible. Hence respecting laws is essential for national development. The state uses law as a tool to bring about progressive developments in the social, economic, political and technological spheres.

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## 4.4 POLITICAL OBLIGATION AND TYPES OF RESISTANCE

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### 4.4.1 Introduction:

Political obligation is a central concern of political philosophy. It is related to the survival and sustenance of a political system. A political system survives only when people give obligation (obedience) to it. In political theory two questions are important. Why do people obey the state? On what grounds can the disobedience be justified? And what are the methods of resistance?

- 1) Meaning and Nature of political obligation
- 2) Grounds of political obligation
- 3) The theoretical justification of political obligation
- 4) Whether political obligation is absolute
- 5) Right to resist and methods of resistance



#### **4.4.2 Meaning And Nature Of Political Obligation:**

The word 'obligation' comes from the Latin word obligate, which means to perform an enjoined duty. An obligation is a duty to do or not to do something, Political obligation means - "to obey the command of the state"

Political obligation is something, which, we owe to others, as members of society. As members of society and the state, we are expected to behave in a manner, which is good for all and refrain from acting in a way which is harmful to the society. The state has sovereign authority, it is authoritative. It has the right to issue order to its citizens and the right to receive obedience from them. The state call upon us to follow captain's do's and don'ts. These do's and don'ts are known as duties or obligations

#### **Difference between obligation and obedience:**

In common usage both the terms are used as synonyms obedience is instinctive. It is a product of training and habit.

Obligation is more than obedience. Obligation is a product of reason. It is a conscious action arising from within the individual e.g. An animal obeys because of habits and training or out of a sense of loyalty towards the master, while a citizen obeys the law of the state, because he considers it as right on his part to do so.

Classification or Types of Obligations:- Obligations may be classified into two types.

- 1) Moral and legal obligations
- 2) Positive and Negative obligations

**Moral obligations:** Moral obligations are those that have not been prescribed by the state. It is only the moral duty. These obligations include those that have been evolved by society itself over centuries in the form of tradition or custom. Individuals fulfil these duties because society says that it is the good way to behave. Moral obligations differ from society to society. Moral obligations have no legal backing and obeying them is purely voluntary. e.g. to help the poor and the needy.

**Legal obligations:** Legal obligations are those that have been laid down by the law. A citizen must follow legal obligations because they enjoy the backing of the law. Any failure to fulfil a legal duty can be punished by the state. e. g. A citizen of India can be penalized for disrespecting the national Flag and Anthem because the Flag Code of India forbids it. Thus citizens must necessarily follow all legal obligations.

**Positive obligations:** Positive obligations are those, which expect individuals to do something" such as to obey the laws of the state, pay the taxes, exercise one's right to vote etc.

**Negative Obligations:** Negative obligations are those which expect individuals; not to do something' which is prohibited. e.g. not to commit theft or murder etc.

#### **A Few Important Political Obligations:**

Every individual will have to obey the laws of the state and refrain from doing what is prohibited by law.

- 1) **Allegiance to the state:** The foremost obligation of every citizen is to show allegiance to the state to which he belongs. A citizen must defend the state against all enemies and dangers and serve and show loyalty to the state for preserving its integrity under all circumstances.
- 2) **To respect and obey the laws of the state:** The state makes laws for the welfare of the people. Hence it is an essential obligation of every individual to respect and obey the laws of the state.
- 3) **To pay all kinds of taxes regularly and punctually:** The state runs its governmental machinery, maintains armed and police forces, and promotes public welfare. All this is possible with money, which come from the people in the form of taxes. It is, therefore, an essential obligation of every person to pay all types of taxes.
- 4) **To an honest exercise of franchise:** It is not only a right but also obligation of every citizen. For the meaningful democracy he must exercise his franchise with judgment, discretion. Holding public office in a spirit of service and dedication is also an essential obligation of citizens.
- 5) **Co-operation with Government:** It is an essential obligation of citizen to help and co-operate with the government, in the maintenance of law, and order and peace. No Government can be successful without the close co-operation of the people in preventing lawlessness, in fighting corrupt practices and in rendering service in times of emergency.

#### **4.4.3 Grounds of Political Obligation:**

Why should individuals obey the state?

In seeking answer to this question we should study various reasons or grounds of political obligation.

1) **Legal Ground:** The simplest ground for obligation is the legal ground State possesses sovereign authority. Therefore it has the right to make laws and the citizens have the obligation to obey those laws. It is a legal duty of the citizens to obey these laws; otherwise they will be punished by the state.

2) **According to Bryce: Grounds of obligations are as follows.**

A) **Human tendency:** i.e. desire to avoid trouble. It is a human tendency to follow the line of least resistance. Most people comply with the

command of the state because they wish to avoid trouble .They obey, not because they feel it is their bounden duty to do so, but to avoid trouble from the state authority.

- B) Deference:** i.e. respect for the head of the state. In tribal and feudal societies deference for man in authority was the most stable basis of obedience.
- C) Sympathy:** i.e. psychological group feeling towards one another
- D) Fear:** i.e. the fear of punishment by the state. The coercive force of the state, keeps men under check.
- E) Reason:** It means understanding that the conscious obedience of the laws of the state is for the good of the whole community.

### **3) The theoretical justification of political obligation:**

Political philosophers have advocated different theories of political obligation. Some of the prominent theories are:

- 1) The Divine theory – ground of divine right
- 2) The theories of social contract- ground of consent and contract
- 3) The theory of common good and utility of the state.
- 4) The Idealistic theory
- 5) The Marxian theory.
- 6) Ground of prescription
- 7) Theory of force

#### **1. The divine theory:**

It insists that Divine Will is the ground of political obligation. Almost all religious scriptures have propounded this theory. The state and King is regarded by them as a divine authority. King is the representative of God appointed to rule over the subjects. Hence to disobey a command of the king means disobedience to the will of God and it is sin. Divine Right of Kings and Divine Will is the main ground of political obligation. This ground of political obligation was the most popular in the age of monarchical state. But in the modern age this theory is rejected as it is not only unhistorical, unscientific but also undemocratic.

#### **2. The theory of Social Contract and Consent:**

According to this theory, people entered a contract and created a state (sovereign) that they voluntarily obeyed. Consent of the people is the main ground of political obligation.

**Thomas Hobbes, John Locke and Jean Jacques Rousseau** were the three distinguished exponents of this theory.

**Thomas Hobbes in his works** said that the state of nature in the absence of the existence of a state would be that of disorder and anarchy. In order to escape such a terrible existence people entered in a social contract by which they surrendered their rights to a single absolute and universal

authority. This authority i.e. states would protect the interests of all citizens and prevents civilization from falling back to law of the jungle. He said the state is not a party to the contract but product of it, and hence citizens owed the monarch obedience. Because the people themselves had consent to and entered the contract. The state would be a totalitarian (all – powerful) one wherein the monarch could demand the obedience of the people.

**John Locke** also believed that a contract was signed, and a sovereign authority was created. But According to him the ruler has limited constitutional authority and that the people must obey him as long as he discharged his duties effectively. If the ruler failed to serve the masses, the people have the right to overthrow him and bring in a new ruler

**Jean Jacques Rousseau** said that state was the result of a contract by the people. He vested political authority in the General Will i.e. combination of the ideal will of the people. Thus according to Rousseau, the state was created by a contract under which all people agreed to be tied and obligated to political authority . If the ruler acted arbitrarily and misused his authority; Rousseau gave the right of revolution to the people.

### **3. The theory of common good and utility of the state: Jeremy Bentham:**

This theory is advocated by the utilitarian who believe that the state is a means to secure the end of common good. Therefore, we are obliged to obey the laws of the state. The state is organized and maintained to promote happiness or pleasure. In the words of Jeremy Bentham „the greatest happiness of the greatest number is the foremost concern of the state“. The state achieves its purpose through laws, backed by coercive power, requiring individuals to obey laws and to contribute to the promotion of the common good.

### **4. The Idealistic theory:**

According to this theory the ground of political obligation is the human rationality.

This ground of political obligation is based on the assumption that man is a rational being who is aware of his strengths and weaknesses and tries to maximize his strengths and minimize his weaknesses. This theory assumes that every individual's goal is to attain his highest self. An individuals can achieve this only as a part of society and state and not in isolation.

**Socrates, Plato, Aristotle and idealist thinkers like Hegel, T.H. Green** believe that an individual is obliged to obey the state because it is the state that enables him to live the life of a human being who realizes his potential.

The rational individual knows that his best. Interest can be secured only within the state. Therefore individual willingly obeys its laws.

**According to Hegel** “The state is the embodiment of reason, it is the march of God on earth” Individual freedom lies in the perfect obedience to the state.

**T.H. Green said** “Will not Force, is the basis of the state. Thus according to idealist the source of the political obligation lies in the rationality of man.

### **1. The Marxian theory:**

According to Marxists, in the capitalist system an individual has the right to resist the state because the state is a bourgeois institution and represents the interest of that class alone. The oppressed working class has no obligation to the existing political order. But when the capitalist system is overthrown and the socialist system is established then state will become an institution of the whole people. Then there is no question of disobedience.

### **2. Edmund Burke Ground of prescription (established conventions):**

Well-established customs, conventions is the ground of political obligation. This theory says that people willingly obey the state because they have been doing so for several years. Edmund Burke says, the ground of prescription is based on the belief that the nature of the state today is the result of centuries of evolution and therefore embodies the collective wisdom of many generations.

### **3. Theory of force:**

This theory explained that the state originated due to physical coercion and warfare. Even after the establishment of the state, force has to be employed for its survival. Force is essential not only for maintaining law and order, peace within the territory of the state but also external security. It is because the state possesses the physical power that individuals obey the state. The people are afraid that if they disobey the laws, they would be punished hence they oblige the state.

### **4) Other Strong Reasons of Political Obligation:**

- 1. An individual has social as well as political needs:** Man is a social and political animal. No man can live in isolation. Individual's social needs drive him towards the establishment of society and his political needs drive him towards the establishment of state. Since both institutions are in the interest of the individual he willingly owes them his loyalty and accords political obligation.
- 2. Legitimacy of the Government:** Educated and politically aware citizens fulfil their political obligation because they believe the source of law is government. It is to be legitimate, e.g. in India the majority of citizens follow laws made by the parliament because the government has been voted to power in the manner that the constitution prescribes by free and fair election. When people believe the government is legitimate they render obedience to the state.

3. **Fear of Anarchy:** An average citizen is peace-loving and wish to live a secure and ordered life. In the absence of the state and its laws it is impossible. Hence citizens find it justified that in return for law and order they should perform their duties towards the state.
4. **Tradition, custom, habit and societal pressure:** People often perform their political duties simply because they have been already doing so far years as a tradition and habit. Many times people do things because it simply pleases society.

#### **4.4.4 Right to Resistance:**

##### **Introduction:**

Political obligation is never absolute. Citizens have a right to resist and oppose the state laws. Students of political science must know the circumstances under which such right of resistance is justifiable.

In the context of right to resistance we should study following points:-

- 1) Meaning of right to resistance
- 2) Conditions under which such resistance is justifiable
- 3) Various forms and Means of resistance.

##### **The Meaning of right to resistance:**

The refusal by the citizens to abide by the laws and commands of the government.

##### **The goal of political dis-obedience:**

The goal of political disobedience is to secure change in the action, policies, laws, government or in the system. Political disobedience embraces the performance of any act prohibited by the law of the state or the non- performance of any act required by the law of the state, with the purpose of securing changes in the action, policies of the government or of the social and political system underlying it. The past history of many countries shows glorious instances of right to resist. George Washington in America resisted and revolted against the British rule. In our country crore's of Indians under the leadership of Mahatma Gandhi resisted and revolted against the cruelty of the British regime in India.

##### **Justification of right to resistance:**

Political obligation is not absolute. Citizen has a right to resist and oppose the state laws. Only on some occasions and conditions people have a right to resist authority and its laws. But right to resist is the medicine of the constitution and not its daily bread. It means generally laws are made for the wellbeing of the people. Hence people give absolute and unconditional obligation. However sometimes laws are arbitrary, unjust harmful and violate the fundamental right of the people. In that situation the question arises is whether people should obey or disobey the authority and its laws. In such circumstances political disobedience to unjust laws is justified. It

means resistance to the state authority takes place under extra-ordinary circumstances and for a justifiable reason.

**Different political thinkers hold different views on this matter:**

**1) Aristotle** said that people revolt against the existing political order due to their desire for justice and equality of status. According to him general causes of disobedience are injustice and inequality.

**2) John Milton:** During the renaissance period John Milton asserted that resistance to an oppressive ruler is a natural right. He argued that men are born free and set up governments for mutual defence. Hence the people should have the right to protect the common good against a tyrant

**Liberal thought: John Locke** who was the founder of liberal thought recognized the right of rebellion, only in the last resort and as a remedy for evil government. He believes that “a right of rebellion resides in the people and may be given effect to, after all legal processes and procedures have been exhausted, if any arm of the government exceeds its power, fails to carry out its responsibilities or invades the basic natural rights and liberties of its subjects”.

**4) Idealist thought: T. H. Green**, who was an idealist philosopher, allows the individual to resist the state authority under certain conditions. he said individual must ask himself certain questions to find out whether his decision to resist the government is justified

- 1) Have used all the legal and constitutional methods of getting the bad law repealed?
- 2) Is my contemplated step the result of cool judgment?
- 3) Is it the right step? Is it for \good of the people?
- 4) Do have the necessary moral calibre to launch a resistance against law? i.e., required will power, courage and ability to launch a resistance campaign
- 5) What will be the results of resistance and will the situation improve by my action?

Thus, Green and Locke favour resistance only under exceptional circumstances when no other alternative exists.

**5. Gandhian thought:** Mahatma Gandhi had held that the people have the right to oppose bad laws when they cannot change such laws by legal means. He spoke of peaceful disobedience to the government. Jayprakash Narayan, Martin Luther king Jr, Dalai Lama and Aung Sung Suukyi all Gandhian's also advocated that it is unethical and immoral for a citizen to obey a bad law. It is the individual's duty to obey a national and just law, it is also his duty to disobey and resist an irrational and unjust law. Jayprakash Narayan launched movements that resisted the governments unjust land laws which oppressed poor peasants, Martin Luther King Jr.



protested the laws of United States government which discriminated between „blacks“ and „whites“. Thus resistance can be justified on certain grounds.

**Forms and Means or methods or Types of resistance:**

Resistance to the authority of the state is of two kinds

- 1) Violent resistance i.e. revolutionary
- 2) Non- violent resistance. i.e. Gandhian

**Revolution:** Revolution is defined as the forcible overthrow of a government. Revolution as a method of resistance has a long history. The ancient Indian tradition sanctioned a rebellion against an unjust king. By and large revolutions are violent and accompanied by bloodshed. Exception is glorious revolution of England of 1688. Robert Dahl defines revolution as a collective and ordinarily a violent action by which a people reject the existing authority and prepare to attack and destroy them. Its aim is to be bringing about a total and profound change in the existing system. The French Revolution of 1789 can be described as the mother of all revolutions. The 20th century has witnessed many revolutions the most notable among them are the Russian revolution (1917) and Chinese revolution (1949). Although today the term „revolution“ is often used to imply any far reaching change e.g. Green revolution, Revolution in the use of computers etc. but as a method of resistance revolution means the forcible overthrow of a government or social order.

**Difference between Revolt and Revolution:** Revolt implies a violent rebellion against the existing political authority.

Rebellion implies purposeful violence by the citizens which brings about a long – term change in the political system. Whereas a revolt occurs on a relatively small scale, is of a shorter duration and involves a relatively small section of society. e.g. In India revolt of 1857.

A revolution occurs on a much larger scale over a longer period of time and involves a huge population.

**The term revolution has the following implications:**

- 1) Revolutions influence all aspects of state Revolutions bring out a change in not only the polity of a state but also in its society, economy, culture etc.
- 2) Revolutions alter the state in a large way Minor changes in government cannot be termed a revolution. Revolution brings about long-term, far reaching, total and profound change in the existing system.
- 3) Revolutions are usually violent:

4) Revolutions seek to establish new order-Revolutions are not only concerned with ending the existing political, social and economic order but also with establishing a new order

**4) Insurgency:** It is another type of violent method of expressing resistance to the authority. It is a conspiracy, a handiwork of a few, who are dissatisfied and disappointed with the authority, they resort to acts of terrorism and other kinds of violent acts. During insurgency the cause may or may not have the support of people at large. Yet it creates a terror in the minds of the people e.g. the secessionist movements for the „Khalistan“ or “Tamil Elam” can be regarded as acts of insurgency. Their style of functioning is disruptive and causes panic among people by acts as bomb-blast, hijacking or kidnapping and force the state authority to concede their demands. Such insurgency is not only anti-state but also anti-national. Therefore such organizations are declared “unlawful” and a ban is imposed on their activities. **Military Intervention:-** The intervention of military and its, ‘take over’ has become a routine affair in many of the Third world countries, in defiance of the legitimate civilian authority, e.g. Pakistan, Bangladesh, Burma etc. have experienced military take overs. If the Military generals are politically ambitious, their attempts to take over may succeed because they enjoy superiority in the use of military force and monopoly of arms.

#### **Methods of Non-violent resistance:**

- 1) Civil Dissent
- 2) Civil disobedience
- 3) Various methods of Satyagraha

1. Non – co-operation 2.Strikes 3.Boycott 4. Peaceful picketing 5.Fasting  
6.Courting Arrest 7.Petitions 8.Protest Rallies

**Civil Dissent:** This form of resistance is relatively mild in nature. Civil dissent usually takes place through constitutional means. i.e. in a lawful manner through the ballot, speeches, rallies, peaceful protests etc. The word dissent means a difference of opinion, an expression of disagreement or non –conformity. In the political sense dissent occurs when citizens refuse to give their assent to a law because they believe it to be unjust. In the democracies people often express their dissent of the present government’s policies by voting them out of power in the next elections.

**Civil Disobedience:** Disobedience means a disregard for or breaking of rules. In political sense civil disobedience implies “the open, deliberate, non-violent breaking of law” If and when the government refuses to pay heed to those constitutional expressions of civil dissent, people become compelled to adopt a more severe form of political resistance i.e. civil disobedience.

Throughout political history it may be observed that when the government refuses to take notice of the suggestions and demands of the people when formulating laws, and when its policies are antithetical to the interests of the community, people resort to civil disobedience.

This method requires a great sense of sacrifice since it is a non-coercive method. Gandhi used civil disobedience method in South Africa in 1907. In India civil disobedience was used during the Champaran Satyagraha.

The salt Satyagraha of 1930 is famous. Gandhi and his followers violated the salt laws at Dandi March.

**An act of Civil disobedience may acquire either of two forms, as follows:**

**1) Performance of a prohibited act.**

**2) Non-performance of a required act.**

**1) Performance of a prohibited act:**

When a government prohibited the people from doing something which they believe is their right, they willingly defy the prohibited law

**2) Non-performance of a required act:**

When people feel that the government unjustly requires them to do something, they resist by refusing to do it. Satyagraha: Gandhi's non-violent method of resistance became popular all over the world after the Second World War. It is a technique developed by Gandhi in order to solve human conflicts in peaceful manner. Gandhi strongly asserted that the authority could be resisted if it is oppressive. People have the right to resist the bad laws when they cannot change such laws by legal means. But he talk about peaceful resistance and developed various forms of Satyagraha.

**Meaning of Satyagraha:** It is a moral weapon. It is a non-violent direct action to solve a particular conflict Literally Satyagraha means "insistence on truth". Gandhiji identified satyagraha with "Love-force or Soul force", and said that spiritual unity, which is the highest truth could be realized only by non-violence- to love all and suffer for all. It is a tapasya for truth. It is not a weapon of the weak or coward or helpless but it is weapon of the morally vigilant, active and brave. Satyagraha rejected the idea of violence but not the idea of fighting. It is active resistance. It involves self-suffering; it evokes a sense of justice in the wrong-doer and helps him to understand the others point of view.

**Purpose of Satyagraha:** Satyagraha is a process for resolving conflicts by mutual understanding, discussion on self –suffering. Its purpose is to bring about a change of heart and mentality of all the parties of a conflict.

### **Essential principles for Satyagrahi:**

- 1) **Full control over one's senses in thought, word and deed** i.e. self-control in all directions. According to Gandhi perfectly controlled thought will lead to maximum of work with minimum of energy. One must conquer one's passions.
- 2) **Fearlessness:** Non-violence as a means can be followed only by the strong and one can be strong when one is not afraid of anything.
- 3) **Non-possession:** Satyagrahi must learn to use all that he possesses-even his own body – for the service of the community. Non possession means non-dependence on material things. Once an individual starts possessing things, his attachment towards them increases and this attachment obstructs the Satyagrahi in his service of humanity.
- 4) **Physical labour:** A satyagrahi should occupy him with productive work. Labour was considered by Gandhi as the highest form of social service.
- 5) **Swadeshi:** It is all sided patriotism. It is “serving one's country, one's neighbourhood
- 6) **Humility:** It is a sense of morality a consciousness of spiritual unity and equality of all men, no lust for power or position.
- 7) **Soul-force:** Satyagraha is a process for resolving conflicts by mutual understanding or self- suffering. It needs patience and a soul force in satyagrahi. The use of soul force could be effective only if it rested on the path of truth, ahimsa and self-suffering.

### **Methods of Satyagraha:**

- 1) Non-violent –Non co-operation
- 2) Civil disobedience
- 3) Strikes
- 4) Boycott
- 5) Peaceful picketing
- 6) Fasting
- 7) Courting arrest
- 8) Petitions, Protest, Rallies

**1) Non-Co-operation:** In 1920, under the leadership of mahatma Gandhi, a non- cooperation movement was organized on a national scale to disobey and resist the entire government the immediate reasons for launching the movement were the Rowlatt Act of 1919 and the Jallianwallah Baugh Tragedy. The movement demanded giving up all titles and honors bestowed by the government, non-payment of taxes and fines and boycott of courts, schools, colleges etc. those employed in the police, military forces and in government office were called upon to resign. Those who refused to co-operate with the movement were to be socially boycotted.

**2) Civil Disobedience:** Disobedience means a disregard for or breaking of rules. In political sense civil disobedience implies “the open, deliberate, non-violent breaking of law” If and when the government refuses to pay heed to those constitutional expressions of civil dissent, people become compelled to adopt a more severe form of political resistance i.e. civil disobedience.

Throughout political history it may be observed that when the government refuses to take notice of the suggestions and demands of the people when formulating laws, and when its policies are antithetical to the interests of the community, people resort to civil disobedience.

**3) Strikes and Hartal** Strike means the stoppage of work with a view to demonstrate protest and draw the attention of the public on a certain issue. Hartal Means voluntary closure of shops, hotels and restaurants along with suspension of business. This method must be employed as an expression of disapproval and dissatisfaction of arbitrary laws.

**4) Boycott Another form of Satyagraha** to demonstrate total disapproval and protest against arbitrary laws of the state is Boycott. The basic objective of boycott is to cause a breakdown of law and order in a peaceful manner and thereby to convince the governmental authorities that the satyagrahis will not be partners in the wrongdoing. Mahatma Gandhi had used the technique of boycott in different situations both in India as well as in South Africa. He called upon the people to boycott all titles and honours bestowed by the government.

**5) Peaceful Picketing:** Another technique of Satyagraha is peaceful picketing by which socio – eco - political pressure is used against the government to force it to do justice and at the same time, political consciousness is aroused among the masses. While using this technique, the Satyagrahi's were required to use their speeches in a most gentle and inoffensive manners.

**6) Fasting:** It is a most effective weapon of Satyagraha. It should be undertaken only when one is thoroughly convinced of the rightness of one's stand. It should be used as a last resort and never for personal gain. It demands faith in god, which must come from the very depth of one's soul.

**7) Courting arrest:** Another technique of Satyagraha where by the masses deliberately break the unjust laws is courting arrest. People become ready and willing to be imprisoned in order to demonstrate their total disapproval against such law. The chief objective of courting arrest is to exert pressure on the government to do justice. During our Independence struggle, lakhs of Indians including our leaders courted arrest voluntarily and willingly only to force the British to quit India.

**8) Petitions, Protest, Rallies and Demonstrations Conclusion:** India, under the dynamic leadership of Gandhiji won the non-violent battle of her independence. Satyagraha is a technique which can be adopted by the people to resist unjust laws in a democratic system.

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## 4.5 UNIT END QUESTIONS

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### Law

- 1) What is the importance of laws?
- 2) Give various definitions of law?
- 3) Write on important features of law and analysed its nature?

### Political Obligation

- 1) Is Political Obligation absolute?
- 2) On what reasons we can resist the state?
- 3) What is the meaning of violent of resistance?
- 4) Write a note on non-violent forms of resistance.
- 5) Give the meaning and purpose of Satyagraha.
- 6) Explain the methods of Satyagraha.
- 7) What is meant by political obligation? Explain some important obligations of the citizens?
- 8) Why should a state be obeyed?
- 9) What are the grounds of political obligation?
- 10) What is meant by political obligation? Discuss its types.
- 11) Explain 'Resistance', under what circumstance can resistance be considered to be legitimate?
- 12) Discuss on various forms of resistance?

### Short Notes:-

- 1] Right to resist
- 2] Political Obligation
- 3] Satyagraha

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## 4.6 REFERENCES

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